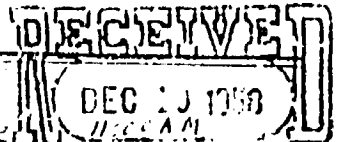


1. Considered Feb 5th, 1959 Appl. No. 369-1
2. Name of Applicant City of Belle Fourche
3. Post Office Address Belle Fourche
4. Amount of water claimed 8.0 cfs
5. Source of water supply ground water
6. Water to be used for Municipal use
Acres to be irrigated
7. Water to be diverted and used in Lawrence County about
12 miles South of Belle Fourche
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to
Not approved ☐
Action deferred ☐
10. Remarks:

Withdrawal for future use



No. 369-1
 Water Division No. 1 Belle Fourche
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION
 SIOUX FALLS, SOUTH DAKOTA

APPLICATION FOR PERMIT TO WITHDRAW WATER FOR FUTURE USE To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Belle Fourche
 Postoffice address Belle Fourche, County Butte, State South Dakota

I. If a corporation:

- (a) Name of same Municipal Corporation
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
future contracts

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
Adequate to accomplish purpose with future bond issues
 (d) Bonds to be issued, \$ if necessary (e) Other resources, \$ _____

2. Name of diversion work To be determined later
 3. Amount of water claimed 8.0 / (this is to be considered as additional to Permit #288-1)
 cubic feet per second
 4. Source of water supply ground water
 5. Location of point of diversion parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 28, T 8 N, R 2 E BHM / (see map No. 262-1) on Laurens bank Butte County.
 (exact locations to be furnished in the future as determined)
 6. Annual period or periods during which water is to be used Continuously
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

Municipal use

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

Map No. 262-1

8. Estimated cost of work:

(a) Head Gates, \$ To be determined when specifications are submitted in the future
(b) Pumping plant, \$
(c) Fluming, \$
(d) Canal earth, \$
(e) Other structures \$
Total, \$

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____

(b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width _____ feet; height _____ feet; Material _____

(d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work _____ years.
11. Time required for complete application of water to the proposed beneficial use _____ years.

12. Choice of newspaper for publication of notice of intention to appropriate _____

Belle Fourche

STATE OF SOUTH DAKOTA

County of _____

I, G. Q. Mateer, Supt. of Utilities

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of _____, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed _____

Subscribed and sworn to before me this _____ day of _____

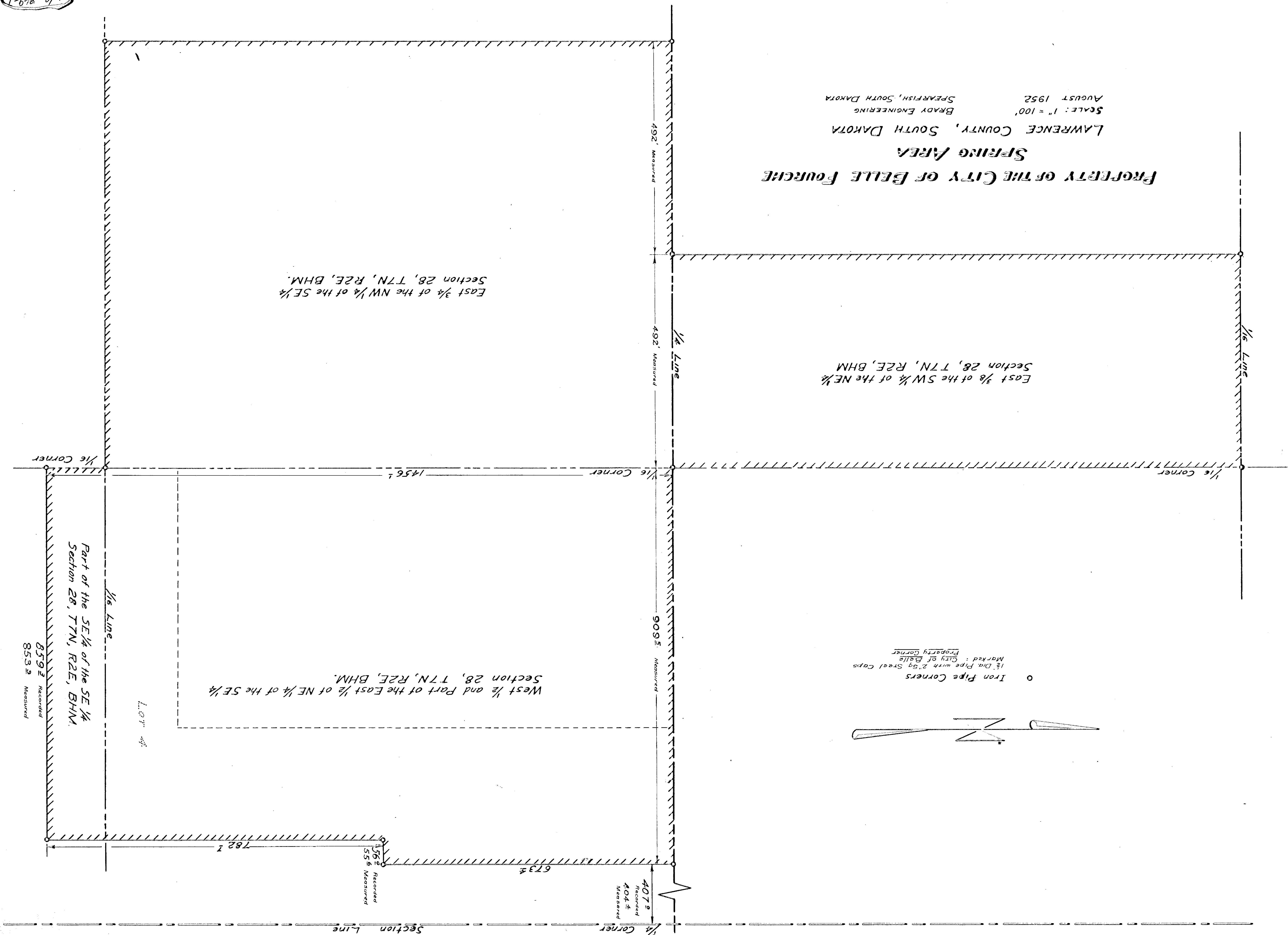
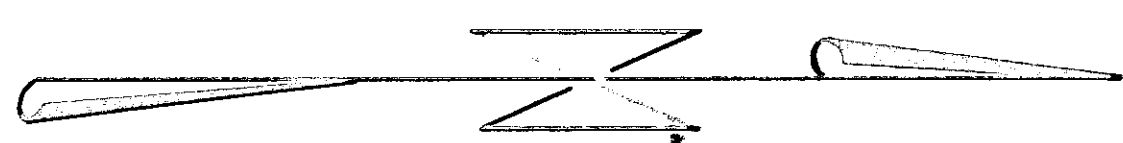
Notary Public (or other qualified officer.)

PROPERTY OF THE CITY OF BELLE FOURCHE
SPRING AREA
 LAWRENCE COUNTY, SOUTH DAKOTA
 BRADY ENGINEERING
 SPEARFISH, SOUTH DAKOTA
 SCALE: 1" = 100'
 AUGUST 1952

East $\frac{3}{8}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$
 Section 28, T7N, R2E, BHM

East $\frac{3}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
 Section 28, T7N, R2E, BHM.

0 Iron Pipe Corners
 $\frac{1}{2}$ " Dia. Pipe with 2" Sq. Steel Caps
 Marked: City of Belle Fourche
 Property Corner



W/C 849-1
 map # 262-1

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Plaghes } ss.

Pierre, South Dakota,

December 10, 1958

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock

9 a.m. upon the 10 day of December, 1958

State Water Resources Commission

By:

J. G. Brinner
Chief Engineer, Executive Officer

Number of permit 369-1

Date of first receipt of application December 10, 1958

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right December 10, 1958

Approved February 4, 1959, Recorded in Book 5 Page 107

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

D/A, 19— Specific applications for all or any part of the water appropriated under this withdrawal for future use when definite plans are formulated in the future.

2nd. The whole of said work is to be completed on or before D/A, 19—

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

D/A, 19—

4th. The water appropriated shall be used for the purpose of municipal use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.0 cfs cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before —, 19—; said water to be used during the following described annual period:

Continuously

Witness my hand this 2 day of March, 1959

State Water Resources Commission

By:

J. G. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
Butte } ss.
County _____

Laurence Woylar

_____ being duly
sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Daily Belle Fourche Post

_____ a newspaper which
during the whole time of publication of said notice herein
after stated, has been and is printed and published in the
city _____ of Belle Fourche

Butte

_____ and State of South Dakota;
that the said notice was published in said newspaper on the
following dates:

Dec. 31, 1958

Jan. 7, 1959

Jan. 14, 1959

Jan. 21, 1959

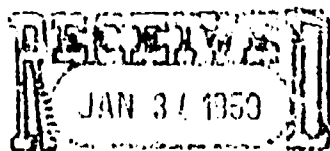
in each and every issue of the full number thereof the first
publication being made on the 31st day of Dec.

1958 and the last publication on the 21st

day of Jan. 1959

upon which days or times
of publication aforesaid the newspaper was regularly pub-
lished, and that during the whole time of said publication he
was Publisher the printer and publisher of
the said newspaper.*Laurence Woylar*

Subscribed and sworn to before me this 21st day of January A. D. 1959

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 29, 1965No. 369-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission
Pierre, S. Dak.
December 20, 1958Notice is hereby given that
the City of Belle Fourche whose
postoffice address is Belle
Fourche, S. Dak., has made an
application in accordance with
the provisions of the water laws
of South Dakota for a permit to
withdraw for future use 8.0 cu-
bic feet of water per second of
time from ground water through
future municipal developments,
the proposed points of diversion
are to be located in parts of
SW 1/4, N 1/4, SE 1/4 and the
SE 1/4 of the SE 1/4 of Section 23
Twp. 2N Range 2 E BHM. Said
water to be used for future mu-
nicipal purposes in the City of
Belle Fourche.This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon
the 4th day of February, 1959,
at 2:00 P. M. All interested per-
sons may appear and be heard.Appropriate action will be
taken by the Water Resources
Commission after suitable time
has elapsed for the considera-
tion of any or all information
presented.State Water Resources
Commission
By: Les Wyborny,
Water Rights Engineer
41 12/31 1/7-14-21

(First Publication before January 2, 1959)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., December 20, 1958

Notice is hereby given that the City of Belle Fourche whose postoffice address is Belle Fourche S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to withdraw for future use 6.0

cubic feet of water per second of time from xx ground water through xx
future municipal developments, the proposed points of diversion are to be located
SW 1/4, N 1/2, and the SE 1/4 of the SE 1/4 of Section 28
Twp. 7 N Range 2 EBIM Said water to be used for future municipal purposes in the City of Belle Fourche
following described land:

future municipal purposes in the City of Belle Fourche

And for future municipal purposes in the City of Belle Fourche

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

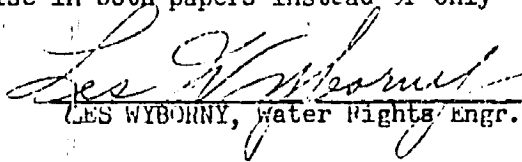
State Water Resources Commission

cc Miko Heinbaugh, Publisher
 The Queen City Mail
 Spearfish, S. D.

By: Lawrence Weyler
 Lawrence Weyler, Water Rights Engineer

Lawrence Weyler, Publisher
 The Daily Belle Fourche Post
 Belle Fourche, S. D.

Mr. Fred Lovell, City Auditor, Belle Fourche, South Dakota called at about 2:45 pm on December 19, 1958 and requested that we correct the Location of point of diversion from T 8N to T 7N and from Butte County to Lawrence County. He also requested that the paper in which to advertise be changed from the Belle Fourche Bee to both the Belle Fourche Post at Belle Fourche and the Queen City Mail at Spearfish, South Dakota. They wish to advertise in both papers instead of only one.


LES WYBORNYY, Water Rights Engr.

COMMISSION

John M. Garhart, Spearfish
 Lester Brue, Parker
 Carl Cronin, Gettysburg
 Lauren A. Davis, Belle Fourche
 Milton E. Fischer, Milbank
 Richard Lommen, Harrisburg
 Clarence D. Mortenson, Hayes
 Dick Fisher, Cresbard

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J.W. GRUMIS

Chief Engineer
 and
 Executive Officer

PHONE
 226 3584
 Area Code 605

March 26, 1970

Mr. Robert Haines, Auditor
 City of Belle Fourche
 Belle Fourche, South Dakota 57717

Dear Mr. Haines:

At the request of George Ross of Brady Engineering we are writing you regarding the water rights held by the City of Belle Fourche.

Water Right 288-1 is issued for 4.01 cubic feet per second from ground water, with a priority of 1921, with the water to be taken from the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T7N, R2E.

Water Permit 645-1 is a transfer of Cook Ditch water in the amount of 1.22 c.f.s., which was previously used to irrigate 49 acres. The priority is June 10, 1877 for the period April 1 to October 31, and March 2, 1962 for the remainder of the year. Under this change, the water is now taken from ground water rather than the diversion from the Cook Ditch. The diversion area for this permit is part of SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T7N, R2E.

Water Permit 369-1 is a "future use right", wherein the City of Belle Fourche reserved for future development 8.00 cubic feet per second of ground water to be developed from the same lands as listed in Permit No. 645-1. Priority for this permit is December 10, 1958.

As was indicated in our transmittal letter, when definite plans are formulated to develop all or part of the 8.00 c.f.s., specific applications must be submitted for the extent of the development.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
 Water Rights Specialist

BFJ/bw

cc: George Ross, Brady Engineering, S. Highway 1, Spearfish, S.D.

369-1

LAW OFFICES OF
STEPHENS, QUINN, CARR & TSCHETTER, P. C.

609 FIFTH AVENUE

P. O. BOX 500

HARRY R. STEPHENS
TERENCE R. QUINN
THOMAS E. CARR
ROBERT L. TSCHETTER

BELLE FOURCHE, SOUTH DAKOTA 57717

PHONE (605) 692-3501

December 24, 1975

PERMIT		
To	Initial	Date
11-50		
410		
1-100	OF	1/19

Mr. Ray DeKrammer
Department of Interior
Bureau of Reclamation
Huron, South Dakota 57350

Dear Mr. DeKrammer:

We are writing this letter to you at the request of the Belle Fourche City Council Water Committee. For the past two summers, the City of Belle Fourche has been experiencing some water shortage problems. The summer months, of course, are periods of peak water use.

The City of Belle Fourche obtains its water supply from underground springs through a shallow, perforated pipe gallery collection system. The water supply is located approximately 2½ miles north of the City of Spearfish, and just west of Spearfish Creek. The City is permitted to collect water in this fashion through water permits issued by the State Water Resource Commission. On December 10, 1958, the State of South Dakota Water Resource Commission issued to the City of Belle Fourche water permit no. 369-1. This permit is a future use permit for the appropriation of eight cubic feet per second of water. The City of Belle Fourche has met with the State Water Resource Commission concerning the development of this future use permit and the utilization of a portion of this eight cubic feet per second. However, the Water Resource Commission informed the City that it would not be able to develop this future use permit. The Water Resource Commission stated that all of the unappropriated water of Spearfish Creek and the spring supplying Spearfish Creek were appropriated by downstream users, and that any unappropriated water of the Spearfish Creek inured to the benefit of the Bureau of Reclamation in conjunction with its storage facilities at Orman Dam and the Belle Fourche Irrigation District project.

Mr. Ray DeKrammer
December 23, 1975
Page Two

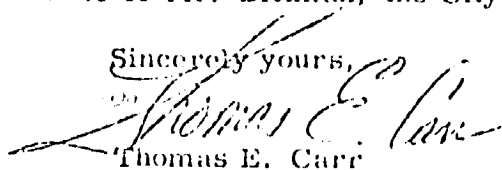
We are informed that the Bureau of Reclamation has two water permits, 0376-1 for 310 cubic feet per second from the Belle Fourche River and 0377-1 for 2,026 cubic feet per second from the Belle Fourche River. Our City Engineer, Allen Dittman, had a telephone conversation with you in October, 1975, concerning our water problem and the possibility of perhaps working something out with the Bureau of Reclamation so that the City of Belle Fourche could develop a portion of its future use permit.

The City of Belle Fourche has contacted the State Geological Survey Commission concerning the possibility of deep water wells. The City met with Mr. Fred Steece, a State Geologist stationed in Rapid City, South Dakota, concerning deep water well possibilities. Mr. Steece indicated that the only feasible location for deep water wells to provide the quality and quantity of water necessary for the City, would be at the present location of the City Water Supply System. However, there are a number of deep water irrigation wells in the general vicinity of our present City Water Supply System. These already existing deep water wells have prior water right permits and, therefore, there is the very strong likelihood of problems with deep water wells and the prior water right holders.

At this time, and also pursuant to Mr. Dittman's request, we would like to discuss the possibility of obtaining the Bureau's permission to develop two cubic feet per second of our future use right. The City would be concerned primarily with the months of peak usage, that being June, July and August. At any time when there is excess water from our collection system, this water flows into Spearfish Creek, then into Redwater River, and ultimately into the Belle Fourche River. Therefore, any water not used by the City of Belle Fourche would be available for storage and use in your facilities.

According to your water permits, you are entitled to withdraw 3,336 cubic feet per second from the Belle Fourche River. Your records for the year 1974, indicate that the maximum daily use by the Bureau was 845 cubic feet per second. If there is any possibility at all that something could be worked out concerning this matter and our request, we would greatly appreciate discussing this matter with you at greater length and in greater detail. We would very much appreciate hearing from you on this matter, and if you have any questions or desire additional information, please do not hesitate to contact me or Mr. Dittman, the City Engineer.

Sincerely yours,


Thomas E. Carr

TEC:gl

July 16, 1975

Thomas Carr
Stephens, Quinn and Carr, P.C.
P.O.Box 580
Belle Fourche, South Dakota 57717

Dear Mr. Carr:

Enclosed is a copy of Future Use Permit No. 369-1 held by the City of Belle Fourche. As we indicated, it is doubtful that the Commission could approve permits under this withdrawal for the shallow waters adjacent to Spearfish Creek for use during the irrigation season.

However, the withdrawal can apply to deep wells if the City decides to go this route.

If we can be of further assistance, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl: As stated

LAW OFFICES OF
STEPHENS, QUINN & CARR, P. C.

603 FIFTH AVENUE

P. O. BOX 520

BELLE FOURCHE, SOUTH DAKOTA 57717

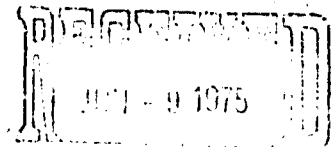
PHONE (605) 692-2501

HARRY H. STEPHENS

TERENCE R. QUINN

THOMAS F. CARR

ROBERT L. TSCHETTER



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

June 5, 1975

Mr. Burton F. Jones
Water Right Specialist
Water Rights Commission
Office Building #2
Pierre, South Dakota 57501

Dear Mr. Jones:

Thank you for your letter of June 3, 1975 concerning our inquiry of the Dingeman property. We would like to make an additional request of you, specifically, we would like to inquire into water rights and priorities and any appropriation filings on the following described real property.

Lot L in the Southeast Quarter of Section 20,
Township 7 North, Range 2 East, Black Hills
Meridian, Lawrence County, South Dakota
containing approximately 11.92 acres.

The property is presently owned by Allen L. Dittman and
Paula M. Dittman, husband and wife.

Also, we would make the same inquiry in Lots 1 through 10
in Block 1; Lots 1 through 4 in Block 2; the West 225 feet of Lot 1 and
Lots 2 through 7 in Block 3; and, Lots 1 through 4 in Block 4 of West
Subdivision, the same being platted and consisting of a portion of
the Southwest Quarter of the Southeast Quarter in Section 28, Township
7 North, Range 2 East, Black Hills Meridian, Lawrence County,
South Dakota.

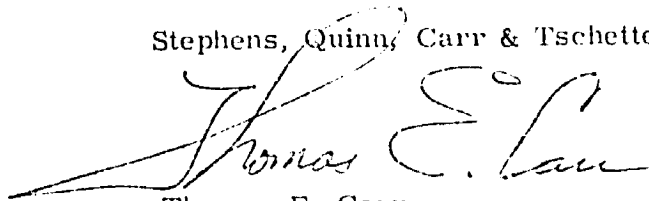
Mr. Burton F. Jones
June 5, 1975
Page 2

Any information you can give us concerning the water rights and any filing in your office would be most appreciated. These inquiries are being made on behalf of the City of Belle Fourche. The City is looking into the Dittman, West and Dingeman property as a possible additional City water source. Apparently, from my understanding, all three pieces of property have certain spring producing water and all are in the present proximity of the City's present water supply source. We greatly appreciate your efforts and time and cooperation in this matter.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely yours,

Stephens, Quinn, Carr & Tschetter, P.C.

A handwritten signature in dark ink, appearing to read "Thomas E. Carr". The signature is fluid and cursive, with a large initial "T" and "C".

Thomas E. Carr
Assistant City Attorney
City of Belle Fourche, SD

cc: Bill Schmidt

*P.S. The West Subdivision Property is
owned by Herman & Lois West*

393-1 and 645-1

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

June 30, 1975

Stephens, Quinn and Carr, P.C.
P.O. Box 580
Belle Fourche, South Dakota 57717

Attn: Thomas E. Carr

Gentlemen:

Reference is made to your letters and our telephone conversations regarding existing water rights on certain described lands.

A Water Resources Commission study of the existing water rights on Spearfish Creek in 1962 indicated that a J. Ward irrigated one field in the SW $\frac{1}{4}$, 9 $\frac{1}{2}$, Section 28, T7N, R2E, consisting of 32.5 acres, and one field of 36.5 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, same section. Source of water for both fields is the Cook Ditch. The use of water can be changed from irrigation to municipal use by following the same procedure as the City of Belle Fourche went through in Water Permit No. 645-1.

Water Permit No. 393-1 is held by the Spearfish Trout Farm, authorizing the use of 3.0 c.f.s. of water from a spring in Lot L, Section 20, T7N, R2E, for fish culture purposes. The Permit restricts this to non-consumptive use of the water. In other words the flows of the spring can be diverted through the fish hatchery, but must be returned to the stream in essentially the same amount and condition as it was diverted, so that it does not interfere with use of water by downstream prior appropriations. It is doubtful if the Commission could consider an application requesting conversion to a consumptive use of this water. This could interfere with Court adjudicated rights downstream.

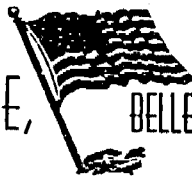
Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

CITY OF BELLE FOURCHE,



BELLE FOURCHE, SOUTH DAKOTA

At the New Center of the Nation
EQUAL OPPORTUNITY EMPLOYER

Mr. John Hatch
Chief Engineer, Water Rights Division
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501



Re: Future Use Water Permit No. 369-1

January 30, 1984

Dear Mr. Hatch: *John*

Pursuant to SDCL 46-1-14 and 46-5-38.1, the City of Belle Fourche requests that the South Dakota Water Management Board enter this letter into the official minutes of the hearing to be held at 1:30 p.m., February 15, 1984, to review Future Use Water Permit No. 369-1.

In order to insure continued available municipal water supplies from an existing underground gallery collection facility for which an 8 cfs Future Use Water Permit No. 369-1 has been filed, the City of Belle Fourche requests that Permit No. 369-1 be continued and amended to be subject to Water Management Board review as to accomplishment thereunder upon expiration of seven (7) years, and that the permit be approved for groundwater from gravels along Spearfish Creek and from the Minnelusa or Madison formations.

In 1982, the City invested over \$700,000 developing and putting to beneficial use an additional water source project adjacent to Belle Fourche which utilizes a deep well to the Madison formation. This additional source, in conjunction with previous sources, meet the immediate peak needs of Belle Fourche and barring unforeseen circumstances, will meet short term future peak needs.

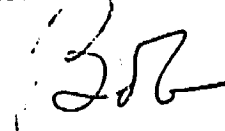
Although the City has no immediate projects or programs planned to utilize any part or all of this Future Use Permit, the permit provides a practical, economical, and adequate source of future municipal water. The U.S. Air Force is considering establishing support facilities here for a Bomb Radar Tracking Station to be located near Belle Fourche and the Bureau of Reclamation plans to rehabilitate the Belle Fourche Irrigation Project. These projects are expected to start within the next 3 to 5 years and may add substantially to the growth of Belle Fourche and peak water usage from this source could necessitate utilization of the Future Use Permit. Cancellation of this permit at this time could jeopardize future growth and development of Belle Fourche.

(Helmer to Hatch - Page 2)

The City of Belle Fourche would appreciate favorable consideration of this request to continue and amend Future Use Water Permit No. 369-1 by the South Dakota Water Management Board.

Sincerely yours,

CITY OF BELLE FOURCHE

A handwritten signature in dark ink, appearing to be 'RLH', is written over the typed name of the Mayor.

Robert L. Helmer, Mayor

RLH/etm

cc: File

Water Rights Division
605 773-3352

April 10, 1984

369-1

City of Belle Fourche
Robert L Helmer, Mayor
606 6th Ave
Belle Fourche SD 57717

Mayor Helmer:

At the February meeting of the Water Management Board they deferred action on extending the Cities future use permit until they received the following information: the amount of water to be reserved from each of the sources you indicate in your letter dated January 30, 1984. We need to know how much of the 8 cfs reserved by future use permit No. 369-1 is to come from the alluvium along Spearfish Creek and from the Madison and Minnelusa formations combined. If you have any questions concerning this please contact this office.

Thank you,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 24, 1984

NOTICE

To : Robert Helmer, Mayor, City of Belle Fourche
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 369-1

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 369-1, City of Belle Fourche will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, February 15, 1984 at 1:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 369-1, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 369-1 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 369-1 was approved February 4, 1959 with a priority date of December 10, 1958, for 8.0 cubic feet per second (cfs) from the following area: SW1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4 Section 28 T7N-R2E with the following qualification:

At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted and approved prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 369-1 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 369-1 with the following qualifications:
 - a) Permit No. 369-1 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

Equal Opportunity Employer

b) This permit is approved for groundwater from the Minnelus or Madison formation.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 363-1 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$140.00.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: William Noziska Finance Officer

S515.wr

CITY OF BELLE FOURCHE,

BELLE FOURCHE, SOUTH DAKOTA

City Hall, 606 6th Avenue

Belle Fourche, SD 57717

At the New Center of the Nation

EQUAL OPPORTUNITY EMPLOYER

Mr. Kevin C. Larson
Water Resources Engineer
S.D. Dept. of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Re: Future Use Water Permit No. 369-1

April 12, 1984

Dear Mr. Larson:

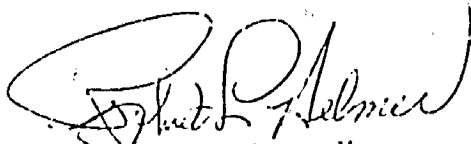
Your letter of April 10, 1984, has been received and the following additional information is provided:

- Reserve 4 cfs from Spearfish Creek Alluvium
- Reserve 2 cfs from the Minnelusa Formation
- Reserve 2 cfs from the Madison Formation

The City of Belle Fourche would appreciate favorable consideration of its request to continue and amend Future Use Water Permit No. 369-1 by the South Dakota Water Management Board.

Sincerely yours,

CITY OF BELLE FOURCHE


Robert L. Helmer, Mayor

RLH/etm

cc: File



**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

396-1

NOTICE

June 4, 1984

Robert L. Helmer, Mayor
City of Belle Fourche
606 6th Avenue
Belle Fourche, South Dakota 57717

Dear Mr. Helmer:

This letter is to inform you that the Water Management Board will reconsider Future Use Permit No. 369-1 for the City of Belle Fourche, June 11, 1984, at 2:30 p.m. in Conference Room 216, Joe Foss Bldg., Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 369-1, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 369-1 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 369-1 was approved February 4, 1959 with a priority date of December 10, 1958, for 8.0 cubic feet per second (cfs) from the following area: SW1/4, NE1/4, NE1/2SE1/4, SE1/4 SE1/4 Sec. 28, T7N, R2E with the following qualifications:

At such times as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 369-1 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 369-1 with the following qualifications:
 - a) Permit No. 369-1 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This permit is approved for groundwater: 4 cfs Spearfish Creek Alluvium, 2 cfs Minnelusa, 2 cfs Madison.

Equal Opportunity Employer

Robert L. Helmer, Mayor

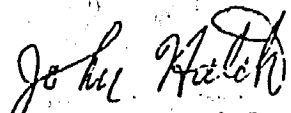
June 4, 1984

Page 2

If continued, at the end of seven years the permit will again be reviewed and if it is continued you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 369-1 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$140.00.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

d52909ks.wr

CITY OF BELLE FOURCHE,

BELLE FOURCHE, SOUTH DAKOTA

City Hall, 606 6th Avenue

Belle Fourche, SD 57717

At the New Center of the Nation

EQUAL OPPORTUNITY EMPLOYER

Mr. John Hatch, Chief Engineer
Water Rights Division
S.D. Dept. of Water & Natural Resources
Joe Foss Building
Pierre, S.D. 575701



Re: Future Use Permit No. 369-1
City of Belle Fourche

June 6, 1984

Dear Mr. Hatch:

Your notice of reconsideration by the Water Management Board of Future Use Permit No. 369-1 for the City of Belle Fourche has been recieved.

The City of Belle Fourche requests that Future Use Permit No. 369-1 be continued and amended with the following qualifications:

1. Permit No. 369-1 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. This permit is approved for groundwater: 4 cfs Spearfish Creek Allevium, 2 cfs Minnelusa, 2 cfs Madison.

If continued, the City will pay the projected 10% fee in seven years based upon the existing permit cfs which will be \$140.00.

It is requested that this letter be made a part of the hearing proceedings as comments from the City of Belle Fourche.

All future correspondence regarding this matter should be addressed to:

Leslie C. Snoozy, Mayor
City of Belle Fourche
606 6th Avenue
Belle Fourche, S.D. 57717

Sincerely yours,

FOR THE CITY OF BELLE FOURCHE

Leslie C. Snoozy
Leslie C. Snoozy, Mayor

LCS/sn

cc: File



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

July 26, 1984

Future Use Permit
No. 369-1

Robert L. Helmer, Mayor
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mayor Helmer:

This letter is in regard to the motion passed by the Water Management Board July 12, 1984 after review of Belle Fourche's Future Use Permit No. 369-1. The Board continued Permit No. 369-1 and amended the Permit to add the qualification on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 369-1 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

ks

encl.

cc: finance officer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 369-1

FOR THE CITY OF BELLE FOURCHIE

Future Use Permit No. 369-1 was continued by action of the Water Management Board July 12, 1984 and amended to add the following qualifications:

- a) Permit No. 369-1 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater: 4 cfs Spearfish Creek Alluvium, 2 cfs Minnelusa, 2 cfs Madison

369-1

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 17, 1991

Willard Pummel, Mayor
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1496

Dear Mayor Pummel:

I am writing in regard to the seven year review of Future Use Water Permit No. 369-1 which is held by the City of Belle Fourche. Currently, our records show that 8.0 cubic feet of water per second remain in reserve under this future use permit which was issued in 1959.

Permit No. 369-1 will be scheduled for review by the Water Management Board on July 24, 1991 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 369-1.

Please respond in writing by June 15, 1991, regarding the City's intention for the future use permit. If the City of Belle Fourche does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Larry Little, City Engineer

CITY OF BELLE FOURCHE,

BELLE FOURCHE, SOUTH DAKOTA

City Hall, 606 6th Avenue

Belle Fourche, SD 57717

At the New Center of the Nation

EQUAL OPPORTUNITY EMPLOYER

Engineering Department

June 12, 1991



Karen Schlaak
DFNR
523 East Capitol
Pierre, SD 57501-0181

Ref: Future Use Water Permit No. 369-1

Dear Karen Schlaak:

The City of Belle Fourche hereby requests that Future Use Water Permit No. 369-1 be retained for the City of Belle Fourche.

We feel that retention of the Permit is essential for the following:

1. We feel that there will be a growth in population in the City of Belle Fourche. Although the latest census showed a slight decline, we feel that we now are back up to the 1980 census levels because of vigorous activity in the Northern Hills during the past year. We feel that the resurgence of growth will now continue.
2. We have been requested by American Colloid to allow them to hook up to city water. American Colloid is a vital industry that we may need to supply.
3. Residents outside the city limits are requesting water. It may be prudent to furnish them water since they are important trade partners with us.
4. If our Madison wells in Belle Fourche substantially affect each other, we will definitely need Future Use Permit 369-1 for these future needs.

Yours truly,

Larry E. Little
Larry E. Little
City Engineer

LEL:ss
Encl.

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 17, 1991

Larry Little, City Engineer
City of Belle Fourche
City Hall
606 6th Avenue
Belle Fourche, SD 57717

COPY

RE: Future Use Water Permit No. 369-1

Dear Mr. Little:

I am writing regarding the review of the City of Belle Fourche's Future Use Permit No. 369-1 which you have asked be retained. As part of our review process I would request that you provide the city's annual pumping records for the past three years. This pumping information is used to show need and to determine the recommended amount of water to be retained by the future use permit.

If you have any questions regarding the review process, please feel free to contact me. Thank you for your cooperation.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

September 23, 1991

Larry Little, City Engineer
City of Belle Fourche
606 6th Avenue
Belle Fourche SD 57717

Dear Mr Little:

On June 17, 1991, we notified you that in order to review Future Use Water Permit No. 369-1 held by the City of Belle Fourche, it would be necessary for the City to provide annual pumping records for the past three years. This information is used to show need and to determine the recommended amount of water to be retained by the future use permit. To date, we have not received a response from you.

Permit No. 558-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAAK
Natural Resources Analyst
605 773-3352

CITY OF BELLE FOURCHE,



BELLE FOURCHE, SOUTH DAKOTA

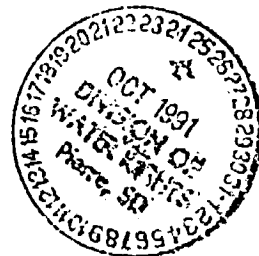
City Hall, 606 6th Avenue

Belle Fourche, SD 57717

At the New Center of the Nation

EQUAL OPPORTUNITY EMPLOYER

October 23, 1991



Eric Gronlund
Water Rights Division
DENR
523 E. Capitol
Pierre, SD 57501-3131

Ref: Future Use Water Permit No. 369-1

Dear Mr. Gronlund:

Enclosed are the City of Belle Fourche pumping records for 1988, 1989 and 1990.

I had the 1990 records available on 7-8-91 and thought I had sent them to you until yesterday when I found the unfinished letter.

We do feel that the Future Use Permit is necessary and will want to appear before the Board when the matter is discussed.

The City Council is receiving a multitude of requests to furnish water to people outside our City limits.

I apologize for our slow response in furnishing the necessary information. As more information is requested, we resolve to respond in a timely manner.

Yours truly,

Larry E. Little
City Engineer

LEL:ss

1990 ANNUAL REPORT

LIFT STATION

TOTAL HOURS -- 4,123.5

191,742,750 GALLONS

WATER METERED FROM THE SOURCES

<u>MONTH</u>	<u>NORTH WATER WELL</u>	<u>SOUTH WATER GALLERY</u>	<u>TOTAL</u>
JAN.	9,469,000	12,009,000	21,478,000
FEB.	6,140,000	10,908,000	17,048,000
MAR.	5,912,000	12,332,000	18,244,000
APRIL	7,061,000	15,868,000	22,937,000
MAY	7,488,000	16,287,000	23,775,000
JUNE	12,137,000	32,808,000	44,945,000
JULY	5,633,000	48,611,000	54,244,000
AUG.	10,459,000	46,327,000	56,786,000
SEPT.	6,778,000	32,158,000	38,946,000
OCT.	3,725,000	21,744,000	25,469,000
NOV.	3,373,000	17,590,000	20,963,000
DEC.	4,266,000	14,030,000	18,296,000
TOTAL	82,449,000 GALLONS	280,182,000 GALLONS	363,131,000 GALLONS

REPORT PREPARED BY: Gary Alickson
 Gary Alickson
 Director of Public Works

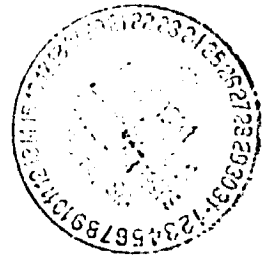
1-18-91

WATER USAGE NORTH WELL

<u>1988</u>		<u>1989</u>
11,391,000	JANUARY	9,797,000
8,944,000	FEBRUARY	9,563,000
9,724,000	MARCH	12,004,000
5,280,000	APRIL	4,637,000
7,817,000	MAY	7,580,000
9,980,000	JUNE	7,156,000
9,053,000	JULY	6,823,000
7,817,000	AUGUST	8,088,000
9,575,000	SEPTEMBER	6,712,000
7,467,000	OCTOBER	2,999,000
8,054,000	NOVEMBER	2,124,000
9,964,000	DECEMBER	10,189,000
105,166,000	TOTAL	87,672,000

WATER USAGE SOUTH WATER GALLERY

<u>1988</u>		<u>1989</u>
10,173,000	JANUARY	10,234,000
9,095,000	FEBRUARY	10,229,000
10,795,000	MARCH	10,024,000
19,299,000	APRIL	18,257,000
24,836,000	MAY	20,712,000
44,817,000	JUNE	34,645,000
53,682,000	JULY	41,312,000
54,923,000	AUGUST	45,757,000
30,317,000	SEPTEMBER	29,440,000
18,206,000	OCTOBER	20,863,000
11,012,000	NOVEMBER	20,606,000
11,519,000	DECEMBER	14,587,000
298,674,000	TOTAL	276,666,000





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 4, 1992

City of Belle Fourche
Larry E Little, City Engineer
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Little:

I am writing in regard to the seven year review of Future Use Water Permit No. 369-1 from groundwater which is held by the City of Belle Fourche. We have received your October 23, 1991 letter requesting the retention of this permit. A copy of the draft recommendation is enclosed for your review.

As a part of review future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Administrative Rule of South Dakota 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you feel the recommended amount to remain in reserve does not adequately meet your communities future development needs, please provide this office with additional justification for a greater amount. It is our hope that by sending you this draft recommendation to provide you an opportunity to comment on the review of the city's future use permit prior to publishing the notice of hearing.

I would appreciate your comments regarding the draft recommendation at your earliest convenience. If I do not hear from you by March 15, 1992, I will schedule the publication of the notice of hearing with the recommendation as enclosed so that the review of this permit can take place at the May, 1992 Water Management Board meeting.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Belle Fourche's Future Use Permit No. 369-1

ADDRESS: _____ COUNTY: _____

DATE: 2/6/92 TELEPHONE: _____

RE: Conversation with Larry Little

COMMENTS:

Mr. Little called regarding the review of future use permit and the subsequent draft recommendation we sent to him on February 4, 1992. Mr. Little stated that the city's water usage was greatest in 1983 not in 1989 and that it would make small difference in the amount allowed to remain in reserve.

I checked the file and in 1988 the city use 1,268 acre-feet of water as opposed to 1,118 acre-feet in 1989. Doubling the 1988 annual water use would be 2,478 acre-feet of water. With this change Mr. Little was in agreement with our recommendation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Nordlund

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Belle Fourche - Future Use Permit No. 369-1

ADDRESS: _____ COUNTY: _____

DATE: 2/13/92 TELEPHONE: _____

RE: Conversation with Larry Little, City Engineer

COMMENTS:

Mr. Little returned my phone call regarding the review of the City of Belle Fourche's Future Use Permit No. 369-1. I stated that when this future use permit was reviewed back in 1984 that the 8 cfs from groundwater was apportioned to 4 cfs from Spearfish Creek Alluvium, 2 cfs from the Minnelusa Formation and 2 cfs from the Madison Formation. I told him that we felt that in converting from a diversion rate to acre-feet that the we would need to apportion the acre-feet annually accordingly. This would make the recommendation be as follows:

- 1,238 acre-feet annually from Spearfish Creek Alluvium
- 620 acre-feet annually from the Madison Formation
- 620 acre-feet annually from the Minnelusa Formation

Mr. Little understood that we needed to take this approach to the review of the future use permit

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric H. Lund



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 24, 1992

Spearfish Queen City Mail
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Erie Gronlund
Erie Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Water Rights Division
No. _____ Joe Foss Building
Pierre SD 57501-3181
Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 24, 1992

Belle Fourche Post
Box 400
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on April 1, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name

Newspaper

REDUCTION RATIO

20% NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

Eric H. Gronlund



March 24, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

Larry Little, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Little:

Future Use Permit No. 369-1 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Belle Fourche Daily Post, Belle Fourche SD and the Queen City Mail, Spearfish SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on April 1, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved February 4, 1959 to reserve 4 cubic feet of water per second (cfs) from Spearfish Creek Alluvium, 2 cfs from Minnelusa Formation and 2 cfs from the Madison Formation located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 all in Section 28-T7N-R2E. Water is reserved for future municipal use by the City of Belle Fourche.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 369-1 REMAIN in EFFECT for 1,238 acre-feet annually from Spearfish Creek Alluvium, 620 acre-feet annually from the Minnelusa Formation and 620 acre-feet annually from the Madison Formation because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 6, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 27, 1992. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 27, 1992.

copy

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA

County _____

I, _____

certify that the attached printed Notice v
from the _____

A newspaper which during the whole time of pul
said notice herein after stated, has been and is p
published in the _____

State _____ of _____

County of _____ and State of Sou
that the said notice was published in said newsp
following two dates:

[Signature]
(Signature)

(Title)

April 3, 1992

(Date Signed)

Cost of Printing: _____

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 369-1-

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by permit No. 369-1. This permit was approved February 4, 1959 to reserve 4 cubic feet of water per second (cfs) from Spearfish Creek Alluvium, 2 cfs from Minnelusa Formation and 2 cfs from the Madison Formation located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 all in Section 28-T7N-R2E. Water is reserved for future municipal use by the City of Belle Fourche.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 369-1 REMAIN in EFFECT for 1,238 acre-feet annually from Spearfish Creek Alluvium, 620 acre-feet annually from the Minnelusa Formation and 620 acre-feet annually from the Madison Formation because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 6, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may

be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 27, 1992. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 THRU 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 27, 1992.

P24/1-8

*being sent to
City of Belle Fourche
along with notice*

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) SS.

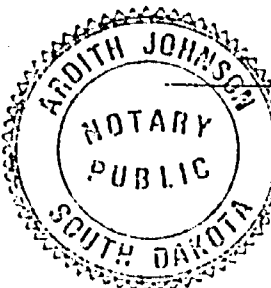


Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 1 day of APR 1992 and the last publication on the 8 day of APR 1992 that the full amount of fees charged for publishing same, to-wit: The sum of \$ 55.21, insures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 8 day of APR 1992.



Notary Public, Lawrence County, South Dakota
My commission expires: 12-29-92

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave., Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved February 4, 1959 to reserve 4 cubic feet of water per second (cfs) from Spearfish Creek Alluvium, 2 cfs from Minkelusa Formation and 2 cfs from the Madison Formation located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 SE 1/4 all in Section 28-T7N-R2E. Water is reserved for future municipal use by the City of Belle Fourche.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 369-1 REMAIN in EFFECT for 1,238 acre-feet annually from Spearfish Creek Alluvium, 620 acre-feet annually from the Minkelusa Formation and 620 acre-feet annually from the Madison Formation because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on May 6, 1992 at 10:00 A.M.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by APR 21 1992. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

over

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 27, 1992.

103

S-630
April 1, 8



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 10, 1992

Larry Little, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Little:

I am writing to advise you that the legal notice of hearing published in the Queen City Mail for Review of Future Use Permit No. 369-1 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Future Use Permit is free from legal problems due to inaccurate and incomplete public notice. The notice will have to be readvertised in the Belle Fourche and Spearfish papers again. The future use reviews will not be considered at the May 4, 1992 Water Management Board meeting. We will contact you when the notices are to be published again.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 13, 1992

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

Larry Little, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Little:

On April 10, 1992 you were notified Review of Future Use Permit No. 369-1 would be delayed because of an error in the Notice of Hearing published in the Queen City Mail. The review is now scheduled for the September 30, 1992 Board meeting. The notice of hearing has been sent to the Publisher of the Belle Fourche Daily Post, Belle Fourche SD and the Queen City Mail, Spearfish SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 13, 1992

Belle Fourche Post
Box 400
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on August 19, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
No. _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181
Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____ ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 13, 1992

Spearfish Queen City Hall
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on August 19, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund

Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
No. _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181
Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on August 19, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved February 4, 1959 to reserve 4 cubic feet of water per second (cfs) from Spearfish Creek Alluvium, 2 cfs from Minnelusa Formation and 2 cfs from the Madison Formation located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 all in Section 28-T7N-R2E. Water is reserved for future municipal use by the City of Belle Fourche.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 369-1 REMAIN in EFFECT for 1,238 acre-feet annually from Spearfish Creek Alluvium, 620 acre-feet annually from the Minnelusa Formation and 620 acre-feet annually from the Madison Formation because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on September 30, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 18, 1992. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired can contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by September 18, 1992. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 18, 1992. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 369-1, City of Belle Fourche SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 369-1, City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

The Chief Engineer is recommending that Future Use Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 369-1, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 369-1, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 369-1 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.



JOHN HATCH, Chief Engineer
August 24, 1999



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 24, 1999

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

Terry Wolterstorff, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Wolterstorff:

Future Use Permit No. 369-1 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Belle Fourche Post (Phone #892-2528). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 24, 1999

Belle Fourche Post
Box 400
Belle Fourche SD 57717-0400

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on September 1, 1999 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL** the **APPLICANT** for the cost of publication. The **APPLICANT** is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of August 24, 1999 enclosing Notice of Hearing to Review Future Use Water Permit No. 369-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on September 1, 1999 with 2nd publication 7 days later. The City of Belle Fourche is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 AF annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on September 29, 1999 at 1:30 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 20, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 20, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 20, 1999. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Butte) SSI, Joan Lewis

certify that the attached printed Notice was taken

from the Belle Fourche Postprinted and published in Belle FourcheCounty of Butte and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Sept. 1, 1999Sept. 8, 1999Cost of Printing 59.72Joan M. Lewis
(Signature)Boo R. Peepes
(Title)9/8/99
(Date Signed)NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 608 6th Ave., Belle Fourche, SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves a total of 2,478 acre-feet (AF) annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) located in the SW1/4 NE1/4, N1/2 SE1/4 and SE1/4 SE1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN IN EFFECT for a total of 2,478 AF annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on September 29, 1999 at 1:30 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 20, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel. If legal counsel is obtained, the permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74.02:01:25.01 thru 74.02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 20, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 20, 1999.

Nettie H. Myers, Secretary
Department of
Environment and
Natural Resources

P219/1-8



OK



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 7, 1999

NOTICE

Terry Wolterstorff, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717

Dear Mr. Wolterstorff:

I am writing in response to action taken by the Water Management Board at the hearing on September 29, 1999 to review Future Use Permit No. 369-1. The Board allowed the permit to remain in effect for a total of 2,478 acre-feet of water annually. Future Use Permit No. 369-1 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 369-1 is \$70.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

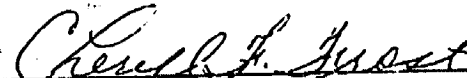
cc: Gloria Lamphere, Finance Officer

CERTIFICATION

I hereby certify that on October 7, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 7, 1999, regarding action taken by the Water Management Board at the hearing on September 29, 1999, to review Future Use Permit No. 369-1, addressed as stated below:

Terry Wolterstorff, City Engineer, City of Belle Fourche, 606 6th Ave., Belle Fourche, SD 57717.

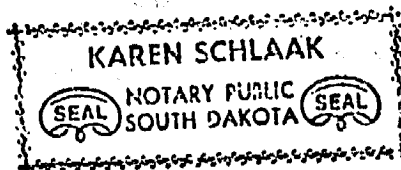
Gloria Lamphere, Finance Officer, City of Belle Fourche, 606 6th Ave., Belle Fourche, SD 57717.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of October, 1999


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416225

Pierre, October 20, 1999

RECEIVED OF City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717-1496
following amount in fees for services rendered as provided for by law:

for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
for Application for Permit No. <u>369-1</u> to Appropriate Water, for Future Use _____	70	00
to retain Future Use Permit No. _____ after period of seven years.		
for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
for Filing Transfer Form _____		
for Filing Extension Request _____		
for _____		
(Any Other Work Provided by Law)	Total	70 00

By

Chief Engineer

John Hatch

JOHN HATCH, Chief Engineer



369-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 19, 2006

Terry Wolterstorff, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1496

Dear Mr. Wolterstorff:

I am writing in regard to the seven year review of Future Use Water Permit No. 369-1 from groundwater which is held by the City of Belle Fourche. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) remain in reserve under this future use permit that was issued in 1959 and last reviewed in 1999.

Please respond in writing by August 31, 2006, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 369-1 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF BELLE FOURCHE

606 6TH AVENUE
BELLE FOURCHE, SOUTH DAKOTA 57717-1407

PHYSICAL LOCATIONS:

CITY HALL/FINANCE OFFICE

606 6TH AVENUE
605/892-2494
FAX: 605/892-2784
E-MAIL: finance@bellefourche.org

ENGINEERING

513 GRANT STREET
605/892-3006
FAX: 605/723-0897
E-MAIL: engineer@bellefourche.org

CITY SERVICES

606 6TH AVENUE
605/892-2674
FAX: 605/892-2784

POLICE DEPARTMENT

1010 8TH AVENUE
605/892-4354
FAX: 605/892-4504

FIRE DEPARTMENT

605 NATIONAL STREET
605/892-6237
FAX: 605/892-2784

BELLE FOURCHE AIRPORT

HIGHWAY 85 NORTH
605/892-6345
FAX: 605/892-2784

COMMUNITY CENTER

1111 NATIONAL STREET
605/892-2467
FAX: 605/892-3536
E-MAIL: bfacc@bellefourche.org

COMMUNITY HALL

508 6TH AVENUE
605/892-2467
FAX: 605/892-3536

LIBRARY

905 5TH AVENUE
605/892-4407
FAX: 605/892-2784
E-MAIL: bfplib@yahoo.com

PACKAGE LIQUOR STORE

1845 5TH AVENUE
605/892-4125
FAX: 605/892-2784

PUBLIC WORKS

516 FAULK STREET
605/892-3414
FAX: 605/723-0145
E-MAIL: pubworks@bellefourche.org

LANDFILL

61 NORTH 8TH AVENUE
605/892-3530
FAX: 605/723-0145

PINESLOPE CEMETERY

170 WEST HWY 34
605/892-3735
FAX: 605/723-0145

TRI-STATE MUSEUM

415 5TH AVENUE
605/ 723-1200
FAX: 605/ 892-2784
E-MAIL: tristatemuseum@rushmore.com

RECEIVED

AUG 25 2006

WATER RIGHTS
PROGRAM

August 24, 2006

Karen Schlaak
SD DENR
523 East Capitol
Pierre, SD 57501

Dear Ms. Schlaak:

This correspondence is in regard to Future Use Water Permit No. 369-1 for the City of Belle Fourche. The City would like to retain the Future Use Water Permit to allow for continued expansion and growth of our community. Listed below are pumping records for the past 5 years:

2001: 1,132 acre-ft annually
2002: 1,184 acre-ft annually
2003: 1,097 acre-ft annually
2004: 1,125 acre-ft annually
2005: 1,228 acre-ft annually

If you have any questions on the information listed above please contact me at 892-3006.

Sincerely,

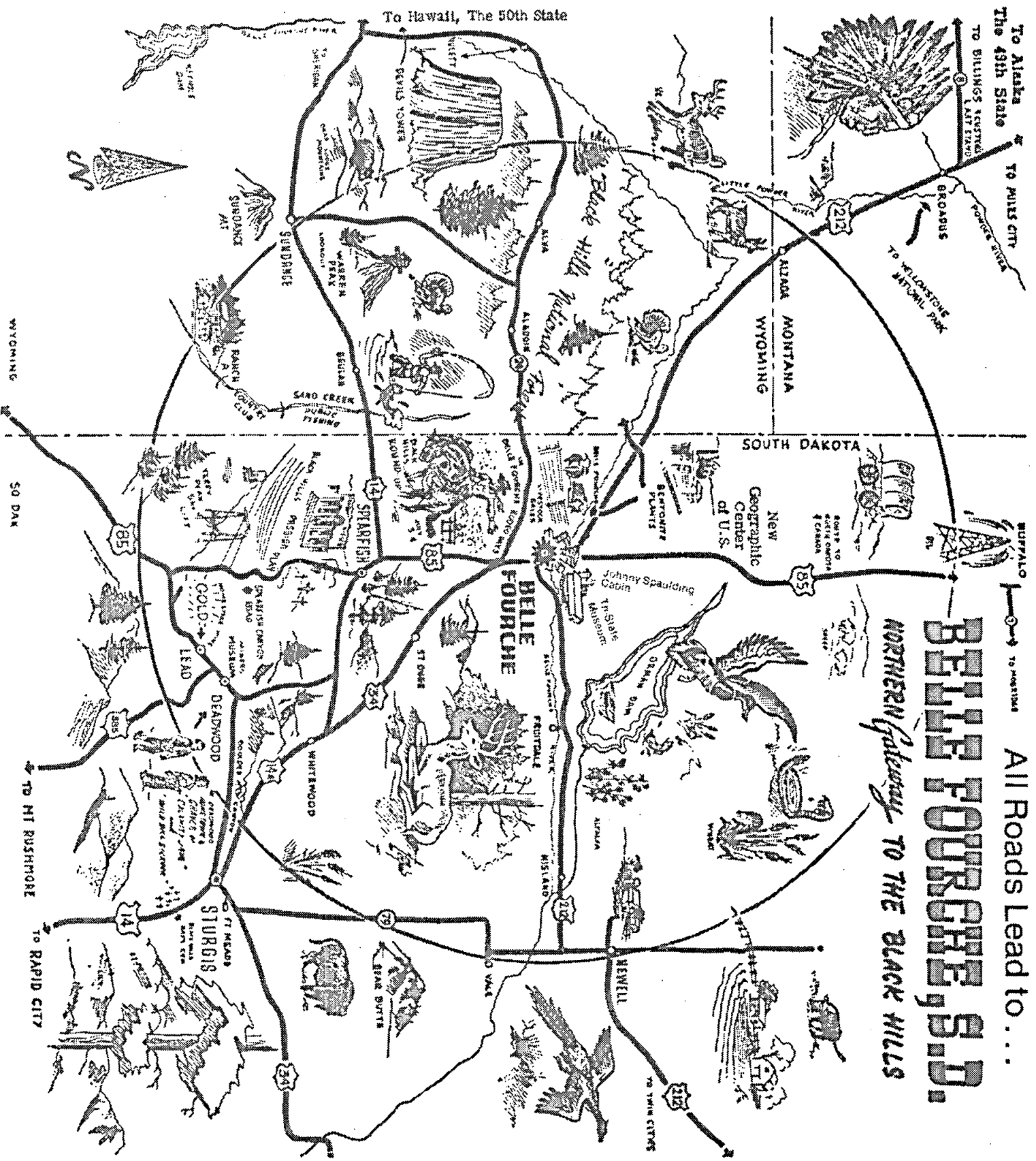
Terry Wolterstorff, PE
City Engineer

To Alaska
The 49th State
TO BILINGS MOUNTED
LAST FLY
TO BUTTE CITY
TO YELLOWSTONE NATIONAL PARK

All Roads Lead to...

BELLE FOURCHE, S.D.

NORTHERN Gateway TO THE BLACK HILLS



To Hawaii, The 50th State

SOUTH DAKOTA

ALBANY MONTANA WYOMING

WYOMING

SO DAK

TO MT RUSHMORE

TO RAPID CITY



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 369-1, City of Belle Fourche SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 369-1, City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717-1496.

The Chief Engineer is recommending that Future Use Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 369-1, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 369-1, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 369-1 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
September 5, 2006



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 5, 2006

Belle Fourche Post
PO Box 400
Belle Fourche SD 57717-0400

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published twice. Please publish the first notice on (wed) with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of September 5, 2006 enclosing Notice of Hearing to Review Future Use Water Permit No. 369-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 5, 2006

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

Terry Wolterstorff, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1496

Dear Mr. Wolterstorff:

Future Use Permit No. 369-1 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Belle Fourche Post printed at Belle Fourche SD (Phone #605 892-2528). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on September 13, 2006 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and last reviewed in 1999 currently reserves a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) located in the SW ¼ NE ¼, N ½ SE ¼ and SE ¼ SE ¼ Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 8:30 am, October 11, 2006 at the Visitor Center (west side of Capitol Lake) 650 E. Capitol Avenue, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by October 2, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by October 2, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 2, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Cathy Dabney, being duly sworn, says: That the *Belle Fourche Post* or *Belle Fourche Bee* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as an Office Manager by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

SEPTEMBER 9	200	6	200
SEPTEMBER 16	200	6	200
	200		200
	200		200
	200		200

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 0, insures solely to the benefit of the publisher of said newspaper: that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

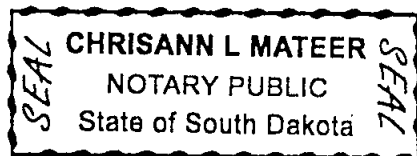
C Dabney
Office Manager

Subscribed and sworn to before me this

9th day of October, 2006

Chrisann L. Mateer

Notary Public, South Dakota



My Commission Expires Nov. 19, 2007

RECEIVED

OCT 11 2006

WATER RIGHTS
PROGRAM

Account No. _____

Total Amount 0

Public Notices

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and last reviewed in 1999 currently reserves a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) located in the SW 1/4 NE 1/4, N 1/4 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 8:30 am, October 11, 2006 at the Visitor Center (west side of Capitol Lake) 650 E. Capitol Avenue, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by October 2, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing ad-

dress of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by October 2, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 2, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Publ. Sept. 9, 16, 2006
Belle Fourche Bee**

Water Rights Program - File Documentation

NAME: Belle Fourche paper

ADDRESS: Belle Fourche SD

DATE: 9-18-06 **COUNTY:** Butte **TELEPHONE:** 605 892-2528

RE: Publication Notice of future use review

COMMENTS:

I called the Belle Fourche paper to have them fax me a copy of the 1st publication of the Notice to Review Future Use Permit No. 369-1 which was to be published on September 13th. After review of the notice, I called Melissa with the paper, to give her a correction.

Melissa said the notice was published in the Saturday paper on September 9th and again on the 16th. Belle Fourche has two papers; one published on Saturdays, the other on Wednesday.

I discussed this with Eric and we determined if the correct notice was published again on September 20th, the notice would meet the legal requirements.

Helen with the City of Belle Fourche also called stating that the Saturday paper is the city's legal paper. I explained that our requirements are that the notice be published in one of the legal newspaper in the county.



Karen Schlaak
Environmental Scientist

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Cathy Dabney, being duly sworn, says: That the *Belle Fourche Post* or *Belle Fourche Bee* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as an Office Manager by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>SEPTEMBER 20</u> 200 <u>6</u>	_____ 200_____
_____ 200_____	_____ 200_____
_____ 200_____	_____ 200_____
_____ 200_____	_____ 200_____
_____ 200_____	_____ 200_____

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$, insures solely to the benefit of the publisher of said newspaper: that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

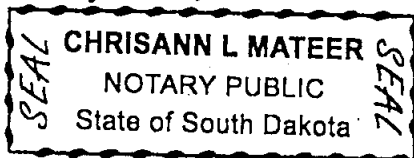
Cathy Dabney
Office Manager

Subscribed and sworn to before me this

2nd day of October, 2006

Chrisann L. Mateer

Notary Public, South Dakota



My Commission Expires Nov. 19, 2007

Account No. _____

Total Amount _____

RECEIVED
OCT - 3 2006
WATER RIGHTS
PROGRAM

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 369-1**

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 606 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and last reviewed in 1999 currently reserves a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 8:30 am, October 11, 2006 at the Visitor Center (west side of Capitol Lake) 650 E. Capitol Avenue, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by October 2, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-

5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by October 2, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 2, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**Publ. Sept. 20, 2006
Belle Fourche Post**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 13, 2006

NOTICE

Terry Wolterstoffs, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1407

Dear Mr. Wolterstoffs:

I am writing in response to action taken by the Water Management Board at the hearing on October 11, 2006 to review Future Use Permit No. 369-1. The Board allowed the permit to remain in effect for a total of 2,478 acre-feet [AF] annually (1,238 AF from Spearfish Creek Alluvium, 620 AF from Minnelusa Formation and 620 AF from Madison Formation). Future Use Permit No. 369-1 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 369-1 is \$70.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

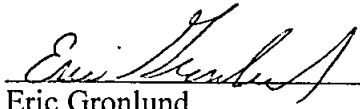
CERTIFICATION

I hereby certify that on October 13, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 13, 2006 regarding Notice of action taken by the Water Management Board for Future Use Permit No. 4051-3, 747-3 & 369-1 addressed as stated below:

369-1
Terry Wolterstoff City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1407

747-3
Jerry Mikel Public Works Director
City of Madison
PO Box 308
Madison SD 57042-0308

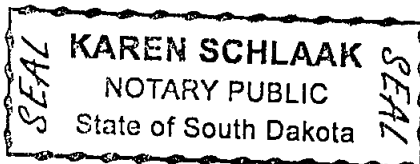
4051-3
Dell Jacobson Mayor
Town of Florence
PO Box 137
Florence SD 57028


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



369-1

NOTES

RECEIPTDATE 1-23-07 NO. 4184RECEIVED FROM City of Belle FourcheADDRESS \$50 2007 NPDESFOR \$70 Fees Use Permit # 369-1 \$120

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK		✓
BALANCE DUE			MONEY ORDER		

\$60.36BY [Signature]

©2001 REDIFORM® 8L806



369-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 20, 2006

Terry Wolterstoffs, City Engineer
City of Belle Fourche
606 6th Ave
Belle Fourche SD 57717-1407

Dear Mr. Wolterstoffs:

On October 13, 2006 we requested the fee for maintaining the effectiveness of Future Use Permit No. 369-1. To date, we have not received this payment.

Please submit the \$70.00 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 30, 2013

City of Belle Fourche
Ryan Kavan, City Engineer
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Kavan:

I am writing in regard to the seven year review of Future Use Water Permit No. 369-1 from groundwater held by the City of Belle Fourche. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 2,478 acre-feet [AF] annually remain in reserve under this future use permit (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation). The permit was issued in 1959 and was last reviewed in 2006.

Please respond in writing by August 30, 2013, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

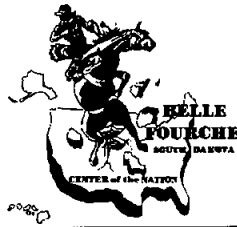
Permit No. 369-1 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 2,478 acre-feet remain in reserve, the fee will be \$265.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

**CITY OF
BELLE FOURCHE
ENGINEERING DEPARTMENT**



511 6TH AVENUE
BELLE FOURCHE, SD 57717
PHONE: (605) 892-3006
FAX: (605) 723-0897
WWW.BELLEFOURCHE.ORG

RECEIVED

AUG 22 2013

**WATER RIGHTS
PROGRAM**

August 20, 2013

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: Future Use Water Permit No. 369-1

Dear Ms. Karen Schlaak,

This correspondence is in response to your letter dated July 30, 2013 regarding the seven year review of Future Use Water Permit No. 369-1 for the City of Belle Fourche. The City would like to retain the Future Use Permit to allow for continued expansion and growth of our community. Listed below are pumping records for the past five (5) year:

2008: 991 acre-ft annually
2009: 1,681 acre-ft annually
2010: 1,286 acre-ft annually
2011: 1,039 acre-ft annually
2012: 1,247 acre-ft annually

If you have any questions regarding the information provided please contact me at 892-3006.

Sincerely,

Ryan C. Kavan, PE
City Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 369-1, City of Belle Fourche SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 369-1, City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717.

The Chief Engineer is recommending that Future Use Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation) because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 369-1, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 369-1, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 369-1 is subject to payment of the \$265.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
September 3, 2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

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

City of Belle Fourche
Ryan C Kavan, City Engineer
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Kavan:

Future Use Permit No. 369-1 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Butte County Post (605 892-2528) and the Black Hills Pioneer (605 642-2761). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on September 11, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

Butte County Post
614 State St
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published on September 11, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Belle Fourche, c/o Ryan C Kavan, City Engineer, 511 6th Ave, Belle Fourche SD 57717.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 369-1 to be published on September 11, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Belle Fourche, c/o Ryan C Kavan, City Engineer, 511 6th Ave, Belle Fourche SD 57717.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on September 11, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves a total of 2,478 acre-feet [AF] of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation). The future use area is located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 10:00 am, October 3, 2013 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 2013. The Chief Engineer's address is: Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

RECEIVED

SEP 16 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 11th day of Sept. 2013 and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 37.98, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 12th day of Sept, 2013

Wendy R. Ruhaess

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2016

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves a total of 2,478 acre-feet [AF] of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation). The future use area is located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 10:00 am, October 3, 2013 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must

file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 2013. The Chief Engineer's address is: Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 2013.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$38.44.

#911
Sept. 11

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT NO.
369-1**

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves a total of 2,478 acre-feet [AF] of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation). The future use area is located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 acre-feet [AF] annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation) because:

- 1) The reserved water may be developed,
- 2) There is need for the reserved water, and
- 3) The proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 10:00 am, October 3, 2013 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to:

- 1) Allow the permit to remain in effect,
- 2) Amend the permit by adding qualifications,
- 3) Cancel the permit for no development or no planned future development, or
- 4) Take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected

by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 2013. The Chief Engineer's address is: Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the Rapid City Journal, a corporation of Rapid City, South Dakota, the owner and publisher of the BUTTE COUNTY POST, a legal and daily newspaper printed and published in Belle Fourche, in said County of Butte, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies weekly, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Belle Fourche, in said Butte County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Butte County Post, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week for one successive weeks, the first publication there of being on the 11th day of September that the fees charged for the publication there of are 41 dollars and 17 cents.

Brandyn Crawford

Subscribed and sworn to before me this fourth day of September, 2013.



Notary public

Lorraine K. Cummings

Dec. 18, 2016

My commission expires

due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing, by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (805 773-3352) by September 23, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013.

Steven M. Pinner, Secretary, Department of Environment and Natural Resources

Published once at the total approximate cost of \$41.17.

Published Wed., Sept. 11, 2013

Butte County Post

IN THE
COUNTY OF BUTTE
COURT

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____
the _____ day of _____
20____
on _____

Attorney for _____



October 4, 2013

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTICE

City of Belle Fourche
Ryan C Kavan, City Engineer
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Kavan:

I am writing in response to action taken by the Water Management Board at the hearing on October 3, 2013 to review Future Use Permit No. 369-1. The Board allowed the permit to remain in effect for a total of 2,478 acre-feet [AF] of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Formation and 620 AF from the Madison Formation). Future Use Permit No. 369-1 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 369-1 is \$265.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on October 4, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 4, 2013 regarding Future Use Permits addressed as stated below:

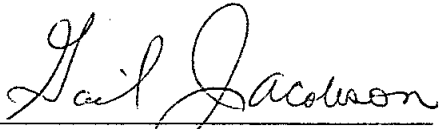
Lake Andes-Wagner Irrigation Dist., Chuck Eitmiller, PO Box 818, Wagner SD 57380 **1688A-3**

Town of Florence, Pat Callan, PO Box 137, Florence SD 57235 **4051-3**

City of Canton, Jeff Fossum, 210 N Dakota St, Canton SD 57013 **1262C-3**

City of Madison, Fred Snoderly, PO Box 308, Madison SD 57042 **747-3**

City of Belle Fourche, Ryan C Kavan, 511 6th Ave, Belle Fourche SD 57717 **369-1**



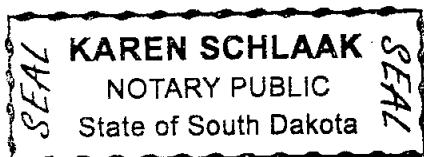
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of October, 2013.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/25, 20 13

RECEIVED OF City of Belle Fourche 511 6th Ave Belle Fourche SD 57717

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	265	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>369-1</u> 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. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	265	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **06468**

By Jaime Lockman
Chief Engineer

369-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 15, 2020

City of Belle Fourche
Dirk Hoffman, Public Works Director
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Hoffman:

I am writing in regard to the seven year review of Future Use Water Permit No. 369-1 from the groundwater held by the City of Belle Fourche. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 2,478 acre-feet (AF) remain in reserve under this future use permit (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer). The permit was issued in 1959 and last reviewed in 2013.

Please respond in writing by September 1, 2020 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 369-1 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 2,478 AF remain in reserve, the fee will be \$265.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

**CITY OF
BELLE FOURCHE**
ENGINEERING DEPARTMENT



511 6TH AVENUE
BELLE FOURCHE, SD 57717
PHONE: (605) 892-3006
FAX: (605) 723-0897
WWW.BELLEFOURCHE.ORG

July 31, 2020

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

AUG 05 2020

**WATER RIGHTS
PROGRAM**

Dear Ms. Karen Schlaak,

This correspondence is in response to your letter dated July 15, 2020 regarding the seven year review of Future Use Water Permit No. 369-1 for the City of Belle Fourche. The city would like to retain the Future Use Permit to allow for continued expansion and growth of our community. Listed below are pumping records for the past five (5) years:

2015	1,217.6 acre – ft annually
2016	1,268.3 acre – ft annually
2017	1,063.7 acre – ft annually
2018	980.4 acre – ft annually
2019	984.3 acre – ft annually

If you have any questions regarding the information provided please contact me at 892-3006.

Sincerely,

Steve Nafus
Interim City Engineer



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 369-1, City of Belle Fourche**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 369-1, City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717.

The Chief Engineer is recommending that Future Use Permit No. 369-1 REMAIN in EFFECT for 2,478 acre-feet (AF) annually [1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer] because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 369-1, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 369-1, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 369-1 is subject to payment of the \$265.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
August 7, 2020

RECEIVED

AUG 27 2020

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Hearing To
Review Future Use Water
Permit No 369-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 19th day of Aug, 2020, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 42.97, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 24th day of Aug, 2020

[Signature]
Notary Public, Butte County, South Dakota
My commission expires: 3-21-2023

**NOTICE OF
HEARING TO
REVIEW FUTURE
USE WATER
PERMIT NO.
369-1**

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, c/o Steve Nafus, Interim City Engineer, 511 6th

Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves 2,478 acre-feet (AF) of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer). The future use area is located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 AF of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 10:00 am CST, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing

will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 31, 2020.

Published once at the total approximate cost of \$44.81.

#240
Aug 19



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 7, 2020

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

City of Belle Fourche
c/o Steve Nafus, Interim City Engineer
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Nafus:

Future Use Permit No. 369-1 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Black Hills Pioneer, Spearfish SD (605 642-2761). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on August 19, 2020. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, August 7, 2020 9:40 AM
To: snafus@bellefourche.org
Subject: Future Use Permit No. 369-1
Attachments: 369-1.pdf

Attached is a copy of the chief engineer recommendation and information regarding the public notice for Future Use Permit No. 369-1. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, August 7, 2020 9:29 AM
To: Black Hills Pioneer Spearfish (legals@bhpioneer.com)
Subject: 369-1, City of Belle Fourche
Attachments: 369-1notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 19, 2020.

City of Belle Fourche, c/o Steve Nafus, Interim City Engineer, 511 6th Ave, Belle Fourche SD 57717 (605 892-3006) 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, Pierre SD 57501.

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Instruction to Newspaper - Publish the following Notice on August 19, 2020. The City of Belle Fourche is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 369-1

Notice is given that the Water Management Board will review Future Use Permit No. 369-1 held by the City of Belle Fourche, c/o Steve Nafus, Interim City Engineer, 511 6th Ave, Belle Fourche SD 57717 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 369-1. This permit was approved in 1959 and currently reserves 2,478 acre-feet (AF) of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer). The future use area is located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 and SE 1/4 SE 1/4 Section 28-T7N-R2E. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 369-1 REMAIN in EFFECT for a total of 2,478 AF of water annually (1,238 AF from the Spearfish Creek alluvium, 620 AF from the Minnelusa Aquifer and 620 AF from the Madison Aquifer) because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 369-1 at 10:00 am CST, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 369-1 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 31, 2020. Published once at the approximate cost of _____.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 13, 2020

NOTICE OF ENTRY OF ORDER

City of Belle Fourche
c/o Steve Nafus, Interim City Engineer
511 6th Ave
Belle Fourche SD 57717

Dear Mr. Nafus:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2020 to review Future Use Permit No. 369-1. The Board allowed the permit to remain in effect for 2,478 acre-feet of water annually. Future Use Permit No. 369-1 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 369-1 is \$265.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on October 13, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated October 13, 2020 addressed as stated below:

Sioux Rural Water System Inc, c/o Heath Thompson, Mgr, 45703 176th St, Watertown SD 57201
TM RWD, c/o Jay Jorgenson, Mgr, PO Box 445, Parker SD 57053
Kingbrook RWS, Erin Hayes, Mgr, PO Box 299, Arlington SD 57212
Charles Werner, Water Supt, Town of South Shore, PO Box 57, South Shore SD 57263
Craig Nussbaum, Utilities Mgr, City of Garretson, PO Box 370, Garretson SD 57030
Patrick Callan, Mayor, City of Florence, PO Box 137, Florence SD 57235
Rick Nighbert, Water Supt, City of Madison, 116 W Center St, Madison SD 57042
Jon Vermeulen, Utilities Mgr, 612 N Main St, Mitchell SD 57301
Steve Nafus, Interim City Eng, City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717



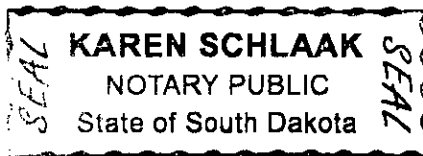
Eric Gronlund, Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2020



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 6, 2020

RECEIVED OF City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717

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. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>369-1</u> after period of seven years.	\$265.00
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	\$265.00

By Eric Monlund
Chief Engineer *KS*