

**WATER PERMIT NO. 8893-3**

Name of Applicant: **Brookings-Deuel Rural Water System**

Address: **PO Box 340, Toronto SD 57268** Phone: **605-794-4201**

Amount of Water Claimed: **720 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Future Use/RWS** County: **Deuel**

Type of Waste Disposal System:

Location: **Approx. 3 miles northeast Clear Lake SD**

**PRIORITY** Date Received: **08-12-24** Application/License Fee: **\$115.00**

Corrected Application Received: **N/A** Period of Annual Use: **January 1 – December 31**

Remarks: **Future Use**

Diversion Point: **SW 1/4 SW 1/4 Sec 8-T115N-R48W, NE 1/4 NE 1/4 Sec 18-T115N-R48W**

|    |  |  |   |  |  |
|----|--|--|---|--|--|
|    |  |  |   |  |  |
|    |  |  | 8 |  |  |
|    |  |  |   |  |  |
| 18 |  |  |   |  |  |
|    |  |  |   |  |  |

Land to be Irrigated: **N/A**

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **8-14-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA  
FUTURE USE PERMIT NO. 8893-3**

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Date of first receipt of application August 12, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 8893-3 to Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 8893-3 appropriates and reserves for future use 720 acre-feet of water annually from the Big Sioux: Brookings Aquifer located in the SW 1/4 Section 8 and NE 1/4 Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use by Brookings-Deuel Rural Water System. The rural water system serves customers in Deuel, Brookings, Grant, and Moody counties in South Dakota, and Lincoln County in Minnesota. This permit does not authorize construction of works or application of water to beneficial use. This future use site is located approximately three miles northeast of Clear Lake 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. 8893-3 is October 21, 2024.
5. The date from which applicant may claim right is August 12, 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. 8893-3 reserves 720 acre-feet of water annually from the Big Sioux Brookings Aquifer.
2. Future Use Permit No. 8893-3 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:<br><br>SD DANR, Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br><br>ph. (605) 773-3352 | No. <u>8893-3</u> Hydrologic Unit <u>07020603</u><br>Basin <u>Minnesota</u><br>Newspaper <u>Clear Lake Courier Milbank Grant Co Record</u><br><u>Brookings Register Flandreau Moody Co Enterprise</u><br>(office use only) |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PAID**

AUG 12 2024

Ck# 44066

Rec't# \_\_\_\_\_

**Application for Permit to Appropriate Water in South Dakota**

**Check use(s) of water:**

|                                                        |                                                    |                                          |                                        |
|--------------------------------------------------------|----------------------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Municipal                     | <input type="checkbox"/> Water Distribution System | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Rural Water System | <input type="checkbox"/> Commercial                | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal    |
| <input type="checkbox"/> Domestic (over 18 gpm)        | <input type="checkbox"/> Industrial                | <input type="checkbox"/> Other _____     |                                        |

**Type of Application:**  
(check one)

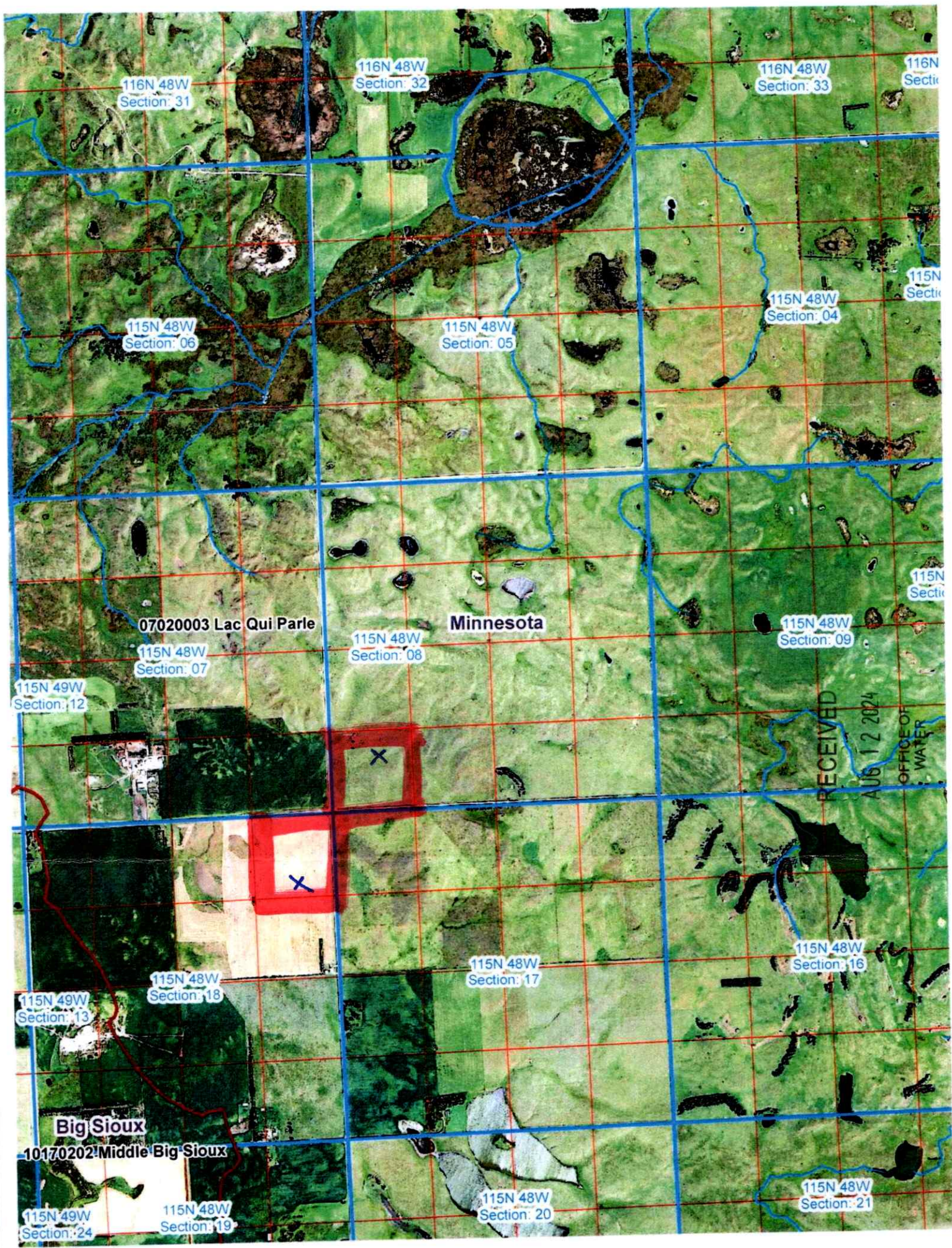
|                                                                                                |                                                                  |                                                            |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> New                                                                   | <input type="checkbox"/> Vested Right (Use predates Mar 2, 1955) | <input checked="" type="checkbox"/> Future Use Reservation |
| <input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____ |                                                                  |                                                            |
| <input type="checkbox"/> Amendment/Correction to Permit No. _____                              |                                                                  |                                                            |

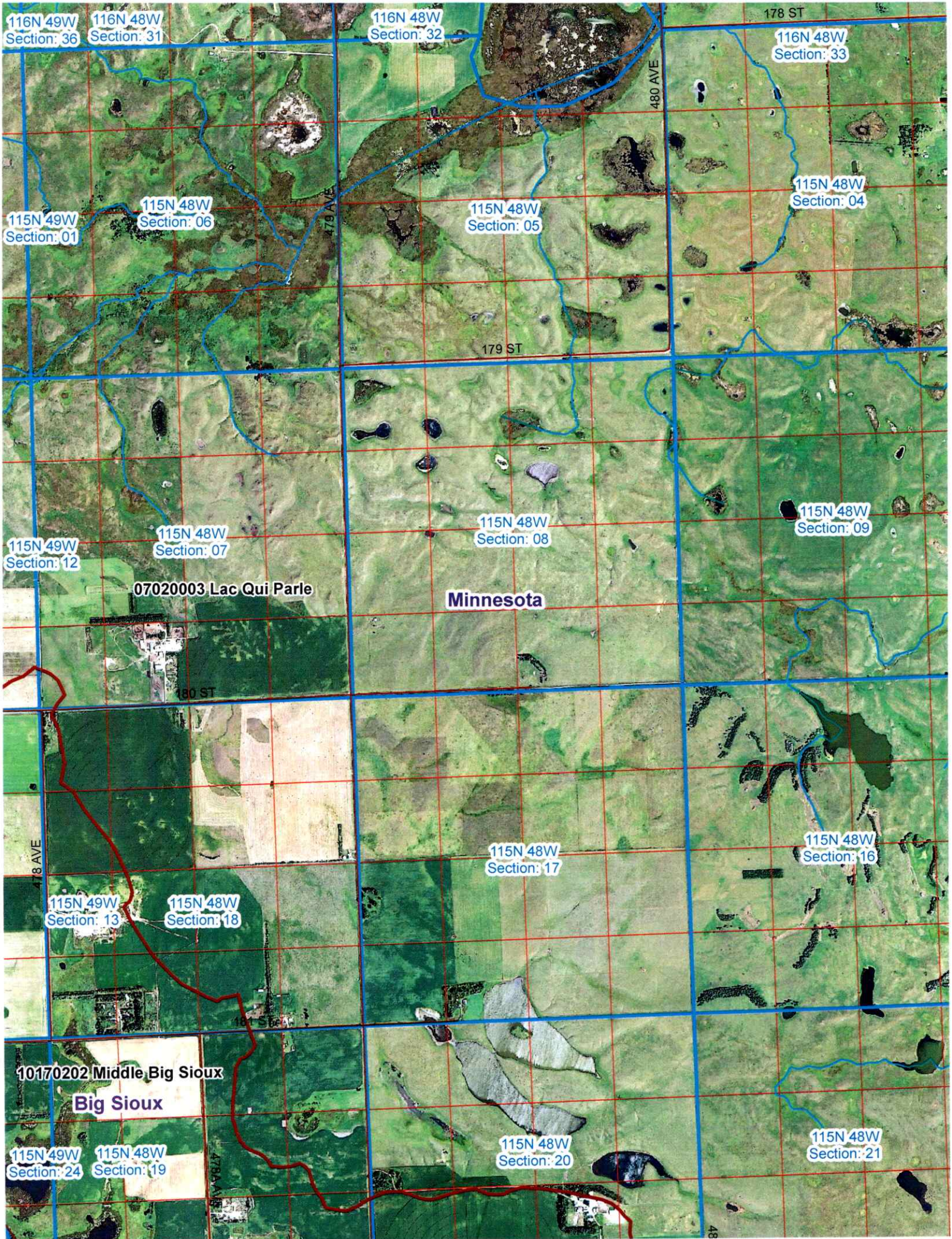
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit Brookings-Penel Rural Water System  
Mailing Address P.O. Box 340 Toronto SD 57268  
(Address) (City) (State) (Zip Code)  
Phone 605-794-4201 Mobile \_\_\_\_\_ Email hoed-BDRWS@icnetel.com
2. Amount of water claimed 1.34 \*CFS or 600 \*\*GPM and 720 \*\*\*AF or \_\_\_\_\_ Gallons  
Flow rate and volume are both required. (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*Acre Feet - storage capacity of dam/dugout or annual use)
3. Source of water supply Big Sioux Aquifer NE 1/4
4. Location of point of diversion SW 1/4 SW 1/4 115-48-00 - NE 1/4 115-48-18 County Penel  
(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 Penel, Brookings, Grant, Moody, Lincoln (MN)
6. Annual period during which water is to be used Continuous
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)

I, Reed I. Hurd, General Manager, the applicant, certify under

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.





116N 49W  
Section: 36

116N 48W  
Section: 31

116N 48W  
Section: 32

178 ST

116N 48W  
Section: 33

115N 49W  
Section: 01

115N 48W  
Section: 06

479 AVE

115N 48W  
Section: 05

115N 48W  
Section: 04

179 ST

115N 49W  
Section: 12

115N 48W  
Section: 07

115N 48W  
Section: 08

115N 48W  
Section: 09

07020003 Lac Qui Parle

Minnesota

180 ST

478 AVE

115N 49W  
Section: 13

115N 48W  
Section: 18

115N 48W  
Section: 17

115N 48W  
Section: 16

10170202 Middle Big Sioux

Big Sioux

115N 49W  
Section: 24

115N 48W  
Section: 19

115N 48W  
Section: 20

115N 48W  
Section: 21

48

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 13th, 2024

RECEIVED OF Brookings-Deuel Rural Water System PO Box 340 Toronto SD 57268

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>8873-3</u> to Appropriate Water for Future use                           | <u>\$115.00</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>\$115.00</u> |

By Eric Gronlund  
Chief Engineer

SK

## Duvall, Ron

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**From:** Reed-bdrws@itctel.com  
**Sent:** Monday, August 26, 2024 11:15 AM  
**To:** Duvall, Ron  
**Cc:** Rodriguez, Rachel; Dewell, Amanda  
**Subject:** RE: [EXT] Application to Reserve Water for Future Use

Yes, that is correct.

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**From:** Duvall, Ron <Ron.Duvall@state.sd.us>  
**Sent:** Monday, August 26, 2024 11:03 AM  
**To:** Reed-bdrws@itctel.com  
**Cc:** Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>  
**Subject:** RE: Application to Reserve Water for Future Use

Reed,

Seeking confirmation on another matter concerning the water source. The application indicates the Big Sioux Aquifer is the target aquifer. The Big Sioux Brookings aquifer is around 60 feet deep in this area, but there is also the Pleistocene Unknown Aquifer at about 157 feet deep and nearby Prairie Coteau Aquifer at around 240 feet deep. Since there was no indication of a proposed depth for the eventual production wells, I would like confirmation you are looking at wells in the 60 feet deep range.

Thank you,

Ron

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**From:** [Reed-bdrws@itctel.com](mailto:Reed-bdrws@itctel.com) <[Reed-bdrws@itctel.com](mailto:Reed-bdrws@itctel.com)>  
**Sent:** Thursday, August 22, 2024 3:52 PM  
**To:** Duvall, Ron <[Ron.Duvall@state.sd.us](mailto:Ron.Duvall@state.sd.us)>  
**Cc:** Rodriguez, Rachel <[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)>; Dewell, Amanda <[Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)>  
**Subject:** RE: [EXT] Application to Reserve Water for Future Use

Ron- Thanks for the Email,

I can clarify-

- I intend to file a future use reservation for 720 Ac-ft. As you said, the X's are only depiction of a possible well location.
- My mistake on the map, BDRW owns both 160-acre quarters.
- The basis for the future reservation application is anticipated system demand increases. This wellfield is the only public water supply source in Deuel County. Some of this new demand is residential, but largely it is due to recent industrial/commercial inquiries.

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**From:** Duvall, Ron <[Ron.Duvall@state.sd.us](mailto:Ron.Duvall@state.sd.us)>  
**Sent:** Thursday, August 22, 2024 1:54 PM  
**To:** Reed Andries <[reed-bdrws@itctel.com](mailto:reed-bdrws@itctel.com)>

Cc: Rodriguez, Rachel <[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)>; Dewell, Amanda <[Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)>

Subject: Application to Reserve Water for Future Use

Reed,

I am looking over you application to reserve water for future use. I would like to confirm a few things:

- Your application identifies a pump rate and the map provided shows some X's which I take to be possible well locations. However, the application identifies this as a future use reservation which do not have pump rates associated with them, only a volume of water – 720 acre-feet in this case. I just want to confirm you are wanting to reserve water and not drill wells to place water to beneficial use – correct? If it is a reservation, the pump rate will be removed from the application. Assuming your application gets approved, in the future you will submit applications with pump rates and volumes to begin placing the reserved water to use.
- A future use application identifies the legal description of the area from which water will be diverted when it gets placed to use in the future. Your application indicates the SW1/4 Section 8 and the NE1/4 Section 18; all in 115N-48W. However the map outlines a smaller area within the SW1/4 section 8 (SW1/4 SW1/4) and NE1/4 section 18 (NE1/4 NE1/4). Which is correct - the whole, 160 acre quarters, or the 40 acre parcels outlined on the map?
- Finally, in making a recommendation, we need a basis for the 720 acre-feet to be reserved. Future use reservations may be limited to two times the amount currently being placed to use. I can review your water use reporting, but if you would provide a short description of your current usage and any projections you may have for future needs, it would be appreciated. This is good documentation for the application file concerning your current usage and contemplated future needs.

Thank you,

Ron Duvall  
Dept. of Agriculture & Natural Resources  
Office of Water, Water Rights Program  
605.773.3352  
[danr.sd.gov](http://danr.sd.gov)



**DANR**  
SOUTH DAKOTA



**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. 8893-3, Brookings-Deuel 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. 8893-3, Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268.

The Chief Engineer is recommending APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 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. 8893-3 reserves 720 acre-feet of water annually from the Big Sioux Brookings Aquifer.
2. Future Use Permit No. 8893-3 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  
October 1, 2024

Report to the Chief Engineer  
On Future Use Permit Application No. 8893-3  
Brookings-Deuel Rural Water System

October 1st, 2024

Future Use Permit Application No. 8893-3 proposes to appropriate and to reserve for future use 720 acre-feet of water annually from the Brookings Management unit of the Big Sioux aquifer. The area requested for future well development is in the SW  $\frac{1}{4}$  of Section 8 and NE  $\frac{1}{4}$  Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use by Brookings-Deuel Rural Water System. The rural water system currently serves customers in Deuel, Brookings, Grant, and Moody Counties in South Dakota, and Lincoln County in Minnesota. This application, if approved, does not authorize construction of works or application of water to beneficial use. This future use site is located approximately 3 miles northeast of Clear Lake, SD in Deuel County.

**AQUIFER:** Big Sioux: Brookings (BS:B)

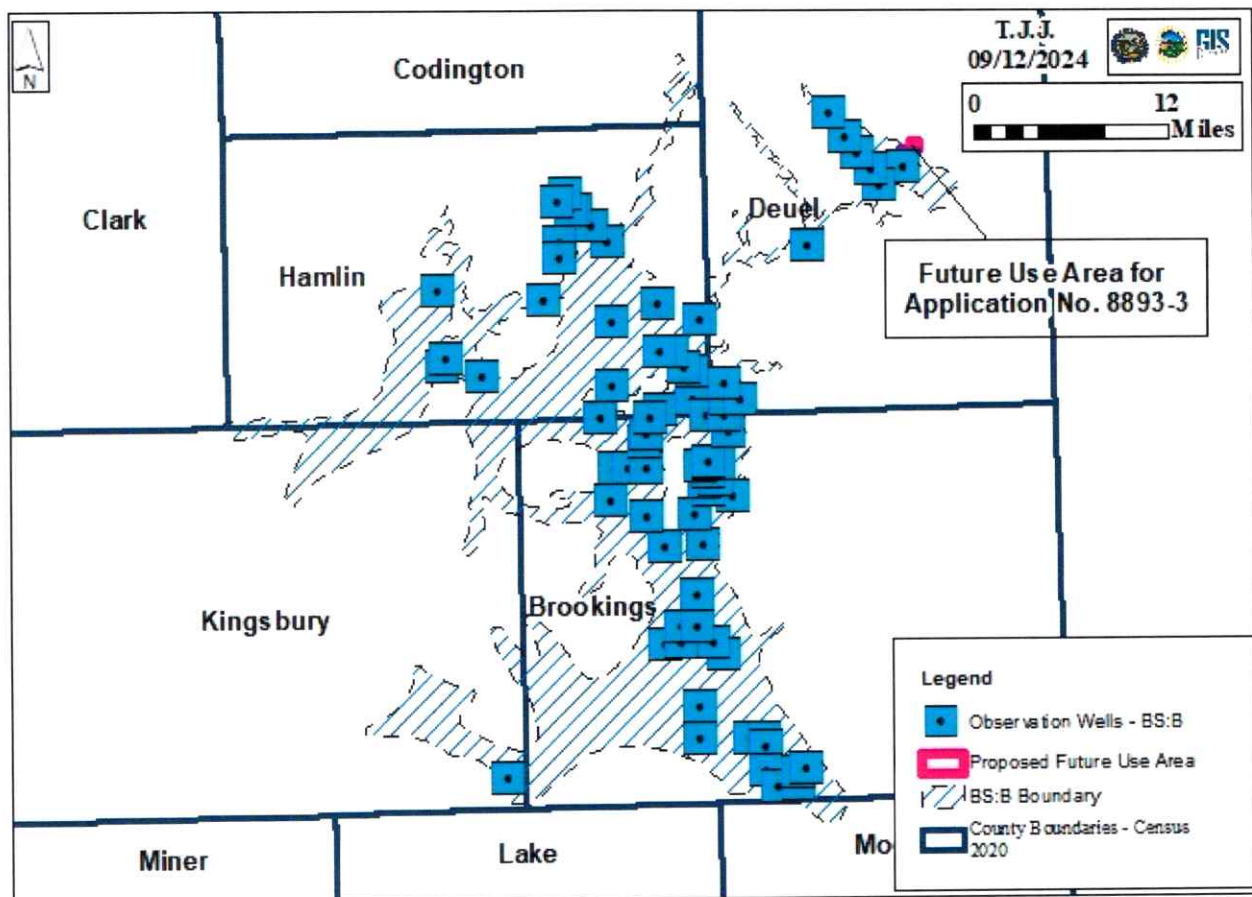
**HYDROGEOLOGY:**

The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DNR-Water Rights Program and SD Water Management Board (Water Rights, 2024c). The water source for this application is the Brookings management unit of the Big Sioux aquifer.

The Brookings management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of medium to very coarse sand and very fine to medium gravel (Kume, 1985; Hamilton, 1989). The depth of the top of the Big Sioux: Brookings aquifer ranges from the land surface in the Big Sioux River floodplain to 212 feet below land surface (Hamilton, 1989). Typically, the depth to the top of the aquifer is less than 50 feet (Water Rights, 2024b and 2024d). In Brookings, Deuel, Hamlin, Kingsbury, Moody, and Codington Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 323,000 acres and contain approximately 1,453,000 acre-feet of recoverable water in storage, as shown in Figure 1 (Hedges et al, 1982 and Stonesifer, 2013). The direction of groundwater movement in the Big Sioux: Brookings aquifer is in a southern direction and towards the Big Sioux River (Hamilton, 1989). The aquifer is unconfined near the Big Sioux River and along major tributary valleys, but elsewhere the aquifer may be confined by overlying till or clay lenses (Hamilton, 1989). The aquifer is primarily unconfined (Stonesifer 2013; Water Rights, 2024b and 2024d).

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 Brookings-Deuel Rural Water System (Water Rights, 2024d). The well closest to the center of the proposed future use area was completed on July 26<sup>th</sup>, 1976, and is located in the NE  $\frac{1}{4}$  of Section 18-T115N-R48W, which is within the proposed

future use area (Water Rights, 2024d). The water well completion report indicates the well is completed into the Big Sioux: Brookings aquifer with the top of aquifer bearing material (sand & gravel) at 3 feet below the ground surface, no static water level was provided (Water Rights, 2024d). Several other nearby water well completion reports for the Big Sioux: Brookings aquifer have static water levels ranging from 30-40 feet and show the aquifer to be unconfined near the proposed future use area (SDGS, 2024; Water Rights, 2024b and 2024d). Based on nearby water well completion reports the aquifer's saturated thickness within the proposed future use area is approximately 16-26 feet (Water Rights, 2024d). Considering all the nearby water well completion reports indicate unconfined conditions, the aquifer within the future use area for this application is expected to be unconfined.



**Figure 1.** Map of the Big Sioux: Brookings aquifer observation wells (Water Rights, 2024b and 2024c), and the location of proposed future use area for Future Use Permit Application No. 8893-3 (Stonesifer, 2013).

### 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 Big Sioux: Brookings aquifer management unit for Future Use Permit Application No. 8893-3, and if the quantity of water to be reserved for future use will be needed by Brookings-Deuel 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. Brookings-Deuel Rural Water System is an entity that may reserve water for future use pursuant to SDCL 46-5-38(5). Brookings-Deuel 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. 8893-3 proposes to appropriate water from the Big Sioux: Brookings aquifer. 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), the Big Sioux: Brookings aquifer is not older than or stratigraphically lower than the Greenhorn Formation. Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: Brookings aquifer must be considered.

### **HYDROLOGIC BUDGET:**

#### **Recharge**

Recharge to the Big Sioux: Brookings aquifer is received primarily through infiltration of precipitation and seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989). Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 4.0 inches per year for the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013). Therefore, the average annual recharge rate for the Big Sioux: Brookings aquifer (based on Hedges et al, 1985; Stonesifer, 2013) is approximately 107,667 acre-feet/year.

#### **Discharge**

Discharge from the Big Sioux: Brookings aquifer primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface (Hamilton, 1989; Water Rights, 2024d). Currently, there are 259 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer (Water Rights, 2024c). There are 11 future use permits reserving 6,041 acre-feet/year of water from the Big Sioux: Brookings aquifer, shown on Table 1 (Water Rights, 2024c). The applicant,

Brookings-Deuel Rural Water System, proposes to reserve 720 acre-feet/year of water from the Big Sioux: Brookings aquifer for future use. This application, if approved, and the current future use permits would reserve a total of 6,761 acre-feet/year of water from the Big Sioux: Brookings aquifer (Water Rights, 2024c).

**Table 1.** Future Use Permit reserved water for the Big Sioux: Brookings aquifer (Water Rights, 2024c)

| Future Uses Permit Holder | Permit Nos.                      | Amount of Reserved Water (acre-feet) |
|---------------------------|----------------------------------|--------------------------------------|
| Joint Well Fields Inc.    | 3982-3, 3982A-3, 3982B-3, 6988-3 | 2,375                                |
| City of Lake Norden       | 4055-3, 6261-3                   | 0                                    |
| City of Castlewood        | 558A-3                           | 123                                  |
| City of Volga             | 5875-3, 6259-3                   | 1,143                                |
| Sioux Rural Water System  | 5094-3, 7853-3                   | 2,400                                |
| <b>TOTAL:</b>             |                                  | <b>6,041</b>                         |

Table 2 summarizes the 46 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe estimate of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. It should be noted that some of the water permits/rights listed on Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes water rights for the Town of Hayti which purchases all their water from the Sioux Rural Water System and the City of Clear Lake which purchases all their water from the Brookings-Deuel Rural Water System (Drinking Water, 2024). Overall, the estimated average annual withdrawal rate for the Big Sioux: Brookings aquifer, non-irrigation water rights/permits is 14,378 acre-feet/year (Table 2) (Water Rights, 2024c).

**Table 2.** Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Brookings aquifer (Water Rights, 2024c)

| Permit No. | Name                      | Status | Uses     | Authorized Diversion Rate (cfs) | Authorized Annual Volume (acre-feet) | Estimate Use (acre-feet/year) |
|------------|---------------------------|--------|----------|---------------------------------|--------------------------------------|-------------------------------|
| 2111-3     | GOPHER SIGN CO            | LC     | COM      | 0.040                           | N/A                                  | 17.38                         |
| 5675-3     | LAKE POINSETT ESTATES     | LC     | COM      | 0.090                           | N/A                                  | 39.10                         |
| 6019-3     | DAKOTA WHOLESALE BAIT INC | LC     | COM, DOM | 0.355                           | N/A                                  | 154.21                        |
| 6329-3     | GREG OSWALD               | LC     | COM      | 1.280                           | N/A                                  | 556.03                        |
| 6745-3     | KENNETH HANSEN            | LC     | COM      | 0.110                           | N/A                                  | 47.78                         |

Report on Future Use Permit Application No. 8893-3

| Permit No.                                                                                                                                                                                                                                                                                                | Name                          | Status | Uses     | Authorized Diversion Rate (cfs) | Authorized Annual Volume (acre-feet) | Estimate Use (acre-feet/year) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------|----------|---------------------------------|--------------------------------------|-------------------------------|
| 6785-3                                                                                                                                                                                                                                                                                                    | DRUMGOON DAIRY LP             | LC     | COM, LCO | 0.200                           | N/A                                  | 86.88                         |
| 6786-3                                                                                                                                                                                                                                                                                                    | DAVID NYSTROM                 | LC     | COM, LCO | 0.170                           | N/A                                  | 73.85                         |
| 7277-3                                                                                                                                                                                                                                                                                                    | OLD TREE FARMS                | LC     | COM, LCO | 0.100                           | N/A                                  | 43.44                         |
| 7854-3                                                                                                                                                                                                                                                                                                    | DAVID ULVESTAD                | PE     | COM, LCO | 0.890                           | N/A                                  | 386.62                        |
| 7259-3                                                                                                                                                                                                                                                                                                    | OLD APOSTOLIC LUTHERAN CHURCH | LC     | GEO      | 1.000                           | 120.00                               | 120.00                        |
| 5129-3                                                                                                                                                                                                                                                                                                    | TECHNICAL ORDNANCE INC        | LC     | IND      | 0.100                           | N/A                                  | 43.44                         |
| 6146-3                                                                                                                                                                                                                                                                                                    | SD SOYBEAN PROCESSORS         | LC     | IND      | 0.144                           | N/A                                  | 62.55                         |
| 1317-3                                                                                                                                                                                                                                                                                                    | CITY OF ESTELLINE             | LC     | MUN      | 1.100                           | N/A                                  | 477.84                        |
| 1759-3                                                                                                                                                                                                                                                                                                    | CITY OF VOLGA                 | LC     | MUN      | 1.650                           | N/A                                  | 716.76                        |
| 3117-3*                                                                                                                                                                                                                                                                                                   | TOWN OF HAYTI                 | LC     | MUN      | 0.330                           | N/A                                  | 0.00                          |
| 4950-3                                                                                                                                                                                                                                                                                                    | CITY OF BRUCE                 | LC     | MUN      | 0.270                           | N/A                                  | 117.29                        |
| 5071-3*                                                                                                                                                                                                                                                                                                   | CITY OF CLEAR LAKE            | LC     | MUN      | 0.450                           | N/A                                  | 0.00                          |
| 5167-3                                                                                                                                                                                                                                                                                                    | CITY OF VOLGA                 | LC     | MUN      | 0.450                           | N/A                                  | 195.48                        |
| 534A-3*                                                                                                                                                                                                                                                                                                   | CITY OF CLEAR LAKE            | LC     | MUN      | 1.100                           | N/A                                  | 0.00                          |
| 557-3                                                                                                                                                                                                                                                                                                     | CITY OF LAKE NORDEN           | LC     | MUN      | 3.000                           | N/A                                  | 1303.20                       |
| 558B-3                                                                                                                                                                                                                                                                                                    | CITY OF CASTLEWOOD            | LC     | MUN      | 0.560                           | N/A                                  | 243.26                        |
| 558D-3                                                                                                                                                                                                                                                                                                    | CITY OF CASTLEWOOD            | LC     | MUN      | 0.330                           | N/A                                  | 143.35                        |
| 5645-3                                                                                                                                                                                                                                                                                                    | CITY OF ESTELLINE             | LC     | MUN      | 0.660                           | N/A                                  | 286.70                        |
| 617-3*                                                                                                                                                                                                                                                                                                    | TOWN OF HAYTI                 | LC     | MUN      | 0.660                           | N/A                                  | 0.00                          |
| 5815-3                                                                                                                                                                                                                                                                                                    | CITY OF LAKE NORDEN           | LC     | MUN      | 0.560                           | 139.00                               | 139.00                        |
| 5941-3                                                                                                                                                                                                                                                                                                    | CITY OF VOLGA                 | LC     | MUN      | 0.890                           | 644.00                               | 644.00                        |
| 6417-3                                                                                                                                                                                                                                                                                                    | CITY OF LAKE NORDEN           | LC     | MUN      | 1.450                           | 630.00                               | 630.00                        |
| 6542-3                                                                                                                                                                                                                                                                                                    | CITY OF LAKE NORDEN           | LC     | MUN      | 0.600                           | 262.00                               | 262.00                        |
| 8640-3                                                                                                                                                                                                                                                                                                    | CITY OF VOLGA                 | PE     | MUN      | 1.110                           | 645.00                               | 645.00                        |
| 2033-3                                                                                                                                                                                                                                                                                                    | SIOUX RURAL WATER SYSTEM      | LC     | RWS      | 0.750                           | N/A                                  | 325.80                        |
| 4830-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL RWS           | LC     | RWS      | 2.000                           | N/A                                  | 868.80                        |
| 5079-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL-KINGBROOK     | LC     | RWS      | 2.900                           | N/A                                  | 1259.76                       |
| 5434-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL-KINGBROOK     | LC     | RWS      | 1.000                           | 434.00                               | 434.00                        |
| 5602-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL-KINGBROOK     | LC     | RWS      | 1.000                           | 434.00                               | 434.00                        |
| 5960-3                                                                                                                                                                                                                                                                                                    | SIOUX RURAL WATER SYSTEM      | PE     | RWS      | 1.330                           | 600.00                               | 600.00                        |
| 6002-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL-KINGBROOK     | LC     | RWS      | 1.000                           | 362.00                               | 362.00                        |
| 2245B-3                                                                                                                                                                                                                                                                                                   | BROOKINGS-DEUEL RWS           | LC     | RWS      | 1.930                           | 270.00                               | 270.00                        |
| 6718-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL-KINGBROOK     | LC     | RWS      | 1.000                           | 300.00                               | 300.00                        |
| 7381-3                                                                                                                                                                                                                                                                                                    | BROOKINGS-DEUEL RWS           | PE     | RWS      | 0.000                           | N/A                                  | 0.00                          |
| 7852-3                                                                                                                                                                                                                                                                                                    | SIOUX RURAL WATER SYSTEM INC  | PE     | RWS      | 1.330                           | 600.00                               | 600.00                        |
| 8185-3                                                                                                                                                                                                                                                                                                    | JOINT WELL FIELD INC.         | PE     | RWS      | 0.000                           | 603.00                               | 603.00                        |
| 7852A-3                                                                                                                                                                                                                                                                                                   | SIOUX RURAL WATER SYSTEM      | PE     | RWS      | 0.000                           | N/A                                  | 0.00                          |
| 6988A-3                                                                                                                                                                                                                                                                                                   | JOINT WELL FIELD INC          | PE     | RWS      | 0.000                           | N/A                                  | 0.00                          |
| 8371-3                                                                                                                                                                                                                                                                                                    | JOINT WELL FIELD INC          | PE     | RWS      | 0.000                           | 434.00                               | 434.00                        |
| 8732-3                                                                                                                                                                                                                                                                                                    | SIOUX RURAL WATER SYSTEM INC  | PE     | RWS      | 0.000                           | 0.00                                 | 0.00                          |
| 1956-3                                                                                                                                                                                                                                                                                                    | H. E. MEYER                   | LC     | SHD      | 1.000                           | N/A                                  | 434.40                        |
| 1956-3A                                                                                                                                                                                                                                                                                                   | NEIL HAMILTON                 | LC     | SHD      | 0.040                           | N/A                                  | 17.38                         |
| LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, LCO Livestock Confinement Operation, GEO Geothermal, IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, *these Water Rights get their water from a separate system rather than local wells. |                               |        |          |                                 | <b>TOTAL:</b>                        | <b>14,378</b>                 |

Currently, there are 213 irrigation water rights/permits appropriating water from the Big Sioux: Brookings aquifer (Water Rights, 2024c). 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 Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 9,176 acre-feet per year (Table 3) (Water Rights, 2024a). 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 10,478 acre-feet per year (Table 3) (Water Rights, 2024a).

There are two irrigation Water Permit/Rights approved in 2024, that are not accounted for in Table 3, Water Permit No. 8831-3 & Water Right No. 8880-3 (Water Right, 2024c). Water Permit No. 8831-3 is authorized to irrigate 136 acres, while Water Right No. 8880-3 is authorized to irrigate 246 acres (Water Rights, 2024c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for these irrigation water rights/permits. Therefore, the combined estimated average annual withdrawal rate for Water Permit Nos 8831-3 & Water Right No. 8880-3 is estimated at approximately 382 acre-feet per year. There is a pending Water Permit Application No. 8889-3, which proposes to irrigate an additional 9 acres to what is authorized by Water Permit No. 8669-3. If that application is approved, an additional 9 acre-feet of water will need to be accounted for. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2014 to 2023 (10,478 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2024 and the pending application (391 acre-feet/year), is approximately 10,869 acre-feet per year.

**Table 3.** Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2024a)

| Year | No. of Permits Reporting | Reported Pumpage (acre-feet) |
|------|--------------------------|------------------------------|
| 1979 | 184                      | 6,144                        |
| 1980 | 187                      | 9,837                        |
| 1981 | 198                      | 9,040                        |
| 1982 | 155                      | 4,558                        |
| 1983 | 161                      | 8,227                        |
| 1984 | 188                      | 8,177                        |
| 1985 | 181                      | 4,951                        |
| 1986 | 179                      | 2,855                        |
| 1987 | 171                      | 10,015                       |
| 1988 | 167                      | 18,521                       |
| 1989 | 166                      | 13,931                       |
| 1990 | 175                      | 5,863                        |
| 1991 | 165                      | 7,772                        |
| 1992 | 162                      | 2,332                        |
| 1993 | 162                      | 1,043                        |
| 1994 | 160                      | 2,855                        |
| 1995 | 161                      | 3,862                        |
| 1996 | 154                      | 7,221                        |
| 1997 | 153                      | 5,650                        |
| 1998 | 157                      | 8,110                        |

| Year                   | No. of Permits Reporting | Reported Pumpage (acre-feet) |
|------------------------|--------------------------|------------------------------|
| 1999                   | 155                      | 7,841                        |
| 2000                   | 153                      | 8,934                        |
| 2001                   | 149                      | 8,385                        |
| 2002                   | 149                      | 12,411                       |
| 2003                   | 149                      | 11,380                       |
| 2004                   | 156                      | 11,810                       |
| 2005                   | 159                      | 11,513                       |
| 2006                   | 161                      | 14,325                       |
| 2007                   | 164                      | 12,730                       |
| 2008                   | 166                      | 12,506                       |
| 2009                   | 174                      | 9,173                        |
| 2010                   | 172                      | 2,713                        |
| 2011                   | 174                      | 8,528                        |
| 2012                   | 177                      | 19,483                       |
| 2013                   | 198                      | 15,432                       |
| 2014                   | 212                      | 9,948                        |
| 2015                   | 209                      | 8,796                        |
| 2016                   | 210                      | 10,267                       |
| 2017                   | 209                      | 9,572                        |
| 2018                   | 211                      | 7,953                        |
| 2019                   | 211                      | 106                          |
| 2020                   | 209                      | 10,001                       |
| 2021                   | 205                      | 17,955                       |
| 2022                   | 206                      | 14,509                       |
| 2023                   | 214                      | 15,670                       |
| <b>Max</b>             | <b>214</b>               | <b>19,483</b>                |
| <b>Min</b>             | <b>149</b>               | <b>106</b>                   |
| <b>Avg (1982-2023)</b> | <b>176</b>               | <b>9,176</b>                 |
| <b>Avg (2014-2023)</b> | <b>210</b>               | <b>10,478</b>                |

There are domestic wells completed into the Big Sioux: Brookings 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 Big Sioux: Brookings aquifer is the uppermost aquifer available; 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 Big Sioux: Brookings aquifer.

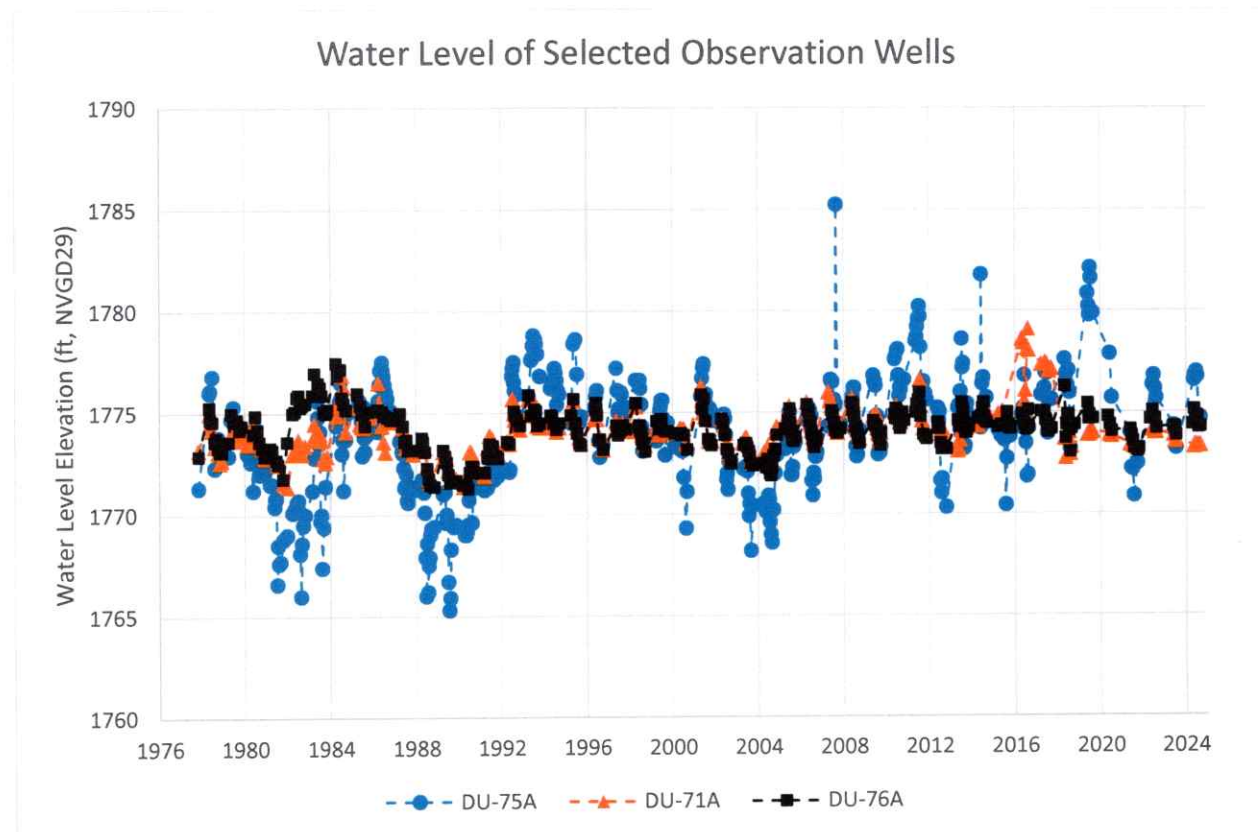
### Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Brookings aquifer is estimated to be about 107,667 acre-feet/year (Stonesifer, 2013). The estimated average withdrawal rate from the Big Sioux: Brookings aquifer totals to approximately 32,008 acre-feet/year; (future use: 6,761 acre-feet/year; non-irrigation: 14,378 acre-feet/year; and irrigation (avg 2014 to 2023 plus the water rights/permits approved in 2024) and pending application: 10,869 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings 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 76 observation wells completed into the Big Sioux: Brookings aquifer. The observation wells completed into the aquifer are shown on Figure 1 (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 DU-75A (approximately 0.5 miles north), DU-71A (approximately 1.9 miles southwest), and DU-76A (approximately 2.1 miles southwest) (Water Rights, 2024b). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024b). The majority of observation wells in the Big Sioux: Brookings aquifer have a stable water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize. The data shown on Figure 2 shares a similar trend with most of the observation wells in the Big Sioux: Brookings aquifer.

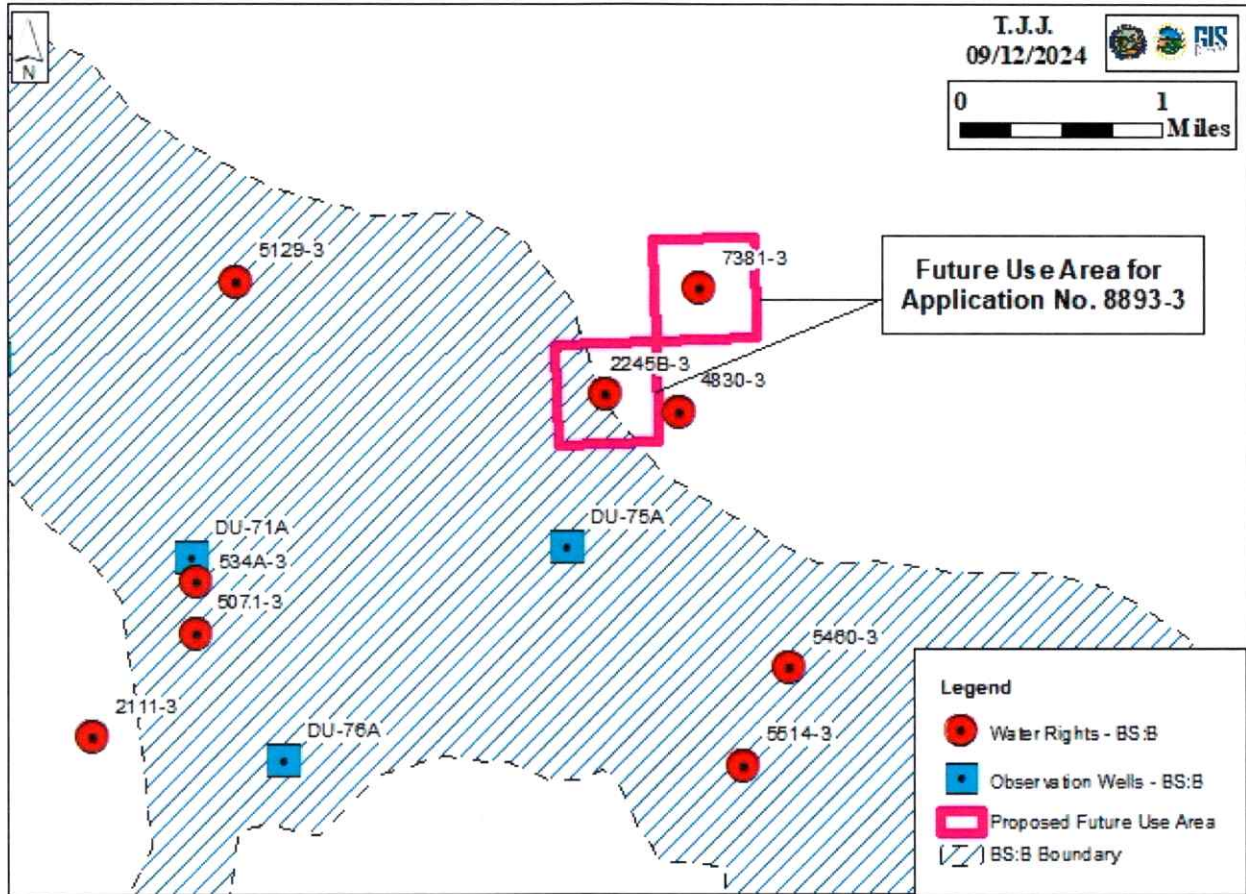


**Figure 2.** A graph showing the elevation of water levels of observation wells DU-75A, DU-71A, and DU-076A (Water Rights, 2024b)

Figure 2 shows the observation wells display generally stable water levels which is representative of a majority of other observation wells in the Big Sioux: Brookings aquifer. The hydrographs for the Big Sioux: Brookings 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 Big Sioux: Brookings aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

#### **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 area for future development for this application are shown in Figure 3 and summarized in Table 4 (Water Rights, 2024c). The closest water right/permit (not held by the applicant) to the future use area is Water Right No. 5460-3 which is held by Carl P Boeke. The diversion point for Water Right No. 5460-3 is located approximately 1.3 miles south of the future use area for this application (Water Rights, 2024c). There are domestic wells on file with the DNR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) located within the proposed future use area (Water Rights, 2024d). The location of the domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer near the future use area that are not on file with the DNR-Water Rights Program.



**Figure 3.** Map of the Big Sioux: Brookings aquifer water rights/permits within 3 miles of the proposed location of future use area for Water Permit Application No. 8893-3 (Water Rights, 2024b and 2024c).

**Table 4.** List of water rights/permits within 3 miles of the proposed future use area shown in Figure 3.

| Permit  | Name/Business       | Priority   | Status  | Use Type           | CFS  | Acres |
|---------|---------------------|------------|---------|--------------------|------|-------|
| 534A-3  | City of Clear Lake  | 01/01/1948 | License | Municipal          | 1.1  | N/A   |
| 2111-3  | Gopher Sign Co.     | 09/06/1974 | License | Commercial         | 0.04 | N/A   |
| 2245B-3 | Brookings-Deuel RWS | 04/08/1975 | License | Rural Water System | 0.67 | N/A   |
| 4830-3  | Brookings-Deuel RWS | 06/06/1977 | License | Rural Water System | 2    | N/A   |
| 5071-3  | City of Clear Lake  | 07/17/1985 | License | Municipal          | 0.45 | 0     |
| 5129-3  | Technical Ordnance  | 03/23/1987 | License | Industrial         | 0.1  | 0     |
| 5460-3  | Carl P. Boeke       | 06/29/1976 | License | Irrigation         | 3.43 | 240   |
| 5514-3  | Boeke Brothers      | 02/06/1991 | License | Irrigation         | 1.07 | 75    |
| 7381-3  | Brookings-Deuel RWS | 07/16/2012 | Permit  | Rural Water System | 0    | N/A   |

The Big Sioux: Brookings aquifer is primarily under unconfined conditions. However, the aquifer may be locally under confined conditions such as by a clay layer within the future use area for this application. However, there are unconfined conditions in relatively close proximity and any well developed in this future use area is likely to primarily act as if completed into an unconfined aquifer due to the very limited artesian head pressure and close proximity to unconfined areas of the aquifer. In a confined aquifer, drawdown from a pumping well can extend some distance from the 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 without the necessity of maintaining artesian head pressure for domestic use. 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.”*

In Hamlin and Deuel Counties, the Big Sioux aquifer has an average saturated aquifer thickness of approximately 30 feet (Kume, 1985). Drawdown is likely to occur in the Big Sioux: Brookings aquifer. However, precise drawdown in the aquifer cannot be known without an aquifer performance test. 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 unconfined 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. When the applicant applies to develop this future use reservation, if it is approved, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. In Hamlin County, there are no well interference complaints for adequate wells completed into the Big Sioux: Brookings aquifer (Water Rights, 2024e).

## CONCLUSIONS:

1. Future Use Permit Application No. 8893-3 proposes to appropriate and to reserve for future use 720 acre-feet of water annually from the Brookings Management unit of the Big Sioux aquifer. The area to be reserved for future use is in the SW  $\frac{1}{4}$  of Section 8 and NE  $\frac{1}{4}$  Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use to be use by Brookings-Deuel Rural Water System. The rural water system currently serves customers in Deuel, Brookings, Grant, and Moody Counties in South Dakota, and Lincoln County in Minnesota. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately 3 miles northeast of Clear Lake, SD in Deuel County.
2. Brookings-Deuel 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. 8893-3 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 Big Sioux: Brookings aquifer.

4. At the time Brookings-Deuel Water System applies to construct and place the water to beneficial use reserved by Future Use Permit Application No. 8893-3, 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

- Drinking Water, 2024. Drinking Water Reports, SD DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Hamilton, L.J., 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota: Water-Resources Investigation Report 88-4185. USGS, Huron, South Dakota: U.S. Geological Survey.
- 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: Bed rock 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.
- Kume J., 1985. Water Resources of Deuel and Hamlin Counties, South Dakota; Water-Resources Investigations Report 84-4069 SDGS, Huron, South Dakota.
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- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2024a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
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- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, 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.**

October 2, 2024

Brookings-Deuel RWS  
c/o Reed Andries  
PO Box 340  
Toronto SD 57268

Dear Mr. Andries:

Water Permit Application No. 8893-3 for rural water system 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:

|                          |              |
|--------------------------|--------------|
| ✓Clear Lake Courier      | 605 874-2499 |
| ✓Grant County Review     | 605 432-4516 |
| Brookings Register       | 605 692-6271 |
| ✓Moody County Enterprise | 605 997-3725 |

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. 8893-3 to Reserve Water for Future Use

Notice is given that Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, has filed an application for a future use water permit. Application No. 8893-3 proposes to appropriate and reserve for future use 720 acre-feet of water annually from the Big Sioux: Brookings Aquifer located in the SW 1/4 Section 8 and NE 1/4 Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use by Brookings-Deuel Rural Water System. The rural water system serves customers in Deuel, Brookings, Grant, and Moody counties in South Dakota, and Lincoln County in Minnesota. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately three miles northeast of Clear Lake SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. 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 21, 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 21, 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 total approximate cost of \_

## Rodriguez, Rachel

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**From:** Rodriguez, Rachel  
**Sent:** Wednesday, October 2, 2024 9:15 AM  
**To:** mce6@mcisweb.com  
**Subject:** 8893-3 Brookings-Deuel RWS - Public Notice  
**Attachments:** 8893-3 public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 9, 2024.

Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, 605-794-4201 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](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, October 2, 2024 9:14 AM  
**To:** registerclassifieds@brookingsregister.com  
**Subject:** 8893-3 Brookings-Deuel RWS - Public Notice  
**Attachments:** 8893-3 public.short\_final.docx; FORM8.FRM.doc

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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](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, October 2, 2024 9:14 AM  
**To:** gcreview@itcmilbank.com  
**Subject:** 8893-3 Brookings-Deuel RWS - Public Notice  
**Attachments:** 8893-3 public.short\_final.docx; FORM8.FRM.doc

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Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, October 2, 2024 8:56 AM  
**To:** ClearLake  
**Subject:** 8893-3 Brookings-Deuel RWS - Public Notice  
**Attachments:** 8893-3 public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 9, 2024.

Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, 605-794-4201 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



Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

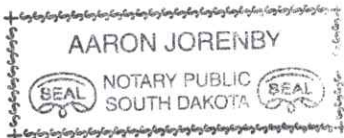
Leg# 40726 Notice of Application 8893-3

same was published, is hereto attached marked Exhibit "A" said newspaper for \_\_\_\_\_ 1 times, to-wit:

October 9, 2024

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty Seven Dollars and Ninety-One Cents \$47.91

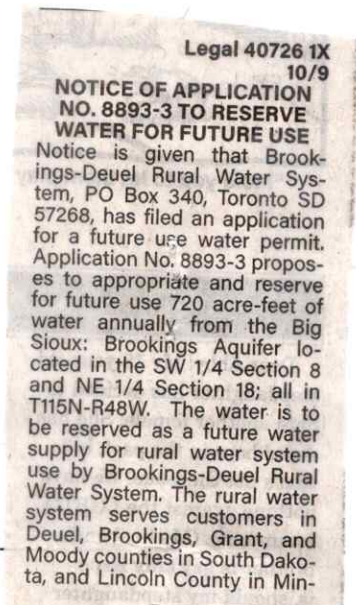


October \_\_\_\_\_

*[Signature]*  
\_\_\_\_\_ 10 day of

2024

Notary Public in and for the County of Brookings, South Dakota.  
My Commission expires February 22, 2026



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OCT 28 2024

OFFICE OF  
WATER

nesota. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately three miles northeast of Clear Lake SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. 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 21, 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 21, 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 October 9, 2024 at the total approximate cost of \$47.91 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

# Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA  
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, \_\_\_\_\_ Owner \_\_\_\_\_ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8893-3 To Reserve Water For Future Use, Brookings-Deuel Rural Water System a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on the day of each week on which the said newspaper was regularly published, to-wit:

|                  |           |           |           |
|------------------|-----------|-----------|-----------|
| <u>October 9</u> | <u>20</u> | <u>24</u> | <u>20</u> |
|                  | <u>20</u> |           | <u>20</u> |
|                  | <u>20</u> |           | <u>20</u> |

That \$ 44.03 being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

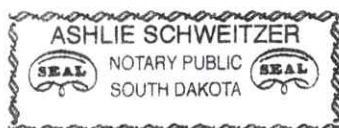
Holli Seehafer

Subscribed and sworn to before me this 9th day of Oct 2024

Ashlie Schweitzer

Notary Public, Grant County, South Dakota

My Commission Expires:  
September 21, 2027



Publication Fee \$ 44.03  
Notarial Fee \$ \_\_\_\_\_  
Total \$ 44.03

## NOTICE OF APPLICATION NO. 8893-3 TO RESERVE WATER FOR FUTURE USE

Notice is given that Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, has filed an application for a future use water permit. Application No. 8893-3 proposes to appropriate and reserve for future use 720 acre-feet of water annually from the Big Sioux: Brookings Aquifer located in the SW 1/4 Section 8 and NE 1/4 Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use by Brookings-Deuel Rural Water System. The rural water system serves customers in Deuel, Brookings, Grant, and Moody counties in South Dakota, and Lincoln County in Minnesota. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately three miles northeast of Clear Lake SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. 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 con-

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OCT 15 2024

OFFICE OF  
WATER

**Printer's Affidavit of Publication**  
and Attorney's Affidavit Ex-Rel. Fees

In \_\_\_\_\_ Court

STATE OF SOUTH DAKOTA  
COUNTY OF GRANT } ss.

Filed in the office of \_\_\_\_\_

day of \_\_\_\_\_

Attorney for \_\_\_\_\_

tested 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 21, 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 21, 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 an approximate cost of \$44.03 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

# Affidavit of Publication

STATE OF SOUTH DAKOTA  
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

*Noticed Application*  
*No. 8893-3*

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

*10-9-24*

that the full amount of the fee charged for the publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

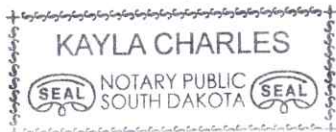
\$ *41.76*

*M. Headrick* bookkeeper

Subscribed and sworn to before me this day

*10-10*, 2024

*Kayla Charles*  
Notary Public, County Moody, South Dakota



## NOTICE OF APPLICATION NO. 8893-3 TO RESERVE WATER FOR FUTURE USE

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. 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 cost of \$41.76 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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OCT 15 2024

OFFICE OF  
WATER

County of

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT OF PUBLICATION**

Filed in the office of

\_\_\_\_\_

on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney for

\_\_\_\_\_

\_\_\_\_\_

## AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA  
COUNTY OF DEUEL

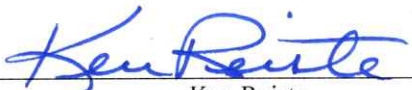
Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice

### Notice Of Application No.8893-3 To reserve Water for Future Use

paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

October 9, 2024

That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$47.22

  
Ken Reiste

Subscribed and sworn to before me

this 9th day of October,  
2024



Notary Public, South Dakota

My commission expires: 09-27-2027

KELSEY MONNIER



## Public notice

### NOTICE OF APPLICATION NO. 8893-3 to Reserve Water for Future Use

Notice is given that Brookings-Deuel Rural Water System, PO Box 340, Toronto SD 57268, has filed an application for a future use water permit. Application No. 8893-3 proposes to appropriate and reserve for future use 720 acre-feet of water annually from the Big Sioux: Brookings Aquifer located in the SW 1/4 Section 8 and NE 1/4 Section 18; all in T115N-R48W. The water is to be reserved as a future water supply for rural water system use by Brookings-Deuel Rural Water System. The rural water system serves customers in Deuel, Brookings, Grant, and Moody counties in South Dakota, and Lincoln County in Minnesota. This application does not authorize construction of works or application of water to beneficial use. This future use site is located approximately three miles northeast of Clear Lake SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Brookings-Deuel Rural Water System has shown a reasonable need to reserve water in the amount of 720 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. 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 21, 2024.

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OCT 11 2024

OFFICE OF  
WATER

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.

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Published once at the approximate cost of \$47.22. (35-1/133)

This notice may be viewed free of charge at [sdpublicnotices.com](http://sdpublicnotices.com) maintained pursuant to § 17-2-1.

## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, October 2, 2024 9:21 AM  
**To:** Reed-bdrws@itctel.com  
**Subject:** 8893-3 Brookings-Deuel RWS - Public Notice  
**Attachments:** 8893-3 Rec.pdf; 8893-3 Ltr.pdf; 8893-3 PubNotice.pdf

Good Morning Reed,

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

Brookings-Deuel Rural Water System  
c/o Reed Andries  
PO Box 340  
Toronto SD 57268

Dear Mr. Andries:

Enclosed is Future Use Permit No. 8893-3 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.:** 8893-3

**Name of Applicant:** Brookings-Deuel Rural Water System, Reed Andries

**Date of Posting:** 10/7/2024

**Date of Removal:** 11/1/2024

Ron Duvall, Engineer III

11/1/2024

Date

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

Notary Public - South Dakota

My commission expires:

(SEAL)

Rachel Rodriguez  
My Commission Expires  
May 16, 2029

