

FUTURE USE PERMIT NO. 8887-3

Name of Applicant: Kingbrook Rural Water System

Address: 302 East Ash PO Box 299, Arlington SD 57212

Phone: 605-983-5074

Amount of Water Claimed: 1,400 AF

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Rural Water Sytem

County: Arlington

Type of Waste Disposal System:

Location: Approx. 5 miles northwest of DeSmet SD

PRIORITY Date Received: 07-10-24

Application/License Fee: \$175.00

Corrected Application Received: N/A

Period of Annual Use: January 1 – December 31

Remarks: Future Use Application

Diversion Point: NW 1/4 NE 1/4 Sec 6-T111N-R56W

Land to be Irrigated: N/A

Depth of Well: 110

Well Driller:

Remarks:

Type of Map: aerial

			6		

Reviewed and the Number Assigned on: 07-11-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
FUTURE USE PERMIT NO. 8887-3

Date of first receipt of application July 10, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 8887-3 to Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 8887-3 appropriates and reserves for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This permit does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8887-3 is October 7, 2024.
5. The date from which applicant may claim right is July 10, 2024.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit No. 8887-3 reserves 1,400 acre-feet of water annually from the Spirit Lake management unit of the Vermillion East Fork Aquifer.
2. Future Use Permit No. 8887-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

NOV 01 2024
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8887-3</u> (office use only) Hydrologic Unit <u>10170103</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Kingsbury Journal</u>
	<u>Huron Plainsman</u>

PAID

JUL 10 2024

Ck# 061343

Rec't# _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☒ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

_____1. Name to Appear on Water Permit Kingbrook Rural Water System(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Heath Thompson

(name and complete address if different than above name)

Mailing Address 302 East Ash P.O. Box 299 Arlington SD 57212
(Address) (City) (State) (Zip Code)Home Phone 605-983-5074 Cell _____ Email office@kingbrookruralwater.com2. Amount of water claimed _____ *CFS or _____ **GPM 1,400 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Groundwater, East Fork Vermillion Aquifer Spirit Lake Management Unit4. Location of point of diversion NW 1/4, NE 1/4, and SE 1/4 S6 T111N R56W County Kingsbury

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Beadle/Clark/Kingsbury/Lake/Miner/McCook/Hamlin/Sanborn6. Annual period during which water is to be used January 1 - December 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Kingbrook Rural Water requests future water rights to serve the rural and municipal customers from their treatment plant located north of DeSmet, SD. Kingbrook has received requests in the last 4 years for additional water use within this service territory of approximately 1,350 acre-feet per year. They expect additional requests in the future.

I, Heath Thompson, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

RECEIVED

2012-09

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

JUL 10 2024
OFFICE OF
WATER

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth 110' Depth to Top of Water Bearing Material 15' Depth to Water from Surface 35'

d) Distance to nearest existing domestic well:

On applicant's property 600' On property owned by others >1,000'

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

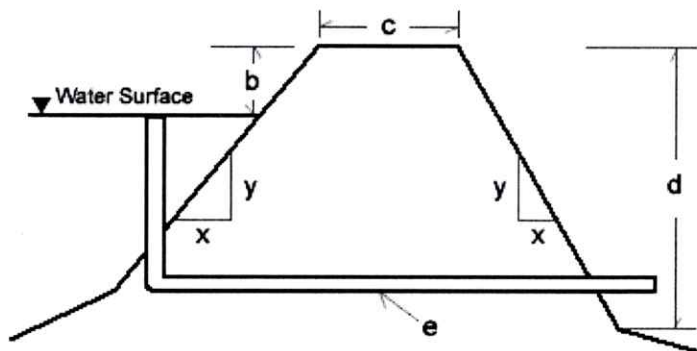
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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JUL 10 2024

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WATER

Plot Date: 10/20/23 8:49 AM

P:\06\0700\MAPS\03\B\WORLD DRAWINGS\FACILITIES\DESIGNET_WELLFIELD.DWG



KINGBROOK RURAL WATER SYSTEM ARLINGTON, SOUTH DAKOTA	
DESNET NORTH AND SOUTH WELL FIELD	
Project Manager	MSO
Designer	JMG
Project Number	800700
Phone	(712) 472-2531
REVISIONS	
Sheet LP1	

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112N 57W
Section: 25

112N 56W
Section: 30

112N 56W
Section: 29

112N 57W
Section: 36

112N 56W
Section: 31

112N 56W
Section: 32

111N 57W
Section: 01

10170103 Lake Thompson

111N 56W
Section: 06

Lewis and Clark Lake

111N 56W
Section: 05

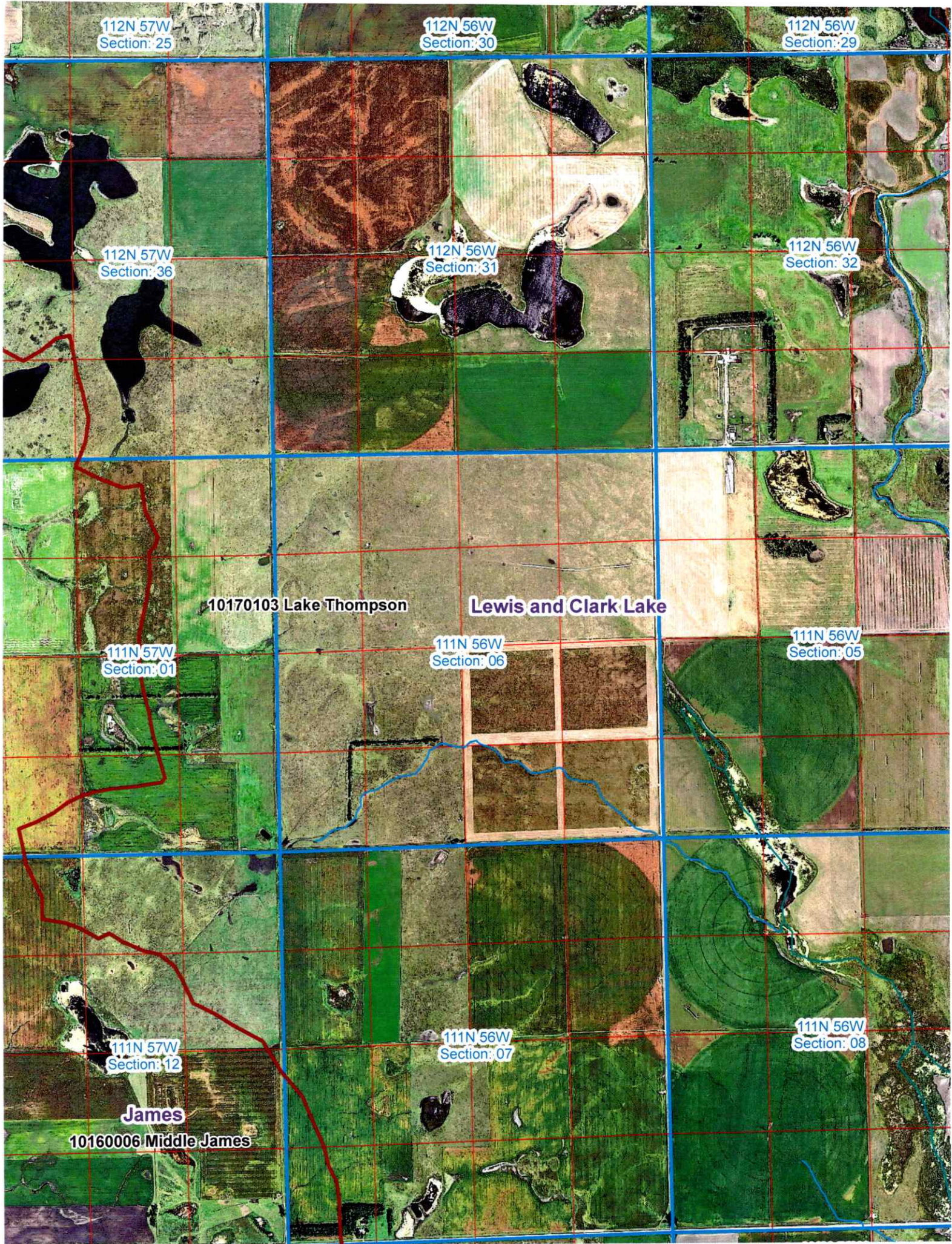
111N 57W
Section: 12

111N 56W
Section: 07

111N 56W
Section: 08

James

10160006 Middle James



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 11th, 2024

RECEIVED OF Kingbrook Rural Water System 302 East Ash PO Box 299 Arlington SD 57212

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. <u>8887-3</u> to Appropriate Water for Future use	<u>\$175.00</u>
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$175.00</u>

By Eric Gronlund
Chief Engineer

ER

Mathiowetz, Adam (DENR)

From: Mathiowetz, Adam (DENR)
Sent: Thursday, September 12, 2024 9:27 AM
To: jekern@kingbrookruralwater.com
Cc: Jensen, Tyler
Subject: Water Use by Well in De Smet Well Field
Attachments: kingbrook WR map.png

Jon,

Per our Sept. 12 phone conversation, DANR would like the individual well meter readings for the De Smet well field. We have attached a map of your water rights/permits on file with us which should have the correct or relatively close well locations. If our map is not accurate or needs additional information to make sure we can correlate individual well use from your SCADA system to specific wells, please provide a map that we can use.

I understand we will be getting data for the last 5 years and that you plan to send it sometime early during the week of Sept. 16. Once we have the data, we can finalize your current future use permit application and Chief Engineer's recommendation.

Thank you for the assistance.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Kingbrook RWS

DATE: Sept. 2024 TELEPHONE: 605-983-5074

RE: Water Pumped Volumes per Well 2014-2023

COMMENTS:

Sept. 10, 2024

Staff Engineer Tyler Jensen and I called Kingbrook RWS to attempt to obtain annual volumes pumped per well from the Vermillion East Fork aquifer management units in the De Smet well field. The office staff member that answered the phone directed us to speak with when she returns to the office later today.

Sept. 12, 2024

Jensen and I called Kingbrook RWS again. Directed to speak with Jon the plant manager. Jon called us to discuss the metering of the wells. The individual wells of the De Smet well field are metered but Jon did have concerns regarding accuracy of the totalizers for the individual wells. Jon plans to provide the individual well meter readings from their SCADA system for the past 5 years because that is all that is available. Jon was informed the review of Future Use Permit Application No. 88887-3 would be on hold until the data was received and reviewed. Our intention is to complete the report the week of Sept. 16, 2024.



Adam Mathiowetz

Natural Resources Engineer

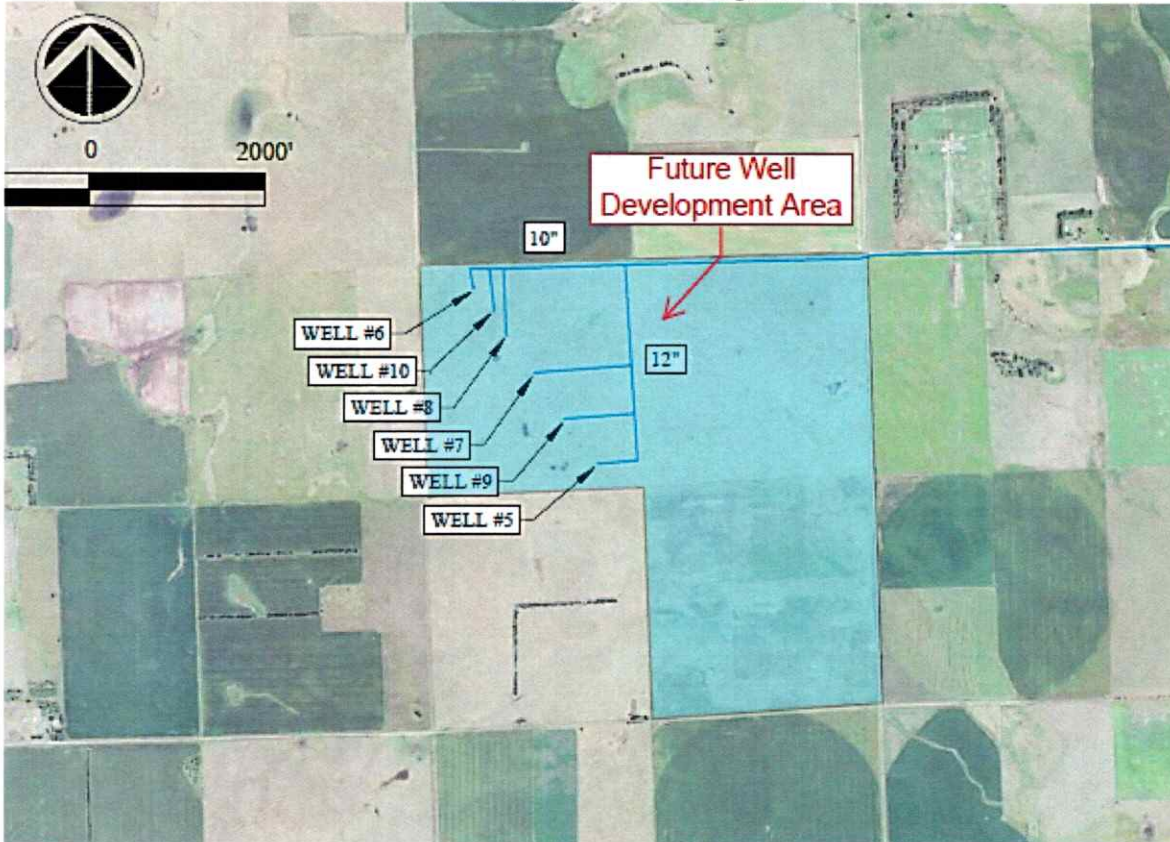
DANR-Water Rights Program

Duvall, Ron

From: Kingbrook Office <office@kingbrookruralwater.com>
Sent: Friday, July 19, 2024 4:28 PM
To: Duvall, Ron; Kingbrook Office
Cc: Rodriguez, Rachel; Dewell, Amanda
Subject: RE: [EXT] Application to Reserve 1,400 acre-feet of water for future use

Ron,

Yes, that is correct. Here's a better/close up map from our engineer of the area.



Please let me know if there's anything else you need.

Have a great weekend,

Tabitha Duffy
Office Manager



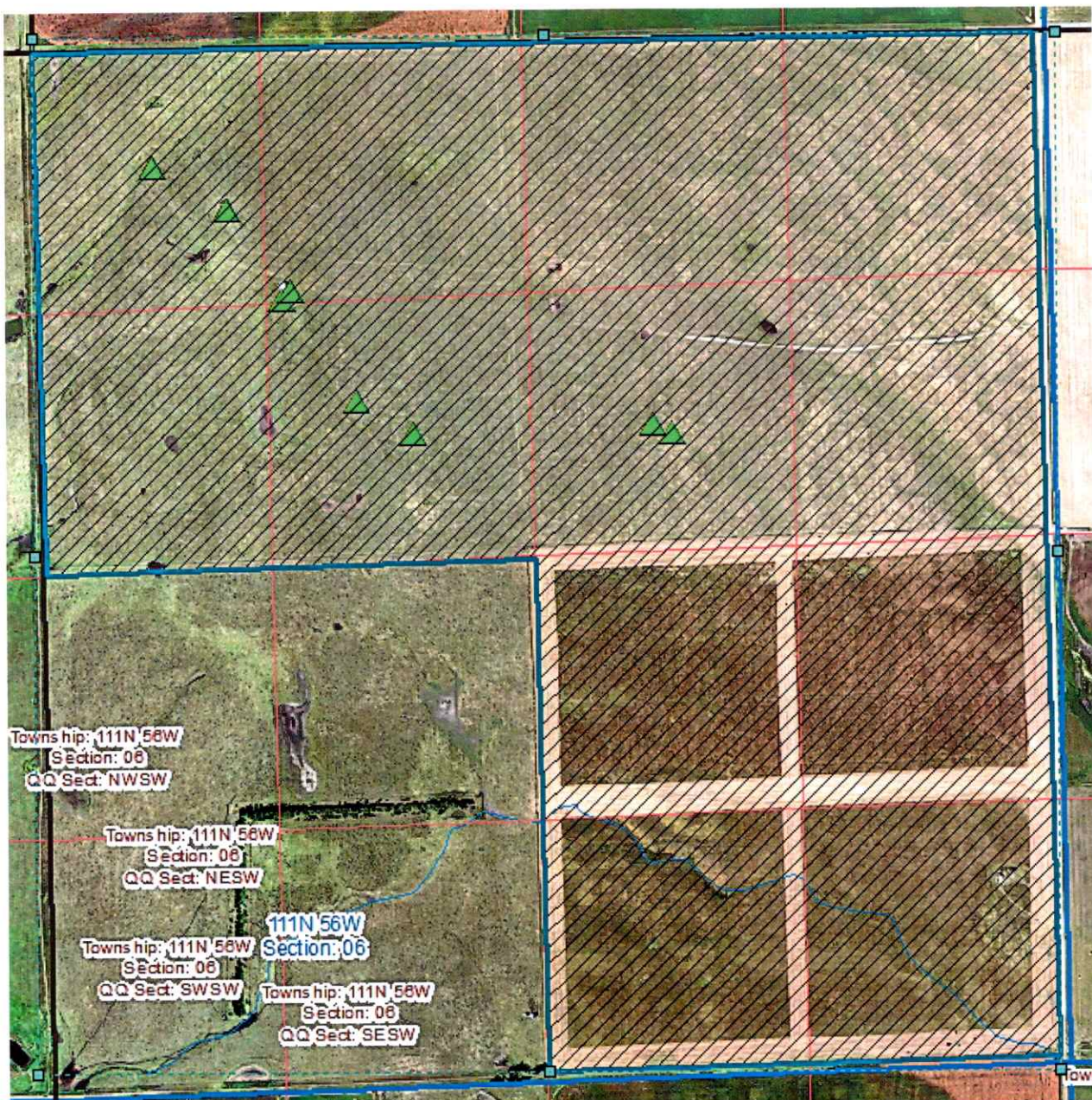
From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Thursday, July 18, 2024 2:30 PM
To: Kingbrook Office <office@kingbrookruralwater.com>

Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Application to Reserve 1,400 acre-feet of water for future use

You don't often get email from ron.duvall@state.sd.us. [Learn why this is important](#)

Heath,

I am looking over the application submitted by the rural water system and want to confirm the written description of the future use area as outlined on the following map. The map submitted with the application shows existing well locations, but does not identify the future use area. On the map, I have outlined in blue with a black crosshatch the written area on your application:



Please confirm the mapped area is correct.

Thank you,



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 8887-3, Kingbrook Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 8887-3, Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 8887-3 reserves 1,400 acre-feet of water annually from the Spirit Lake management unit of the Vermillion East Fork aquifer.
2. Future Use Permit No. 8887-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer
September 18, 2024

Report to the Chief Engineer
On Future Use Permit Application No. 8887-3
Kingbrook Rural Water System

September 18th, 2024

Future Use Permit Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management unit of the Vermillion East Fork aquifer. The area to be reserved for future use is in the N ½ and SE ¼ of Section 6-T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately 5 miles northwest of DeSmet, SD in Kingsbury County.

AQUIFER: Spirit Lake Management unit of the Vermillion East Fork (VEF:SL)

HYDROGEOLOGY:

Hedges and others (1982) separated the Vermillion East Fork aquifer into various management units. The SD DANR Water Rights Program follows the management unit boundaries established by Hedges and others (1982). Some of the area for the proposed well sites is located slightly west of the mapped boundary of the Spirit Lake management unit of the Vermillion East Fork (VEF:SL) as seen in Figure 1. However, the First Occurrence of Aquifer Materials map for Kingsbury County, South Dakota indicates the outwash that makes up the aquifer likely extends slightly west of the boundaries established by Hedges and others (1982) in this area (Schulz, 2007). It should be noted that the southern portion of the proposed future use area is within the Vermillion East Fork-unnamed aquifer boundary (Figure 1), but these boundaries are approximations of the separate management units. The proposed future use area for this application will be considered part of the Spirit Lake management unit of the Vermillion East Fork (VEF:SL) aquifer since greater than 95% of it is within the Hedges and others (1982) boundary for the VEF:SL aquifer. The Spirit Lake management unit of the Vermillion East Fork (VEF:SL) aquifer consists of glacial outwash, medium to very coarse sand and fine gravel (Hamilton, 1989).

For the rest of this report the Spirit Lake management unit of the Vermillion East Fork (VEF:SL) will be referred to as VEF: Spirit Lake aquifer. Hamilton (1989) describes the aquifer as generally unconfined with top of aquifer material ranging from ground surface to as much as 120 feet below ground surface. The VEF: Spirit Lake aquifer management unit underlies approximately 13,900 acres, in portions of Clark and Kingsbury Counties, and contains an estimated 25,640 ac-ft of recoverable water storage (Hedges et al, 1982).

Because this application does not propose to place water to beneficial use no water well or test hole completion report was submitted with the application. There are a number of well

completion reports on file with the DNR-Water Rights Program for wells within the proposed future use area with most belonging to the Kingbrook rural water system (Water Rights, 2024d). The well closest to the center of the future use area was completed on March 21st, 1995, and is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6-T111N-R56W, which is within the proposed future use area (Water Rights 2024d). This well is completed into the VEF: Spirit Lake aquifer. There is sand and gravel from 1 to 27 feet, sand and clay from 48 to 76 feet, and sand and gravel from 76 to 105 feet with a few intermixed layers of clay with a static water level of 39 feet below the ground surface (Water Rights, 2024d). Based on other well completion reports and lithologic logs in the area, it is likely the “sand and clay” from 48 to 76 feet is not a true confining layer or of significant areal extent (SDGS, 2024; Water Rights, 2024d). Therefore, the aquifer should be considered as behaving unconfined and top of aquifer is at 39 feet. That means the aquifer had a total saturated aquifer thickness of 66 feet at the time of well completion (Water Rights, 2024d). Based on this well completion report and other well completion reports in the area, the aquifer may appear to be locally confined, but is highly likely to behave as an unconfined aquifer within the future use area (Water Rights, 2024b and 2024d). Although, the VEF: Spirit Lake aquifer is predominantly under unconfined conditions, there are some areas where the VEF: Spirit Lake aquifer can be found under locally confined conditions.

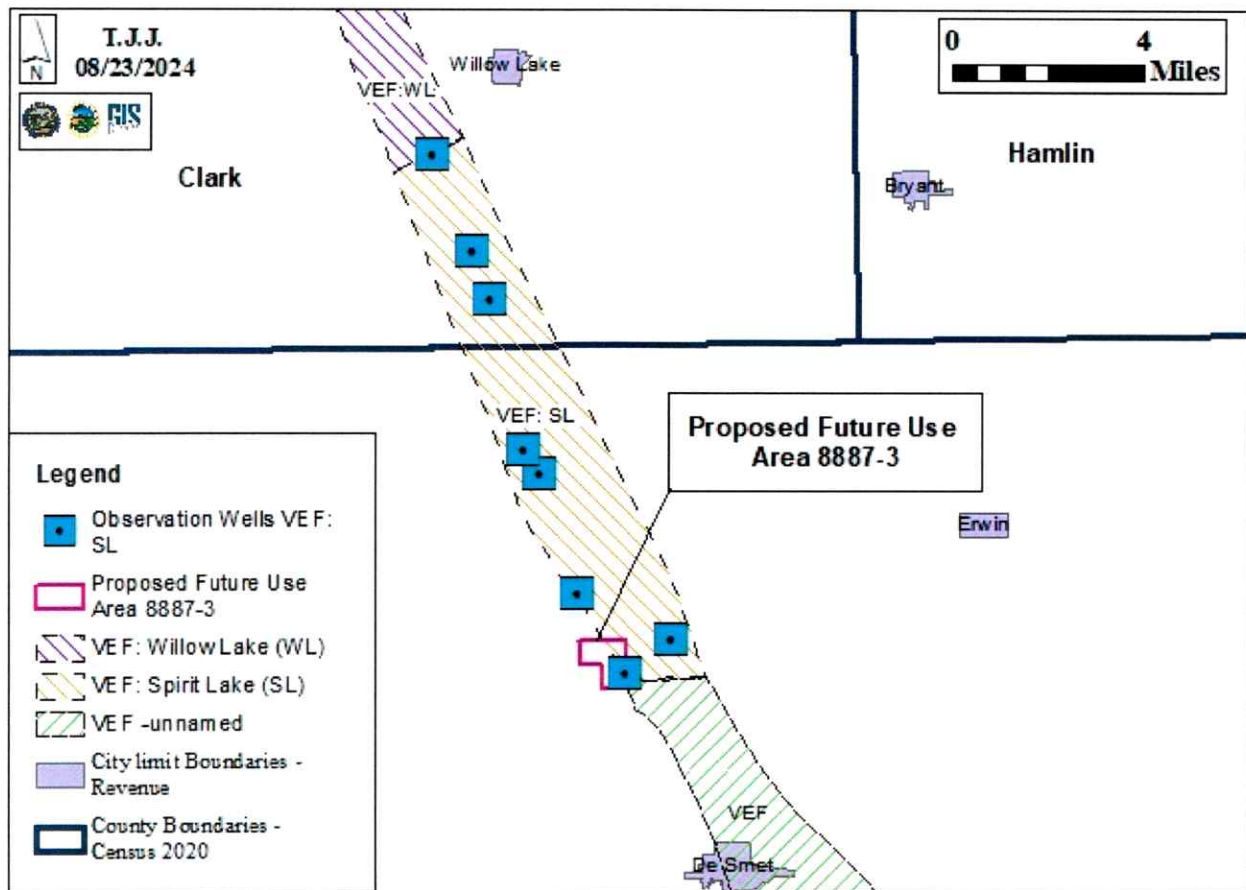


Figure 1. Map of the approximate VEF-unnamed, VEF: Willow Lake, VEF: Spirit Lake aquifer boundaries (modified from Hedges et al, 1982), observation wells (Water Rights, 2024b), and the location of proposed future use area for Future Use Permit Application No. 8887-3.

Applicable South Dakota Codified Laws (SDCL)

Pursuant to SDCL 46-2A-10, "A reservation for future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." The Water Management Board has consistently found that the use of water for a rural water system is a beneficial use and is in the public interest. This report will address the availability of unappropriated water within the VEF: Spirit Lake aquifer management unit for Future Use Permit Application No. 8887-3, and if the quantity of water to be reserved for future use will be needed by Kingbrook Rural Water System.

Pursuant to SDCL 46-5-38, an entity that may reserve water for contemplated future needs upon a showing of availability of unappropriated water and future need pursuant to procedures set forth in chapter 46-2A. Kingbrook Rural Water System is an entity that may reserve water for future use pursuant to SDCL 46-5-38(5). Kingbrook Rural Water System has indicated their system is projecting growth and the rural water system has a desire to reserve water for future expansion.

WATER AVAILABILITY:

Future Use Permit Application No. 8887-3 proposes to reserve water from the VEF: Spirit Lake aquifer management unit. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires,

"No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."

The applicant's proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17), but the VEF: Spirit Lake aquifer is not older than or stratigraphically lower than the Greenhorn Formation. Therefore, the balance of recharge versus withdrawals must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the VEF: Spirit Lake aquifer is mostly by infiltration of precipitation, inflow from till adjacent to the aquifer, and inflow from the Vermillion East Fork: Willow Lake aquifer (Hamilton, 1989 and Hedges et al, 1982). Based on observation well analysis by Hedges et al (1985) a recharge rate of 4.0 inches per year was estimated for the VEF: Spirit Lake aquifer. The

VEF: Spirit Lake aquifer has an estimated areal extent of approximately 13,900 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 4,633 acre-feet/year.

Discharge

Discharge from the VEF: Spirit Lake aquifer primarily occurs through evapotranspiration and seepage to surface water (Hamilton, 1986). Currently, there are 20 water rights/permits authorized to appropriate water from the VEF: Spirit Lake aquifer (Water Rights, 2024c). There were 5 irrigation Water Rights (Nos. 1212-3, 3131-3, 3132-3, 4282-3, & 6480-3) that were previously listed as Vermillion East Fork aquifer but are now properly listed as VEF: Spirit Lake aquifer (Water Rights, 2024c). There is one Future Use for the VEF: Spirit Lake aquifer, Future Use Permit No. 5209-3 which currently has no remaining water reserved for future beneficial use (Water Rights, 2024c). This application, if approved, will reserve 1,400 acre-feet of water for future beneficial use.

There are 3 non-irrigation water rights/permits authorized to appropriate water from the VEF: Spirit Lake aquifer, Water Right Nos. 5426-3, 6731-3, and 8848-3. However, since 2006, Kingbrook Rural Water System has reported the use of five Water Rights Nos. 5785-3, 5186-3, 4137-3, 5426-3, & 6731-3 (Water Rights, 2024f). Water Right Nos. 5785-3, 5186-3, and 4137-3 appropriate water from the Spirit Lake-unnamed aquifer. The boundary between the Vermillion East Fork: Spirit Lake aquifer and the Vermillion East Fork-unnamed aquifer separates these water rights. However, this boundary has been interpreted differently and aquifer assignment has changed over time as more data has become available.

Kingbrook Rural Water System has historically reported the total annual use from the Vermillion East Fork aquifer as a whole (all 5 water rights), which averages to approximately 1,080 acre-feet/year using the past 10 years of data (Table 1) (Water Rights, 2024f). Table 1 lists the annual reported use of non-irrigation water rights/permits held by Kingbrook Rural Water System, that are completed into the Vermillion East Fork-unnamed and Vermillion East Fork: Spirit Lake aquifers, and annual calculated use of non-irrigation water rights/permits held by Kingbrook Rural Water System based off the annual well runtime recorded by well meter data (Oedekoven, 2024). The individual well meter data (Table 3) was requested because, if this application is approved, the Vermillion East Fork: Spirit Lake aquifer would be approaching full appropriation.

These individual wells are listed under several Kingbrook Rural Water System water rights, as seen in Table 2. Oedekoven (2024) stated the calculated use for individual wells is likely an overestimate compared to the reported use which is from the raw water meter at the water treatment plant. When comparing the reported use to the calculated use, the calculated use was almost always greater than the reported use. The exceedance of the calculated use was on average (2016-2023) 8.1% greater than the reported use. To ensure the most accurate water use average from the Vermillion East Fork: Spirit Lake aquifer, the calculated use for the wells specifically into the aquifer (Table 3) will be reduced by 8.1%. This annual calculated use, minus the average overestimate, will be used to determine non-irrigation withdrawals from the VEF: Spirit Lake aquifer, since this result doesn't include the overestimate from the well meter data

and the Vermillion East Fork-unnamed aquifer water rights. Based on this analysis, the calculated annual use from the wells in the VEF: Spirit Lake aquifer is 928.3 acre-feet (Table 3). Water Permit No. 8848-3 was approved in 2024 and needs to be accounted for. The full authorized volume of 1,100 acre-feet of water for Water Permit No. 8848-3 will be assumed since the permit was recently issued and hasn't reported use yet (Water Rights, 2024f). Therefore, the estimated annual use for non-irrigation permits from the VEF: Spirit Lake aquifer is approximately 2,028 acre-feet/year (Water Rights, 2024c & 2024f).

Table 1. Reported annual use and annual calculated use, of individual wells, for non-irrigation Water Rights Nos. 5785-3, 5186-3, 4137-3, 5426-3, and 6731-3 (Water Rights, 2024f) (Oedekoven, 2024)

Year	Reported to DANR ac-ft/yr	Individual Well Calculation based on hours pumping ac-ft/yr	Difference (Individual Well Total - Reported to DANR) ac-ft/yr	% Individual Well Total greater than Reported to DANR
2006	1068	n/a	n/a	n/a
2007	996	n/a	n/a	n/a
2008	979	n/a	n/a	n/a
2009	932	n/a	n/a	n/a
2010	866	n/a	n/a	n/a
2011	923	n/a	n/a	n/a
2012	1091	n/a	n/a	n/a
2013	1015	n/a	n/a	n/a
2014	1118	n/a	n/a	n/a
2015	1114	797.6	-316.4	-28.4
2016	1091	1132.4	41.4	3.8
2017	1056	1211.2	155.2	14.7
2018	1095	1090.8	-4.2	-0.4
2019	1084	1190.7	106.7	9.8
2020	1023	1153.1	130.1	12.7
2021	1087	1434.1	347.1	31.9
2021	1034	1112.9	78.9	7.6
2023	1095	1336.2	241.2	22.0
Average (2014-2023)	1080	n/a	n/a	n/a
AVG 2015-2023	1075	1162.0	87.0	8.1%

Table 2. List of individual wells authorized for water rights held by Kingbrook Rural Water System (Water Rights, 2024c)

WR No.	Wells #	Aquifer
4137-3	Wells 1*, 2*, 3	VEF-unnamed
5186-3	Well 4	VEF-unnamed
5426-3	Wells 5, 6	VEF:SL
6731-3	Wells 7, 8, 9, 10	VEF:SL
*Wells no longer in service		

Table 3. List of individual well data used to calculate the annual calculated use of non-irrigation water rights for VEF-unnamed and VEF:SL aquifers (Oedekoven, 2024)

De Smet Well Field	GPM	2015	2016	2017	2018	2019	2020	2021	2022	2023	AVG.
Well 3	0	0.0	0.0	0.0	0.0	39.9	13.9	67.2	0.0	0.0	13.4
Well 4	0	0.0	0.0	146.8	319.4	132.2	235.6	164.8	34.9	212.7	138.5
Well 5	0	0.0	8.1	55.2	68.3	111.8	145.2	41.0	2.5	3.2	48.4
Well 6	0	160.7	153.5	371.1	176.5	239.5	349.4	277.0	252.2	227.4	245.3
Well 7	0	222.8	277.9	295.7	342.0	314.3	357.4	372.9	352.3	158.2	299.3
Well 8	0	187.4	198.7	82.3	181.6	293.9	49.5	243.8	313.2	211.8	195.8
Well 9	0	223.9	191.0	36.6	2.9	20.5	1.4	0.3	72.0	142.2	76.8
Well 10	0	2.7	303.3	223.5	0.2	38.5	0.6	267.0	85.7	380.7	144.7
TOTAL (ac-ft)	0	798	1,132	1,211	1,091	1,191	1,153	1,434	1,113	1,336	1162.1
Total VEF-unnamed (3 & 4)	0	0	0	147	319	172	250	232	35	213	151.9
Total VEF:SL (5-10)		798	1,132	1,064	771	1,019	904	1,202	1,078	1,123	1010.2
<i>VEF:SL total individual well calculations minus 8.1% for overestimate by individual well calculations (see TABLE 1)</i>											928.3
all volumes in acre-feet unless otherwise noted											

Currently, there are 17 irrigation water rights/permits appropriating water from the VEF: Spirit Lake aquifer (Water Rights, 2024c). Five of the irrigation water rights were previously designated as VEF aquifer rather than VEF: Spirit Lake aquifer with the aquifer designation being updated in 2024. Those five water rights are accounted for in Table 4. Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the VEF: Spirit Lake aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 944 acre-feet per year (Table 4) (Water Rights, 2024e). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 1,028 acre-feet per year (Table 4) (Water Rights, 2024e).

There are domestic wells completed into the VEF: Spirit Lake aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the VEF: Spirit Lake aquifer is present; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the VEF: Spirit Lake aquifer.

Table 4. Reported historic irrigation use from the VEF: Spirit Lake aquifer, including the water rights/permits that were previously listed as VEF aquifer (Water Rights, 2024e)

Year	Number of Permits	Reported Pumpage (ac-ft)
1979	15	1,202
1980	15	1,408
1981	16	770
1982	17	742
1983	15	1,494
1984	15	399
1985	15	403
1986	14	310
1987	13	675
1988	13	1,470
1989	13	1,645
1990	13	638
1991	13	1,039
1992	13	310
1993	13	74
1994	13	824
1995	13	215
1996	13	531
1997	13	773
1998	13	691
1999	13	569
2000	13	872
2001	13	592
2002	13	1,355
2003	13	1,329
2004	13	1,333
2005	14	1,021
2006	14	1,388
2007	14	1,208
2008	14	1,433
2009	14	424
2010	14	499
2011	14	1,015
2012	14	1,923
2013	17	1,643
2014	17	1,043
2015	17	976
2016	17	1,654
2017	17	1,096
2018	17	1,267
2019	17	0
2020	17	292
2021	17	1,349
2022	17	1,153
2023	17	1,447
Min	13	0
Max	17	1,923
Average (1979-2023)	15	944
Average (2014-2023)	17	1,028

Hydrologic Budget Summary

The average annual recharge rate to the VEF: Spirit Lake aquifer totals to approximately 4,633 acre-feet/year (Hedges et al, 1982 and 1985). The estimated average annual withdrawal rate from the VEF: Spirit Lake aquifer, including proposed reservation for this application, if approved, totals to approximately 4,456 acre-feet/year; (non-irrigation withdrawals: 2,028 acre-feet/year; irrigation withdrawals: 1,028 acre-feet/year; this application: 1,400 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the VEF: Spirit Lake aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DANR-Water Rights Program monitors 8 observation wells completed into the VEF: Spirit Lake aquifer (Water Rights, 2024b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed future use area are KG-88A (within the southeast portion of the future use area), KG-77C (approximately 1 mile north), and KG-83A (approximately 1 mile east) (Water Rights, 2024b). The water level elevations (referenced to the NGVD29 vertical datum) for these observation wells are displayed in Figure 2 (Water Rights, 2024a). The hydrographs shown in Figure 2 have the same generally stable water levels as other observation wells in VEF: Spirit Lake aquifer (Water Rights, 2024b).

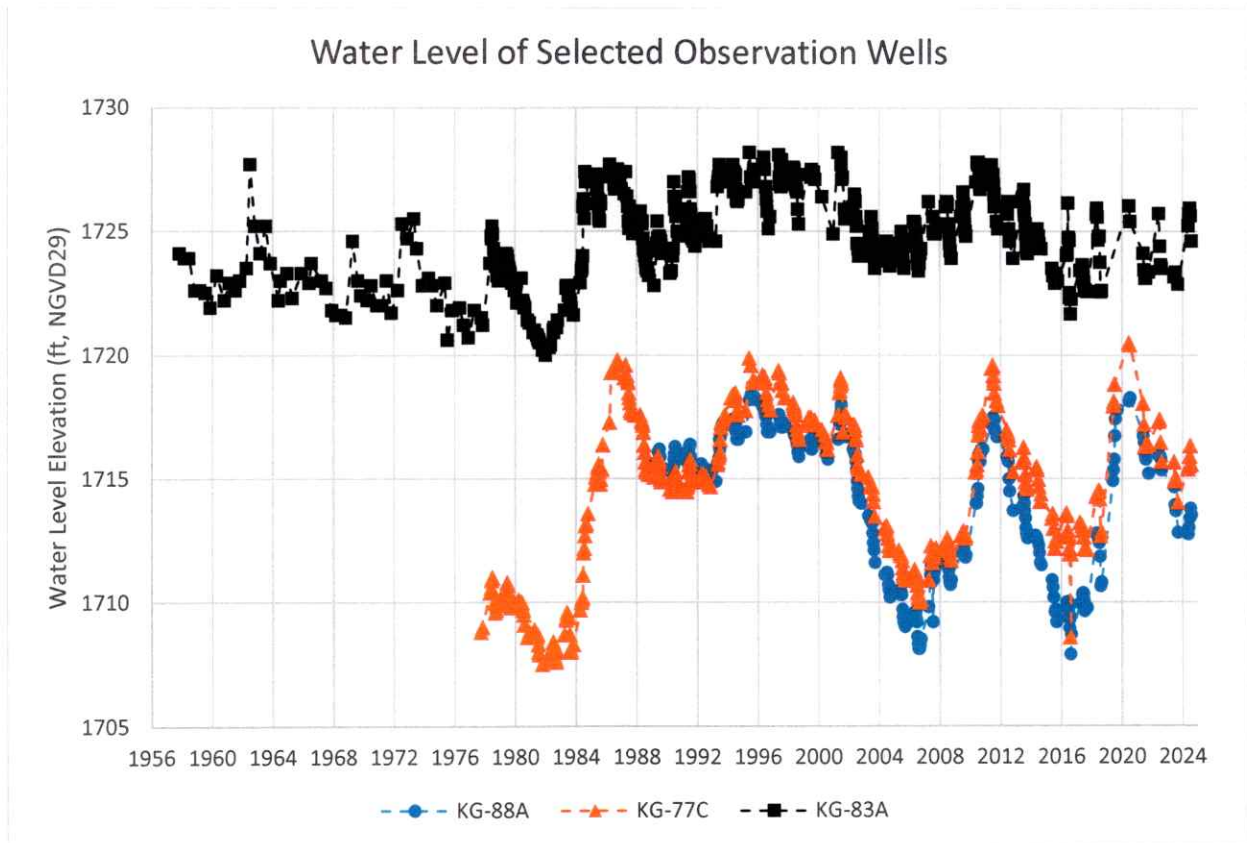


Figure 2. A graph showing the elevation of water levels of observation wells KG-88A, KG-77C, and KG-83A (Water Rights, 2024a)

The observation wells for the VEF: Spirit Lake aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the VEF: Spirit Lake aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well water levels demonstrate unappropriated water is available. It should be noted not all of the estimated average annual withdrawals are reflected in the observation well data. Water Permit No. 8848-3 was approved July 26, 2024 and has not likely had any actual pumping occur under the permit. Observation well data only reflects actual withdrawals and recharge to the aquifer.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

While SDCL 46-2A-10 does not require a review of the potential for unlawful impairment to existing water rights and no well is being drilled nor water put to beneficial use under this application, this report will include a review of nearby water users for the information of the Chief Engineer and Water Management Board. Water rights/permits in the general vicinity of the

proposed future use area for this application are shown in Figure 3 and summarized in Table 5 (Water Rights, 2024c). The closest water rights/permits to the proposed future use area are Water Right Nos. 5426-3, 6731-3, 8848-3, and Future Use No. 5209-3, which are all held by the applicant. The closest water right/permit to the proposed future use area, not held by the applicant, is Water Right No. 1487-3 held by Ira Albeck as shown on Figure 3. The diversion point for Water Right No. 1487-3 is located approximately 0.1 miles southeast of the proposed future use area for this application and is completed into the Vermillion East Fork-unnamed aquifer (Water Rights, 2024c). There are domestic wells on file with the DANR Water Rights Program that are completed into the VEF: Spirit Lake aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.1 miles west of the proposed future use area based on the well completion report submitted by the driller (Water Rights, 2024d). There could potentially be other domestic wells completed into the VEF: Spirit Lake aquifer near the proposed future use area that are not on file with the DANR-Water Rights Program.

Table 5. List of water rights/permits within 1 mile of the proposed future use area shown in Figure 3.

Permit	Name/Business	Aquifer	Priority	Status	Use Type	CFS	Acres
5426-3	Kingsbrook RWS Inc.	VEF:SL	08/15/1988	License	Rural Water System	1.4	0
6731-3	Kingsbrook RWS Inc.	VEF:SL	06/05/2006	License	Rural Water System	2.6	0
7796-3	Geib Family Trust	VEF:SL	03/12/2013	License	Irrigation	1.11	99.9
7797-3	Geib Family Trust	VEF:SL	03/12/2013	License	Irrigation	1.23	64.5
8848-3	Kingsbrook RWS Inc.	VEF:SL	03/26/2024	Permit	Rural Water System	0	0
5209-3	Kingsbrook RWS Inc.	VEF:SL	08/15/1988	Future Use	Rural Water System	0	0
3131-3	Robert B/Scott A Lee	VEF:SL	10/05/1976	License	Irrigation	1.67	117
3132-3	Geib Family Trust	VEF:SL	10/02/1976	License	Irrigation	1.78	136
4282-3	Marvin Ogren	VEF:SL	05/04/1978	License	Irrigation	1.76	155
6480-3	Keith Larson	VEF:SL	03/12/2004	License	Irrigation	0	34
1212-3	Page Brothers	VEF:SL	08/09/1965	License	Irrigation	2.28	270
1487-3	Ira Albeck	VEF	12/29/1967	License	Irrigation	1.85	130
7674-3	Bob Timp	VEF	01/24/2013	License	Irrigation	1.16	81
4245-3	Alan Aughenbaugh	VEF	02/27/1978	License	Irrigation	1.77	205
3312-3	Jeff & Tamara Albrecht	VEF	12/07/1976	License	Irrigation	1.88	132
4137-3	Kingsbrook RWS Inc.	VEF	03/04/1977	License	Rural Water System	1.06	0

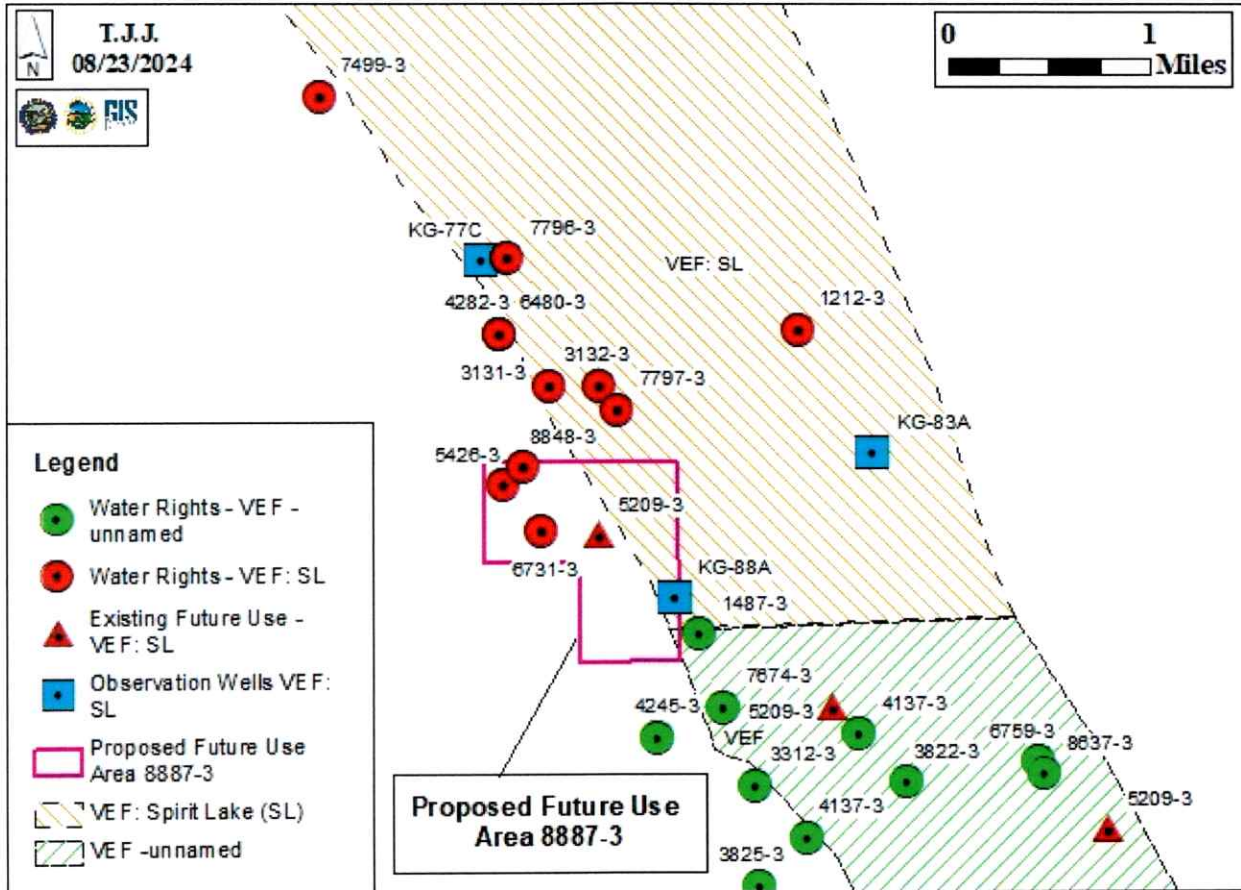


Figure 3. Map of the approximate VEF: Spirit Lake aquifer boundary (modified from Hedges et al, 1982), the VEF: Spirit Lake aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) within 1 mile of the proposed future use area for Future Use Application No. 8848-3.

Although the VEF: Spirit Lake aquifer is primarily under unconfined conditions, the proposed future use area does have some locally confined conditions. However within the future use area for this application, it is likely these confined wells are going to act more like unconfined wells. In an confined aquifer, drawdown created by pumping could extend quite far from the pumped well. However in an unconfined aquifer, drawdown from a pumping well does not typically extend far from the pumped well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use while still protecting domestic users. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

Well completion reports within the future use area have saturated thicknesses ranging from as little as 21 feet to greater than 60 feet. There are both unconfined and confined conditions within the future use area. It should be noted the confined wells are likely to behave more closely to unconfined wells. For wells completed into areas of an aquifer where the saturated thickness is less than 20 feet, the inlet to the pump must be placed as near to the bottom of the aquifer as is practical to be considered an adequate well. While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. In Kingsbury County, there are no complaints on file with the DANR Water Rights Program regarding well interference for adequate wells completed into the VEF: Spirit Lake aquifer (Water Rights, 2024a).

CONCLUSIONS:

1. Future Use Permit Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management unit of the Vermillion East Fork aquifer. The area to be reserved for future use is in the N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 6-T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately 5 miles northwest of DeSmet, SD in Kingsbury County.
2. Kingbrook Rural Water System indicated that the future use reservation is needed to support increasing water demands and future growth. The applicant has provided justification in Future Use Permit Application No. 8887-3 for the volume of water requested to be reserved as required under ARSD 74:02:04:24.01.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Vermillion East Fork: Spirit Lake aquifer.
4. At the time Kingbrook Rural Water System applies to construct and place the water to beneficial use reserved by Future Use Permit Application No. 8887-3, if approved, an assessment based on the proposed well location(s) will need to be conducted to determine if the proposed diversion can be developed without unlawful impairment of existing water rights/permits or domestic users with adequate wells.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Hamilton, L.J., 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota: U.S. Geologic Survey Water-Resources Investigations Report 88-4185. 87 p.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Oedekoven, M.N., 2024. "Water Use by Well in De Smet Well Field". Received by Adam Mathiowetz. September 17, 2024.
- Schulz, L.D., 2007. First Occurrence of Aquifer Material in Kingsbury County, South Dakota, scale 1:100,000. Aquifer Materials Map 24. SDGS. Vermillion, SD.
- SDGS. 2024. Lithologic Logs Database. < <https://usd-asp.usd.edu/SDGS/LithologicLogs> >. Accessed Sept. 4, 2024.
- Water Rights, 2024a. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. "1979-2022 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2024f. "1994-2022 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

September 19, 2024

Kingbrook Rural Water System
c/o Heath Thompson
PO Box 299
Arlington SD 57212

Dear Mr. Thompson:

Water Permit Application No. 8887-3 for future use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

Huron Plainsman	605-353-7414
Clark County Courier	605-532-3654
Arlington Sun	605-983-5491
Madison Daily Leader	605-256-4555
Mine County Pioneer	605-772-5644
The Special	605-425-2361
Hamlin County Herald Enterprise	605-783-3636
Sanborn Weekly Journal	605-796-4221

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8887-3 to Reserve Water for Future Use

Notice is given that Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 7, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 7, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 10:20 AM
To: stephanie.dickey@dailyterritorial.com
Subject: FW: [EXT] 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 25, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email since this is a new email address, I want to ensure this is published.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rita Fuerst <rita.fuerst@madisondailyleader.com>
Sent: Thursday, September 19, 2024 9:43 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: ads@madisondailyleader.com
Subject: Re: [EXT] 8887-3 Kingbrook Rural Water System - Public Notice

Good morning Rachel,
This is a legal notice not an ad correct? The legal notices need to be sent to the following:

Legals	Stephanie Dickey	stephanie.dickey@dailyterritorial.com	520 295 4239
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Have a great day!

On Thu, Sep 19, 2024 at 8:47 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on September 25, 2024.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:56 AM
To: Carrie Howard
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:55 AM
To: tschwans@triotel.net
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:54 AM
To: minercountypioneer@alliancecom.net
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:53 AM
To: thearlingtonsun@gmail.com
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:50 AM
To: LeeAnne Dufek
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 25, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:47 AM
To: ads@madisondailyleader.com
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 25, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, PO Box 299, Arlington SD 57212, 605-983-5074, has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:46 AM
To: Clark Courier
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 25, 2024.

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Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 8:45 AM
To: Ruby Crandall
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 25, 2024.

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Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed

Notice of Application

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for ...1... successive weeks, the first publication being made on the ...26... day of Sept. 20..24.

And the last publication on the day of 20.....

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

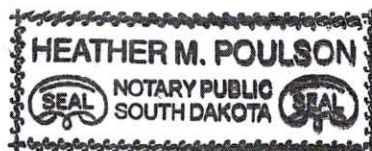
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$ 43.96 and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this 30..... day of Sept. 20..24

C.R.

My commission expires the 10..... day of Oct. 20..25

[Signature]



Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 7, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing

the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 7, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published one time at the approximate total cost of \$43.96 and can be viewed free of charge at www.sdpublicnotices.com.
(Sept. 26, 2024)

NOTICE OF APPLICATION NO. 8887-3 to Reserve Water for Future Use

Notice is given that Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Luann McKillop

certify that the attached printed Notice was taken
from the The Special

printed and published in Salem

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following date:

9-26-24

Cost of Printing 48.81

Luann McKillop
(Signature)

Office Mgr
(Title)

9-30-24
(Date Signed)

PUBLIC NOTICE NOTICE OF APPLICATION NO. 8887-3 to Reserve Water for Future Use

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Published once at the total approximate cost of \$48.81 and may be viewed free of charge at www.sdpublicnotices.com.

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SEP 27 2024

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WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterpriseprinted and published in HaytiCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Sept. 25, 2024Cost of Printing \$ 45.31LeeAnne Dufek
(Signature)Owner
(Title)9-25-2024
(Date Signed)NOTICE OF APPLICATION
NO. 8887-3 TO RESERVE WATER
FOR FUTURE USE

Notice is given that Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T11N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.

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Published Sept. 25, 2024, at total cost of \$45.31 and may be viewed online at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

State of Florida, County of Duval, ss:

Hannah Ward, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

Notice of App

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES:

Sep. 24, 2024

NOTICE ID: z1fgW8aU42qWfaFi3SXL

PUBLISHER ID: MDL000546

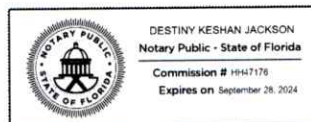
NOTICE NAME: Notice of App

That \$45.09 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

(Signed) Hannah Ward

VERIFICATION

State of Florida
County of Duval



Subscribed in my presence and sworn to before me on this: 09/25/2024

Destiny K. Jackson

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

**NOTICE OF APPLICATION NO.
8887-3 to Reserve Water for Future
Use**

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Published Sep 24, 2024 at the total approximate cost of \$45.09 and may be viewed free of charge at www.sd-publicnotices.com

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Kingbury) SSI, Mary Fordcertify that the attached printed Notice was taken
from the _____printed and published in Arlington SunCounty of Kingbury and

state of South Dakota. The notice was published

in the newspaper on the following date:

9-26-2024Cost of Printing 44.73Mary Ford
(Signature)Managing Editor
(Title)9-27-2024
(Date Signed)**Legal #4763**

AS1x09-26-2024

**NOTICE OF APPLICATION NO.
8887-3 to Reserve Water for
Future Use**

Notice is given that Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermilion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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OCT 09 2024

OFFICE OF
WATER

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Published September 26, 2024, at the total approximate cost of \$44.73 and may be viewed free of charge at www.sdpublicnotices.com.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sanborn) SS

I, Carrie Howard

certify that the attached printed Notice was taken

from the Sanborn Weekly
Journal

printed and published in Woonsocket

County of Sanborn and

state of South Dakota. The notice was published

in the newspaper on the following date:

September 26, 2024

Cost of Printing \$45.19

Carrie Howard
(Signature)

Editor
(Title)

10/2/24
(Date Signed)

Erin Hayes
NOTARY PUBLIC
SEAL SOUTH DAKOTA SEAL
Erin Hayes
Exp 12/21/2026

NOTICE OF APPLICATION NO. 8887-3

to Reserve Water for Future
Use

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OFFICE OF
WATER

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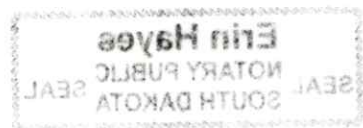
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Published once on September 26, 2024, at the total approximate cost of \$45.50 and may be viewed free of charge at www.sd-publicnotices.com.



Affidavit of Publication

State of South Dakota

§

NOTICE OF APPLICATION NO. 8887-3 TO RESERVE WATER

Notice is given that Kingbrook Rural Water System, P.O. Box 299, Arlington, S.D. 57212 has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet, S.D.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <https://danr.sd.gov/public>

or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, S.D. 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October 7, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on

County of Clark

Paulson of said county, being first duly sworn, says that she is the publisher of the **Clark Courier**, a weekly newspaper printed and in Clark in said County of Clark and has a personal knowledge of all the facts therein that said newspaper is a legal newspaper with a bona-fide circulation of at least two hundredies weekly, and has been published within thirty for fifty-two successive weeks next prior to publication of the notice herein mentioned, and is printed wholly or in part in an office located at said place of publication; that the

DANR

A copy of which taken from the paper in which the notice was published, is attached to this sheet, and a part of this Affidavit, was published in the newspaper at least once in each week for

One

time week(s), on the day of each week on which said newspaper was regularly published, to

September 25, 2024

The amount of the fees for the publication of the notice is

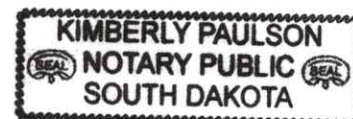
\$47.24

Carli Paulson

Subscribed and sworn to before me this

26th day of September, 2024

Kimberly Paulson



Notary Public

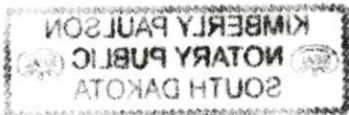
Clark County, South Dakota

My Commission expires: 04/27/2029

RECEIVED

SEP 30 2024

OFFICE OF
WATER



FOR FUTURE USE

the petitioner, the petitioner's reasons for opposing the application and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available on-

line at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 7, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

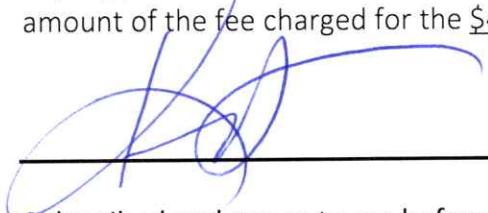
Published once at the approximate cost of \$47.24 and can be viewed free of charge at www.sdpublicnotices.com

9-25-24

Proof Of Publication

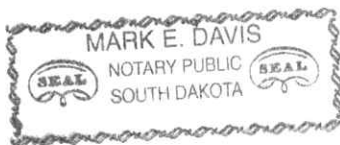
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 2776

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Kingbrook Rural Water System – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 09/25/2024. That the full amount of the fee charged for the \$48.92 to be paid to any person whom so ever.


Subscribed and sworn to me before this date 9/25/24.


Notary Public, South Dakota

My Term Expires 12/27/2024



RECEIVED

SEP 27 2024

OFFICE OF
WATER

2000 - Legals

F. P. 09-25-24

NOTICE OF APPLICATION

NO. 8887-3 to Reserve Water for Future Use

Notice is given that Kingbrook Rural Water System, PO Box 299, Arlington SD 57212, has filed an application for a future use water permit. Application No. 8887-3 proposes to appropriate and reserve for future use 1,400 acre-feet of water annually from the Spirit Lake Management Unit of the Vermillion East Fork Aquifer. The area to be reserved for future use is in the N1/2, SE1/4 Section 6, T111N-R56W. The water is to be reserved as a future water supply for rural water system use to be supplied by Kingbrook Rural Water System. The rural water system currently serves customers in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately five miles northwest of DeSmet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8887-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Kingbrook Rural Water System has shown a reasonable need to reserve water in the amount of 1,400 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters within the regulatory

2000 - Legals

authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/> public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both.

Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by October

2000 - Legals

7, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/> public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by October 7, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

No. 2776 (adv.)

Published one time at the total approximate cost of \$48.92 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, September 19, 2024 9:27 AM
To: office@kingbrookruralwater.com
Subject: 8887-3 Kingbrook Rural Water System - Public Notice
Attachments: 8887-3 Rec.pdf; 8887-3 Ltr.pdf; 8887-3 PubNotice.pdf

Good morning,

Attached is a copy of the report, chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, **please contact the paper(s) as soon as possible to authorize publication and arrange for payment.** This information is also being mailed to you today.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

NOV 01 2024

Kingbrook Rural Water System
c/o Heath Thompson
PO Box 299
Arlington SD 57212

Dear Mr. Thompson:

Enclosed is Future Use Permit No. 8887-3 as approved by the Water Management Board.

When plans for facilities are prepared to construct and place to beneficial use any portion of the water reserved by this future use permit, an application for such facilities and water use must be submitted to this office for review, and approval before construction is initiated.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8887-3

Name of Applicant: Kingbrook Rural Water System, Heath Thompson

Date of Posting: 9/23/2024

Date of Removal: 11/1/2024

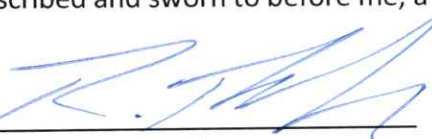


Ron Duvall, Engineer III

11/1/2024

Date

Subscribed and sworn to before me, a notary public, this 1st day of Nov, 2024.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

