

1. Considered 7-21, 1976 1407-2
2. Name of Applicant CITY OF CUSTER CITY
3. Post Office Address _____
4. Amount of water claimed 1.5
5. Source of water supply GROUND WATER
6. Water to be used for FUTURE USE

Acres to be irrigated _____

7. Water to be diverted and used in CUSTER county
about 1W miles _____ of CUSTER

8. Proof of Publication Received _____

Not Received _____

9. Application Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

Postponed

No. 1407-2Map No. 1193-2 Water Division No. 2 FALL RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)FUTURE USE
APPLICATION FOR PERMIT**To Appropriate Water within the State of South Dakota**

(NOTE--Draw a line through items not applicable)

1. Name of Applicant City of Custer City, South DakotaPostoffice address 622 Crook St., Custer, State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Wells or Dam4. Amount of water claimed (cubic feet per second) 1.5 GFS5. Source of water supply Subsurface Aquifer or French Dreek6. Location of point of diversion Sec. 28 and S $\frac{1}{2}$ of Sec. 27, All in T.3S, R4E, BHMCounty Custer7. Annual period or periods during which water is to be used Year Around8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Custer County Chronicle

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well and or Dam

B. Works proposed to transport water to place of use.

Transmission Water Main with Booster Pumps

C. Works proposed to apply water to beneficial use.

None Required

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Custer) ss.I, William Young Sr. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed William Young SrSubscribed and sworn to before me this 25th day of June 1976Butt O. Underwood
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1407-2

CITY OF CUSTER CITY

(Applicant)

(Post Office Address)

(State)

With the following modifications:

AT SUCH TIMES AS DEFINITE PLANS ARE MADE, SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE WATER GRANTED UNDER THIS WITHDRAWAL MUST BE SUBMITTED PRIOR TO CONSTRUCTION OF FACILITIES.

Date of first receipt of application JUNE 28, 19 76

Date of return to applicant for correction, amendments or changes required JUNE 28, 19 76

Date of receipt of corrected application JANUARY 10, 19 77

Approved JANUARY 27, 19 77, Recorded in Book 16 Page 324

WATER RIGHT PERMIT NO. 1407-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1407-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 10, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 1977
3. The whole of said work is to be completed on or before 1977
ITEMS 2, 3 & 4 DO NOT APPLY, AS SPECIFIC APPLICATIONS ARE TO BE SUBMITTED AS DEFINITE PLANS ARE MADE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is 1977
5. The water appropriated shall be used for the purpose of MUNICIPAL USE

6. 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.

WITHDRAWAL FOR FUTURE USE

7. The amount of the ~~appropriation~~ herein granted shall not exceed 1.5 cubic feet per second; ~~neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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~~ 10 ~~the following described annual period.~~ 1977 ~~said water to be used during the~~

Witness my hand this 31ST day of MARCH, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

Information unknown at this time

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

NOTE: This application is for appropriation of water for future use.

William Young
Signature of Applicant

No. 1407-2

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 23, 1976Notice is hereby given that the City of Custer City~~whose post office address is~~ xxxx, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota fora permit to appropriate for future use 1.5 cubic feet of water persecond of time from ~~xxxx~~ City Well Field through the ~~xxxx~~area, the ~~xxxx~~ of diversion of which is to

be located in the _____

S $\frac{1}{2}$, Section 27 and~~of~~ Section 28, Twp. 3S, Range 4E. Said water to be used for the purpose of providing ~~in~~ xxxxfor future development of the municipal supply for the City of CusterThis application No. 1407-2 will be considered by the Water Rights Commission at the Court House at Winner, S.D.upon the 21st day of July, 1976 at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: City of Custer City, 622 Crook St., Custer, S.D. 57730

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF CUSTER) SS.

Jessie Y. Sundstrom

of said county, being duly sworn, on oath says that
he is publisher or _____ of the CUSTER
COUNTY CHRONICLE, a weekly newspaper printed and
published in Custer City, said County of Custer and
has full and personal knowledge of all the facts
herein stated; that said newspaper is a legal news-
paper and has a bona-fide circulation of at least
two hundred copies weekly, and has been published
within said County for fifty-two successive weeks
next prior to the publication of the notice herein
mentioned, and was and is printed wholly or in part
in an office maintained at said place of publica-
tion; that the _____
_____, a printed copy of
which, taken from the paper in which the same was
published, is attached to this sheet, and is made a
part of this Affidavit, was published in said news-
paper at least once in each week for 2 successive
weeks, on the day of each week on which said news-
paper was regularly published, to wit:

July 8, 1976; _____, 1976

July 15, 1976; _____, 1976

_____, 1976; _____, 1976

_____, 1976; _____, 1976

_____, 1976; _____, 1976

that the full amount of the fees for the publica-
tion of the annexed notice is \$10.55.

Jessie Y. Sundstrom

Subscribed and sworn to before me this 7

day of January, 1977:

John A. Burns
Notary Public

My commission expires May 10, 1984

NOTICE OF INTENT

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota
June 28, 1976

Notice is hereby given that the
City of Custer City, South Dakota,
has made an application in accor-
dance with the provisions of the
water laws of South Dakota for a
permit to appropriate for future
beneficial use 1.5 cubic feet of wa-
ter per second of time from City
Well Field, the area of diversion of
which is to be located in the
S1/2, Section 27 and section 28,
Twp. 3S, Range 4E. Said water to
be used for the purpose of pro-
viding for future development of
the municipal supply for the City
of Custer.

This application No. 1407-2 will
be considered by the Water Rights
Commission at the Court House at
Winner, S.D. upon the 21st day of
July, 1976 at 10:00A.M. All inter-
ested persons may appear and be
heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones,
Water Rights Specialist

#181 7-15

CUSTER COUNTY CHRONICLE
JULY 8, 1976
PAGE 9



TODD HAAG -
CUSTER, S.D. -

7-20-76
1:00pm.

ATTORNEY FOR POWER CO WITH
WELL LOCATED IN FUTURE USE
AREA DESIGNATED BY THE CITY
WANTS TO HAVE THE APPLICATION
HEARD AT A LATER DATE - HAD
VISITED WITH THE CITY ATTORNEY,
BALDWIN & HE SAID HE HAD NO
OBJECTIONS TO POSTPONMENT.

July 28, 1976

William Young, Sr., Mayor
City of Custer
Custer, SD 57730

Dear Mayor Young:

The Water Rights Commission postponed a hearing on your future use application No. 1407-2 at the July 21-22, 1976 Commission meeting, because no evidence of publication had been received and because of telephone calls from Todd Hauge, Attorney, requesting postponement of the hearing. Mr. Hauge indicated Mr. Baldwin, City Attorney, had no objections to delaying the hearing until the Commission meeting September 29-30, 1976.

Very truly yours,

John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

JH:nlm

CC: Betty Hendrickson, Finance Officer
Todd D. Hauge, Attorney
Jerry Baldwin, City Attorney

BAKEWELL & HAUGE

LAW OFFICES

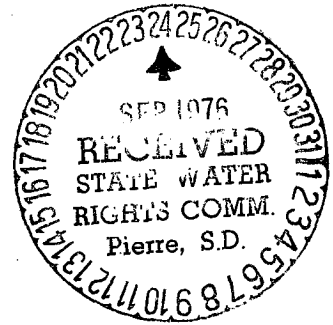
34 NORTH 6TH

CUSTER, SOUTH DAKOTA

57730

P.O. BOX 552 - TELEPHONE 673-2213

September 23, 1976



ROBERT C. BAKEWELL, JR.
OF COUNSEL

TODD D. HAUGE

Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

RE: 1407-2

Dear Mr. Hatch:

Thank you for your notice of September 20, 1976. As counsel for the Black Hills Electric Cooperative, we are no longer objecting to the City of Custer's Water Rights Application No. 1407-2, but would request that a clause be included protecting the water rights of others located within the application area. The type of clause that I am requesting is similar to that contained in Water Right Application Approval #1251-2, granted to the City of Custer May 21, 1976. The clause reads:

"The well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The well owner, under this permit, shall control his withdrawal so that there is not a reduction of needed water supplies in existing domestic wells."

I understand that the City's present application is not for a specific well permit, but for future water needs. Even though it is for future water needs, I would still request a clause protecting the rights of those domestic users within the application area.

With kindest regards,

Sincerely,

Todd D. Hauge
TODD D. HAUGE

TDH/kb



**Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 4, 1984

NOTICE

To : Annella Wright, Mayor, City of Custer
From : John Hatch, Chief Engineer, Water Rights Division *John Hatch*
Subject : Review of Future Use Water Permit No. 1407-2

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. 1407-2, City of Custer 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, July 11, 1984 at 2:30 pm in Conference Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 1407-2, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 1407-2 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 1407-2 was approved January 27, 1977 with a priority date of January 10, 1977, for 1.5 cubic feet per second (cfs) from the following area: S1/2 Sec. 27, Sec. 28, T3S, R4E with the following qualifications.

At such time 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. 1407-2 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 1407-2 with the following qualifications:
 - a) Permit No. 1407-2 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 from the Pre-Cambrian formation.

Equal Opportunity Employer

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. 1407-2 in effect. The projected fee in seven years based upon the existing permit CFS will be \$40.00.

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: Alvis Walker, Finance Officer

SS15.wr

CITY OF CUSTER CITY

CUSTER, SOUTH DAKOTA

57730

June 25, 1984

To : John Hatch, Chief Engineer, Water Rights Division

From : Annella Wright, Mayor, City of Custer

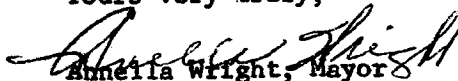
Subject: Review of Future Use Water Permit No. 1407-2

Dear Mr. Hatch;

Pursuant to your letter dated June 4, 1984 concerning above Water Right Permit. We wish to keep our water rites continued under this permit.

Would you please continue this water right permit as it presently is as we need this permit for future consideration.

Yours very truly,


Annella Wright, Mayor
City of Custer

cc: John Evans, Water Superintendent
Alvis Walker, City Finance Officer



**Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

July 26, 1984

Future Use Permit
No. 1407-2

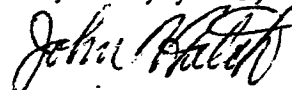
Annella Wright, Mayor
City of Custer
622 Crook St
Custer SD 57730

Dear Mayor Wright:

This letter is in regard to the motion passed by the Water Management Board July 12, 1984 after review of Custer's Future Use Permit No. 1407-2. The Board continued Permit No. 1407-2 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 1407-2 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: Alvis Walker, Finance Officer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 1407-2

FOR CITY OF CUSTER

Future Use Permit No. 1407-2 was continued by action of the Water Management Board July 12, 1984 and amended to add the following qualifications:

- a) Permit No. 1407-2 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 from the Pre-Cambrian formation.

South Dakota



GREAT FACES. GREAT PLACES.

May 17, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

Annella Wright, Mayor
City of Custer
622 Crook St
Custer SD 57730

Dear Mayor Wright:

I am writing in regard to the seven year review of Future Use Water Permit No. 1407-2 which is held by the City of Custer. Currently, our records show that 1.0 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 1407-2 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. 1407-2.

Please respond in writing by June 15, 1991, regarding the City's intention for the future use permit. If the City of Custer 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.

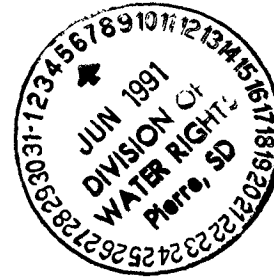
Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

CITY OF CUSTER CITY
622 CROOK ST.
CUSTER, SOUTH DAKOTA 57730-1698
PH. 605-673-4824



May 28, 1991

South Dakota Department of Environment
and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capital
Pierre, SD 57501

Attn: Ms. Karen Schlaak
Natural Resource Analyst

Re: Future Use Water Permit No. 1407-2
Custer, South Dakota

Dear Ms. Schlaak:

Thank you for your letter of May 17, 1991, regarding the above referenced Water Permit.

The City of Custer would definitely like to retain the 1.0 cubic feet per second (cfs) of water remaining in reserve on Permit No. 1407-2.

Due to extremely dry conditions in the Custer area, which resulted in a dramatic drop in the water table, the City Council placed water restrictions on the community in June 1988. These restrictions prohibited all outside watering and required residents to reduce water usage.

In conjunction with the restrictions, the City launched a major effort to find additional water supply sources. This effort resulted in the City locating and developing three new wells. One of these wells, developed in 1989, utilized about 0.5 cfs of water reserved under original Permit No. 1407-2 approved January 27, 1977. This leaves a remainder of 1.0 cfs for future use.

In addition, the City refurbished two existing wells and constructed water treatment plants adjacent to those wells to remove high concentrations of iron and manganese.

In 1990, because of additions to the water supply system, the City slightly relaxed the water restrictions to allow one hour of outside

Ms. Karen Schlaak
May 24, 1991
Page 2

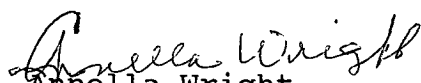
watering every other day. The 1991 policy allows two hours of outside watering every day. This policy was adopted because of an abundance of rainfall in the immediate area this year.

Therefore, because of the uncertainty associated with Custer's water supply source, which is entirely moisture dependent, the City of Custer respectfully requests the Water Management Board to allow the future use permit to remain in effect.

Copies of the last three years of pumping records for each well are included for your review.

Please contact the City if you have any questions or if we can be of further assistance.

Respectfully,
City of Custer


Annella Wright
Mayor

1988 WATER PUMPING RECORDS

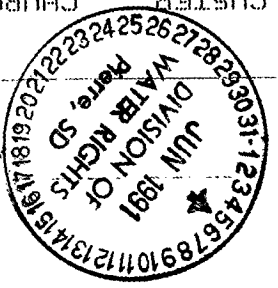
	FRENCH CREEK #9	TRADE WINDS #2	LAUGHING WATER #3	WEST DAM #4	WELL #1
JANUARY	2429000	3161000			
FEBRUARY	3228000	3139000			
MARCH	3048000	3365000	11000		
APRIL	2851000	3449000	87000		
MAY	3687000	4140000	288000		
JUNE	5175000	4009000	1178000		851000
JULY	3897000	2295000	864000	1769600	2034000
AUGUST	3864000	2403000	656000	2136800	1749000
SEPTEMBER	2858000	1565000	350000	1803000	1844000
OCTOBER	2033000	1520000	412000	1992900	1801000
NOVEMBER	1493000	1487000	417000	1805000	1749000
DECEMBER	1739000	1616000	515000	1798900	1898000
TOTALS	36302000	32139000	4778000	11306200	11926000

TOTAL 96,451,200

21,111,111

1989 WATER PUMPING RECORDS

WELL	#1
TRADE	#2
KELLEY	#3
WEST	#4
LAUGHING	#5
FRENCH	#9
FRENCH	#10
HARBACH	#13
CUSTER	#14
CHURCH	#15



JANUARY	1808000	1586000	1775300	459000	2157000
FEBRUARY	1734000	1324000	1641900	400000	2124000
MARCH	1787000	1329000	2024000	553000	2524000
APRIL	1766000	1366000	1762000	704000	3195000
MAY	1710000	1377000	17466000	506000	3496000
JUNE	1205000	1447000	1202300	749000	3833000
JULY	522000	1292000	2134500	551000	3004000
AUGUST	1105400	1678900	1297000	440000	1798000
SEPTEMBER	1104000	1402000	1336000	545000	2004000
OCTOBER	1428000	1340000	1513000	513000	676000
NOVEMBER	673000	492000	564000	194000	642000
DECEMBER	788000	738800	388000	737000	485000
TOTAL	10532000	15019400	7786200	32327900	5614000
					26190000
					7759000
					380100
					19741000
					0

TOTAL

1990 WATER PUMPING RECORDS

	#1	#2	#3	#4	#5	#9	#10	#13	#14	#15
	WELL	TRADE WINDS	KELLEY WELL	WEST DAM	LAUGHING WATER	FRENCH CREEK	FRENCH CREEK	HARBACH PARK	CUSTER LUMBER	CHURCH WELL
JANUARY	1633000	1419000	945000	975000	801000	1397000				
FEBRUARY	1358000	785000	1365000	1552000	58000	838000	1203000			
MARCH	1545000	1070000	1552000	1627000		602000	1241000			
APRIL	1084000	1285000	1240000	1240000		848000	1081000			
MAY	1993000	1257000	1021000	97000	1492400	1425000	1104000			
JUNE	1592000	1177000	1021000	203000	1874000	1004000	611000			
JULY	1545000	1633000	378000	2887000	1590000	1590000				
AUGUST	1348000	1395000	1309000	19000	1455000	663000				
SEPTEMBER	1344000	1393000	1118000	1511000	1535000	2301000				
OCTOBER	1393000	655000	372000	911000	534000	2260000				
NOVEMBER	1071000	559000	189000	636000	798000	1172000				
DECEMBER	1634000	1278000	46000	411000	902000					
	17740000	13906000	11162000	377000	14074400	13995000	0	12369000	929000	

TOTAL 84,552,400

2-100-11

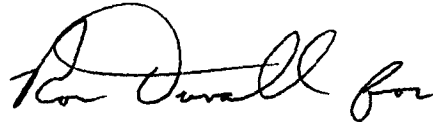
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1407-2, City of Custer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 1407-2, City of Custer SD.

The Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the City of Custer has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 1407-2 reserves for future use 434 acre-feet annually. The diversion rate of 1.00 cfs is deleted from Permit No. 1407-2.

And that maintaining the effectiveness of Future Use Permit No. 1407-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Custer.

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

JOHN HATCH, Chief Engineer
June 20, 1991

NOTE: The maximum annual acre-feet of full-time pumping represented by 1.0 cubic feet of water per second (cfs) reserved by No. 1407-2 is 724 acre-feet. Assuming that the total amount pumped annually would equal 60% of 724 acre-feet, then expected developed pumping of water reserved under Permit No. 1407-2 would be about 434 acre-feet per year.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 20, 1991

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

City of Custer
Annella Wright, Mayor
622 Crook St
Custer SD 57730-1698

Dear Mayor Wright:

Future Use Permit No. 1407-2 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 Custer County Chronicle printed at Custer 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 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

GREAT FACES. GREAT PLACES.

June 20, 1991

Custer County Chronicle
Box 551
Custer SD 57730

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1407-2 to be published twice. Please publish the first notice on June 26, 1991 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 City of Custer, 622 Crook St., Custer SD 57730-1698.

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,

for Eric Duvall
Ron Duvall
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Custer) ss.

I, Terri Tuggle

certify that the attached printed Notice was taken
 from the Custer County Chronicle

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 Custer

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

June 26, 1991

July 3, 1991

X Terri Tuggle
 (Signature)

X Publisher
 (Title)

X 7-19-91
 (Date Signed)

Cost of Printing: \$22.14 - 6-26-91
\$17.71 - 7-3-91
\$39.85 Total



Notice of Hearing to Review Future Use Water Permit

No. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 2407-2 held by the City of Custer, 622 Crook St., Custer SD 57730-1698 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. 1407-2. This permit was approved January 27, 1977 to reserve 1.5 cubic feet of water per second (cfs) from groundwater (PreCambrian Rock) located in Section 28 and S 1/2 Section 27; all in T3S, R4E for municipal purposes. Water Permit No. 2107-2 put 0.50 cfs to beneficial use reserved by No. 1407-2 leaving 1.00 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at the Governor's Inn, Kneip Room, 700 W Sioux Ave, Pierre SD on July 24, 1991 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 June 15, 1991. 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. 1407-2 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 June 15, 1991.

#1622 6/26 & 7/3/91

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1991

NOTICE

Annella Wright, Mayor
City of Custer
622 Crook St
Custer SD 57730

Dear Mayor Wright:

I am writing in response to action taken by the Water Management Board at the hearing on July 24, 1991 to review Future Use Permit No. 1407-2. The Board allowed the permit to remain in effect and amended Permit No. 1407-2 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1407-2 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1407-2 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,



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

enclosures

AMENDMENT TO FUTURE USE PERMIT NO. 1407-2

CITY OF CUSTER

Pursuant to the July 24, 1991 Water Management Board hearing, Future Use Permit No. 1407-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1407-2 reserves for future use 434 acre-feet annually. The diversion rate of 1.00 cfs is deleted from Permit No. 1407-2.

CERTIFICATION

I hereby certify that on July 30, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice dated July 30, 1991, regarding Future Use Permit No. 1407-2 addressed to:

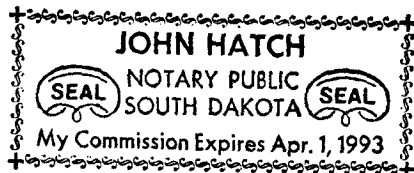
Annella Wright, Mayor
City of Custer
622 Crook Street
Custer, SD 57730

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of July, 1991.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412785

Pierre, _____ August 8, 19 91

RECEIVED OF City of Custer, 622 Crook St., Custer, SD 57730

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1407-2</u> after period of seven years.	27	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	27 50

By John H. Hutter (JH)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1998

Sue Bennett, Finance Officer
City of Custer
622 Crook St
Custer SD 57730-1698

Dear Ms. Bennett:

I am writing in regard to the seven year review of Future Use Water Permit No. 1407-2 from groundwater (Pre-Cambrian Rock) which is held by City of Custer. The permit reserves water for future water supply needs for the city. Currently, our records show that 434 acre-feet remain in reserve under this future use permit that was issued in 1977.

Please respond in writing by June 1, 1998, 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. 1407-2 will then be 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

CITY OF CUSTER CITY

622 CROOK ST.

CUSTER, SD 57730-1698

PH. 605-673-4824

FAX 605-673-2411

OFFICE OF THE MAYOR

May 6, 1998

SD Dept of Environment & Natural Resources
Ms. Karen Schlaak, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Re: Future Use Water Permit No. 1407-2

Dear Ms. Schlaak,

I am responding to your letter of April 22, 1998, regarding the above stated permit, which is in review. The City of Custer City is requesting for an extension of the permit reserving 434 acre-feet of water for future uses of the City.

In the past, the City has experienced drought conditions and entered into an extensive program to locate and develop new water supplies. One of the sites we developed in 1989 utilized 0.5 cfs of water reserved under the original permit. The economic growth of our community hinges upon the ability to produce and deliver quality water to our citizens. We are currently in the process of expanding our corporate boundaries. Also, by retaining these water rights, the City will be better able to manage this area in regards to wellhead/source protection.

Thank you, your favorable consideration of this request is appreciated.

Sincerely,

Robert C. Schilling
Mayor

Cc: City Council
Water/Wastewater Supervisor

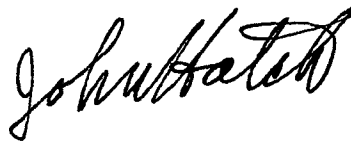
RCS/scb

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1407-2, City of Custer

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. 1407-2, City of Custer, 622 Crook St, Custer SD 57730-1698.

The Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the City of Custer has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 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. 1407-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Custer.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
May 29, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1998

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

Robert Schilling, Mayor
City of Custer
622 Crook St
Custer SD 57730-1698

Dear Mayor Schilling:

Future Use Permit No. 1407-2 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 Custer County Chronicle (Phone #673-2217). 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

c: Sue Bennett, Finance Officer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 1998

Custer County Chronicle
Box 551
Custer SD 57730-0551

Dear Sir:

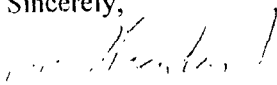
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1407-2 to be published twice. Please publish the first notice on June 4, 1998 with the second publication 7 days later.

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 Custer, 622 Crook St, Custer SD 57730-1698.

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 May 29, 1998 enclosing Notice of Hearing to Review Future Use Water Permit No. 1407-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Custer) SS

I, Jim Anderson

certify that the attached printed Notice was taken

from the Custer County

Chronicle

printed and published in Custer, SD

County of Custer and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

6/4/98

6/11/98

Cost of Printing 67.00



(Signature)

Jim Anderson

(Title)

Publisher

(Date Signed)

6-19-98

*James Henry
Heston Public
Commission Expires 3-17-03*

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St., Custer, SD 57730-1698 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. 1407-2. This permit was approved January 27, 1977 to reserve 1.5 cubic feet of water per second from groundwater (PreCambrian Rock) located in Section 28 and the S1/2 Section 27, all in T3S-R4E for municipal use purposes. A review of the Water permits indicate 434 acre-feet of water remains in reserve by Permit No. 1407-2.

Pursuant to SDCL 46-2A02 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at the Shaurville Inn, US Hwy 14 and I-29, Brookings, SD on July 8, 1998 at 8:45 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 June 26, 1998. 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. 1407-2 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 June 26, 1998. 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 June 26, 1998. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Instruction to Newspaper-Publish first publication of the following Notice on June 4, 1998 with 2nd publication 7 days later. The City of Custer is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St, Custer SD 57730-1698 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. 1407-2. This permit was approved January 27, 1977 to reserve 1.5 cubic feet of water per second from groundwater (PreCambrian Rock) located in Section 28 and the S ½ Section 27; all in T3S-R4E for municipal use purposes. A review of the Water Permits indicate 434 acre-feet of water remains in reserve by Permit No. 1407-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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.

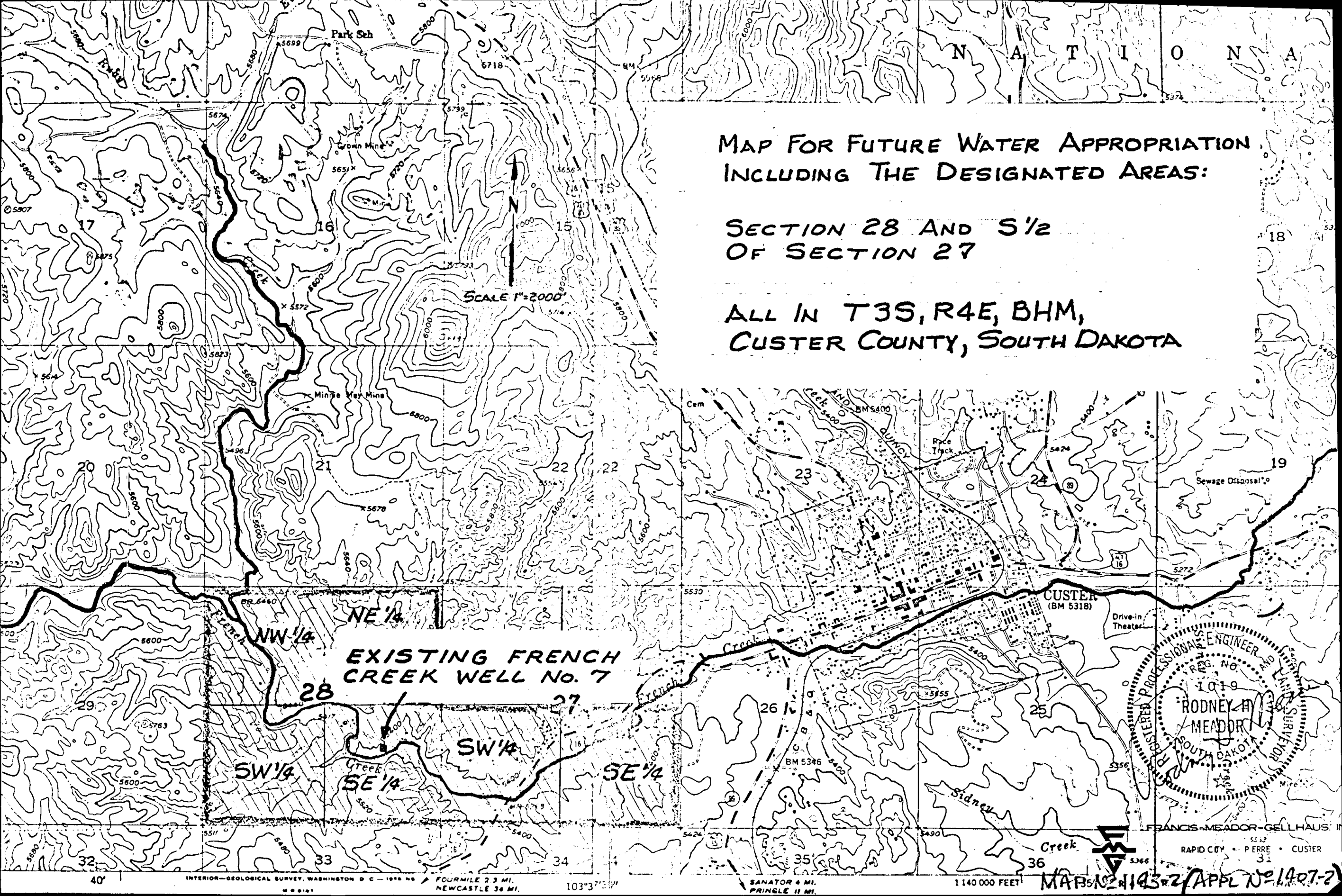
The Water Management Board will conduct the hearing to review Future Use Permit No. 1407-2 at the Staurolite Inn, US Hwy 14 and I-29, Brookings SD on July 8, 1998 at 8:45 am.

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 June 26, 1998. 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. 1407-2 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 June 26, 1998. 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 June 26, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

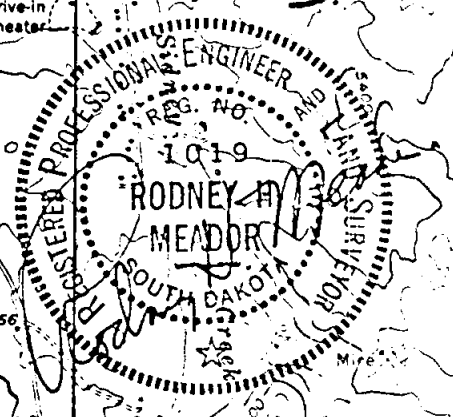


MAP FOR FUTURE WATER APPROPRIATION
INCLUDING THE DESIGNATED AREAS:

SECTION 28 AND S 1/2
OF SECTION 27

ALL IN T3S, R4E, BHM,
CUSTER COUNTY, SOUTH DAKOTA

EXISTING FRENCH
CREEK WELL No. 7





1407-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2005

Chris Meyer, Finance Officer
City of Custer
622 Crook St
Custer SD 57730-1698

Dear Ms. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 1407-2 from groundwater (PreCambrian Rock) which is held by the City of Custer. 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 434 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 1998.

Please respond in writing by May 1, 2005, 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. 1407-2 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

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



RECEIVED
APR 21 2005
WATER RIGHTS
PROGRAM

622 Crook Street
Custer, SD 57730

Office of Mayor
Harold D. Stickney

Phone: (605) 673-4824
Fax: (605) 673-2411

April 19, 2005

SD Dept of Environment & Natural Resources
Ms. Karen Schlaak, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: City of Custer Future Use Water Permit No. 1407-2

Dear Ms. Schlaak,

I am responding to your letter of March 31, 2005 regarding the seven year review of Future Use Water Permit 1407-2, which is held by the City of Custer.

The City of Custer is requesting an extension of the Future Use Permit for 434 acre-feet.

We are currently in the process of expanding our corporate boundaries. To the east the ongoing Boothill Subdivision has added approximately 100 recently sold residential lots to be developed. There is also an agreement for annexation of another 80-90 lots to the south.

In order to continue to produce and deliver quality water to our citizens and to promote economic growth during the ongoing drought conditions, it is highly likely the City of Custer will be utilizing the water reserved under the existing Future Use Permit in the foreseeable future. Also by retaining these water rights, the City will be better able to manage this area in regards to wellhead/source protection.

Sincerely,

Harold D. Stickney
Mayor
City of Custer City

City of Custer
Water Usage for 2002-2003-2004 in Gal.

WATER INVENTORY FOR 2002

	QUARTERLY PUMPED
1st QUARTER	17474080
2nd QUARTER	26676760
3rd QUARTER	34668420
4th QUARTER	23756360
TOTAL FOR YEAR	102575620

WATER INVENTORY FOR 2003

	QUARTERLY PUMPED
1st QUARTER	22920140
2nd QUARTER	28381760
3rd QUARTER	30869840
4th QUARTER	20872550
TOTAL FOR YEAR	103044290

WATER INVENTORY FOR 2004

	QUARTERLY PUMPED
1st QUARTER	23381870
2nd QUARTER	27892480
3rd QUARTER	30481940
4th QUARTER	22251300
TOTAL FOR YEAR	104007590



**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. 1407-2, City of Custer**

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. 1407-2, City of Custer, 622 Crook St, Custer SD 57730.

The Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 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. 1407-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
May 9, 2005

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

City of Custer City
Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

May 18, 2005; May 25, 2005;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 55.80.

Charles W. Najacht

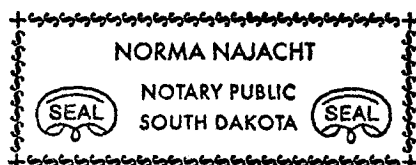
Subscribed and sworn to me before this 25

of May, 2005;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF HEARING

TO REVIEW FUTURE USE WATER
PERMIT NO. 1407-2, CITY OF CUSTER

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St, Custer SD 57730 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. 1407-2. This permit was approved 1977 currently reserves 434 acre feet from groundwater (Precambrian Rock) located in Section 28 and the S 1/2 Section 27, all in T3S-R4E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at 10:00 am on July 6, 2005, Floyd Mathew 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 June 24, 2005. 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. 1407-2 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 June 24, 2005. The time of the hearing will be automatically delayed for at least 30 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 June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

#171, 5/18, 5/25

Instruction to Newspaper-Publish first publication of the following Notice on May 18, 2005 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2, City of Custer

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St, Custer SD 57730 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. 1407-2. This permit was approved 1977 currently reserves 434 acre feet from groundwater (Precambrian Rock) located in Section 28 and the S ½ Section 27, all in T3S-R4E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at 10:00 am on July 6, 2005, Floyd Mathew 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 June 24, 2005. 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 June 24, 2005. 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 June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



May 10, 2005

Custer County Chronicle
PO Box 551
Custer SD 57730-0551

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1407-2 to be published twice. Please publish the first notice on May 19, 2005 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 Custer, Harold D Stickney, Mayor, 622 Crook St, Custer SD 57730.

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 May 10, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 1407-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



May 10, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Harold D Stickney, Mayor
City of Custer
622 Crook St
Custer SD 57730

Dear Mayor Stickney:

Future Use Permit No. 1407-2 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 Custer County Chronicle (Phone # 605 673-2217). 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,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

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
www.state.sd.us/denr

July 7, 2005

NOTICE

Harold D Stickney, Mayor
City of Custer
622 Crook St
Custer SD 57730

Dear Mayor Stickney:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2005 to review Future Use Permit No. 1407-2. The Board allowed the permit to remain in effect for 434 acre-feet of water annually. Future Use Permit No. 1407-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1407-2 is \$27.50 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

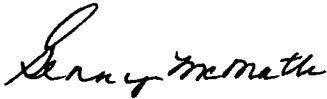
I hereby certify that on July 7, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2005 regarding Notice review Future Use Permit # 5358-3, 1407-2, 558A-3, 5101-3 addressed as stated below:

5358-3
TM Rural Water District
Ken Pedersen Manager
Box 445
Parker SD 57053

1407-2
Harold D Stickney Mayor
City of Custer
622 Crook St
Custer SD 57730

558A-3
Sheila Gerhold Finance Officer
City of Castlewood
PO Box 17
Castlewood SD 57223-0017

5101-3
Roger Almond
City of Lennox
PO Box 228
Lennox SD 57039



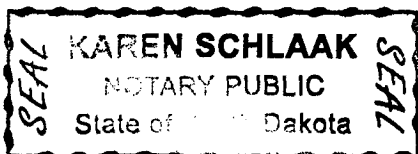
Genny McMath
Environmental Scientist
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



CITY OF CUSTER
622 CROOK STREET
CUSTER, SOUTH DAKOTA 57730

FIRST WESTERN BANK - CUSTER, SOUTH DAKOTA

78232
914

011697

DATE

7/19/2005 011697

AMOUNT

627.50

PAY

SIX HUNDRED TWENTY SEVEN & 50/100 DOLLARS

TO THE
ORDER
OF

SD DEPT OF ENVIRONMENT &
NATURAL RESOURCES
523 E. CAPITOL J. FOSS BLD
PIERRE, SD 57501-3181

Harold A. Stickney
Christine Meyer

MAYOR

FINANCE OFFICER

011697 091402329 15000 2

NOTES

RECEIPT

DATE

7/23/05

NO.

4271

RECEIVED FROM

City of Crested

ADDRESS

\$27.50 - Future Use Permit \$627⁵⁰

FOR

\$600 - 2005 Drinking Water

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

CR 011697

BY

K Miller

©2001 REDIFORM® 8L806



1407-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 16, 2012

City of Custer
Robert Morrison, Public Works Director
622 Crook St
Custer SD 57730

Dear Mr. Morrison:

I am writing in regard to the seven year review of Future Use Water Permit No. 1407-2 from Precambrian Rock held by the City of Custer. 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 434 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2005.

Please respond in writing by May 15, 2012 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.

Permit No. 1407-2 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 434 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



RECEIVED
MAY 15 2012
WATER RIGHTS
PROGRAM

622 Crook Street
Custer, SD 57730
Email: custermayor@gwtc.net

Office of Mayor
Gary Lipp

Phone: (605) 673-4824
Fax: (605) 673-2411
Cell: 605-517-0558

May 11, 2012

SD Department of Environment & Resources
Karen Schlaak, Water Rights Program
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: City of Custer Future Use Water Permit #1407-2

Dear Ms. Schlaak

I am responding to your letter of April 16, 2012 regarding the City of Custer's intention for Future Use Permit #1407-2. The City of Custer is requesting an extension of the permit for 434 acre-feet .

The City is currently exploring the possibility of moving our #2 Well (Permit #2143-2) to a new, more secure location. The new site has the potential to produce more than the .35 cfs we are currently permitted for, thus the need for the extension request. At this point and time, we are unsure of the additional cfs required. Our "Five Year Plan" provides for possible funding of these upgrades in 2013 and 2014.

Sincerely,

Gary Lipp
Mayor
City of Custer City



**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. 1407-2, City of Custer 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. 1407-2, City of Custer, 622 Crook St, Custer SD 57730.

The Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 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. 1407-2 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
June 4, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

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

City of Custer
c/o Gary Lipp, Mayor
622 Crook Street
Custer SD 57730

Dear Mayor Lipp:

Future Use Permit No. 1407-2 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 Custer County Chronicle (Phone #605 673-2217). 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

Custer County Chronicle
PO Box 551
Custer SD 57730

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1407-2 to be published twice. Please publish the first notice on June 13, 2012 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 or email karen.schlaak@state.sd.us

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 Custer, c/o Gary Lipp, Mayor, 622 Crook St, Custer SD 57730.

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.

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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 June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 1407-2 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 June 13, 2012 with 2nd publication 7 days later. 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. 1407-2

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The Water Management Board will conduct the hearing to review Future Use Permit No. 1407-2 at 10:00 am, July 11, 2012, Floyd Mathew 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 July 2, 2012. 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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Published twice at the total approximate cost of_____.

RECEIVED

JUN 29 2012

Form 8

WATER RIGHTS
PROGRAM

NOTICE OF HEARING
TO REVIEW FUTURE USE WATER
PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St, Custer SD 57730 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit

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Published twice a total approximate cost of \$60.93.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Custer) SS

I, _____

certify that the attached printed Notice was taken

from the Custer County Chronicle

printed and published in Custer

County of Custer and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 13, 2012

June 20, 2012

Cost of Printing \$60.93

Charles M. Najack
(Signature)

Publisher
(Title)

12 June 2012
(Date Signed)

ma Najack
my commission expires May 5, 2014

Water Rights Program - File Documentation

The 2012 Legislature made changes to the publication process for water permit applications. During the transition period, prior to July 1, 2012, applications are being public noticed for two consecutive weeks in both a weekly and daily paper. Where the daily paper is not in the county of the application, the Water Rights Program pays the cost of the daily paper publication.

Karen Schlaak
Program Assistant



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

Rapid City Journal
c/o Legal Advertising
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No.1407-2 to be published twice. Please publish the first notice on June 13, 2012 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 or email karen.schlaak@state.sd.us

Please BILL the Water Right Program for the cost of publication.

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 second publication, please send bill and affidavit to the Water Rights Program.

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 June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 1407-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

June 14, 21

L20698713

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 1407-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook St, Custer SD 57730 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. 1407-2. This permit was approved in 1977 currently reserves 434 acre feet from groundwater (Precambrian Rock) located in Section 28 and the S 1/2 Section 27; all in T3S-R4E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at 10:00 am, July 11, 2012, Floyd Mathew 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 July 2, 2012. 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. 1407-2 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 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 July 2, 2012. 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 July 2, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

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 RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, 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 daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington 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 Rapid City Journal, 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

_____ for _____ successive _____, the first publication there of being on the _____ day of _____ that the fees charged for the publication there of are _____ dollars and _____ cents.

Subscribed and sworn to before me this _____ day of _____, 2012.

Lorraine K. Cumming
Notary public

Dec. 18, 2016

My commission expires

RECEIVED

JUN 28 2012

WATER RIGHTS
PROGRAM



RECEIVED
JUN 28 2012
WATER RIGHTS
PROGRAM

Classified Advertising Invoice

Rapid City Journal &
Black Hills Weekly Group
PO Box 31238
Billings, MT 59107-1238
(877) 510-6397

S.D. DENR
WATER RIGHTS PROGRAM
523 E. CAPITOL AVE.
PIERRE SD 57502-3182

Customer: 60045495
Phone: (605) 773-3352
Date: 06/20/2012

Date	Order #	Type	Order Amt
06/20/12	20698713	INV	153.12

Amount Paid: _____

Card #: _____

Check Number: _____

Signature: _____



Exp Date: _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Date	Order #	Type	Description	Lines	Times Run	Order Amount	Net Amt Due
06/20/12	20698713	INV	NOTICE 1407-2 Start 06/14/12 End 06/20/12 Rapid City Journal	132.00	2.00	153.12	153.12

Please return invoice or put order number on check. Thank You.

Remarks

Total Due: 153.12

RAPID CITY JOURNAL &
BLACK HILLS WEEKLY GROUP
PO BOX 31238
Billings, MT 59107-1238
(877) 510-6397

Rapid City Journal - Patriot - Meade County Times
Lawrence County Journal - Butte County Post
Hot Springs Star - Chadron Record

June 28, 2012

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 31238
Billings MT 59107

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public notice for 1407-2 Future use -City of Custer
20698713

AMOUNT: \$153.12

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: *Hal Jacobson 6/28/12*

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 13, 2012

NOTICE

City of Custer
c/o Gary Lipp, Mayor
622 Crook Street
Custer SD 57730

Dear Mayor Lipp:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2012 to review Future Use Permit No. 1407-2. The Board allowed the permit to remain in effect for 434 acre-feet of water annually. Future Use Permit No. 1407-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1407-2 is \$95.00 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 July 13, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 13, 2012 regarding Future use permits addressed as stated below:

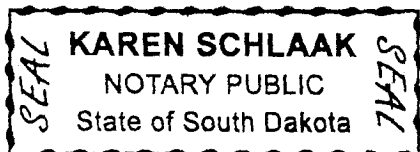
City of Castlewood, PO Box 17, Castlewood SD 57223	# 558A-3
City of Custer, 622 Crook St., Custer SD 57730	# 1407-2
TM Rural Water, PO Box 445, Parker SD 57053	# 5358-3
City of DeSmet, PO Box 70, DeSmet SD 57231	# 524-3

Gail Jacobsen
Gail Jacobsen
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of July, 2012.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

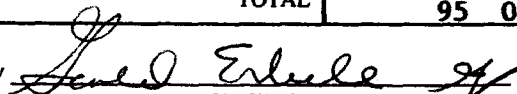
Date 8/10, 2012

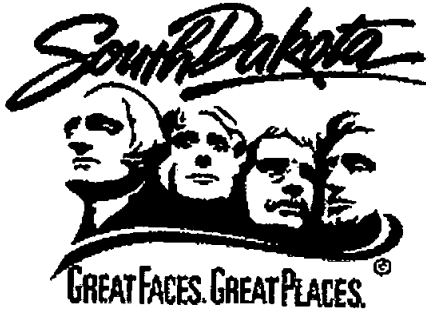
RECEIVED OF City of Custer 622 Crook St Custer SD 57730

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	95	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1407-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	95	00

No. **05529**

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

May 8, 2019

City of Custer
Robert Morrison, Public Works Director
622 Crook St.
Custer SD 57730

Dear Mr. Morrison:

I am writing in regard to the seven year review of Future Use Water Permit No. 1407-2 from PreCambrian Rock held by the City of Custer. 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 434 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2012.

Please respond in writing by June 8, 2019 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.

Permit No. 1407-2 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 434 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



RECEIVED
JUN 10 2019
WATER RIGHTS
PROGRAM

622 Crook Street
Custer, SD 57730

Office of Mayor
Corbin Herman

Phone: (605) 673-4824
Fax: (605) 673-2411

June 4, 2019

SD Dept of Environment & Natural Resources
Ms. Karen Schlaak, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: City of Custer Future Use Water Permit No. 1407-2

Dear Ms. Schlaak,

I am responding to your letter of May 8, 2019 regarding the City of Custer's intention for Future Use Permit #1407-2

The Custer City Council has considered the need for retaining the future use permit and has decided to retain the permit.

The decision to retain the permit is based on the possible need to move our #2 Well (Permit # 2143-2) which is directly down gradient (east) of Future Use Permit #1407-2 due to elevated chloride levels in the area. Chloride levels have increased from 10 ppm in 1957 to approximately 180 ppm at present. The source of contamination appears to originate directly south of the #2 well location. Testing approximately 400 feet to the south revealed a chloride concentration of 350 ppm well above the 250 ppm recommended secondary standard, thus necessitating a possible move up gradient.

Future growth projections also predict the need for increased demand especially during the summer months. Three new hotels and a large camping resort are planned for future development. At this point in time we are unsure of the addition cfs required.

Sincerely,



Corbin Herman
Mayor, City of Custer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1407-2, City of Custer 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. 1407-2, City of Custer, 622 Crook St, Custer SD 57730.

The Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 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. 1407-2 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
June 13, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 13, 2019

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

City of Custer
Corbin Herman, Mayor
622 Crook St
Custer SD 57730

Dear Mayor Herman:

Future Use Permit No. 1407-2 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 and the nearest daily paper. Notice of this review has been sent to the Custer County Chronicle (605 673-2217) and the Rapid City Journal (605 394-8300). 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(S) 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 June 19, 2019. 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 the following Notice on June 19, 2019. The City of Custer is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, Corbin Herman, Mayor, 622 Crook St, Custer SD 57730 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. 1407-2. This permit was approved 1977 and currently reserves 434 acre-feet from the Precambrian Rock Aquifer located in Section 28 and S 1/2 Section 27; all in T3S-R4E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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. 1407-2 at 11:00 am CT, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 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 July 5, 2019. 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. 1407-2 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 July 5, 2019. 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 July 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Water Rights Program
City of Custer City
Water Permit No. 1407-2

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on which said newspaper was regularly published, to wit:

June 19, 2019; _____;

_____; _____;

_____; _____;

_____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 39.30.

Charles W. Najacht

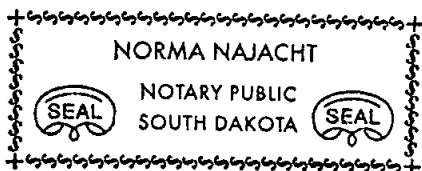
Subscribed and sworn to me before this 19th

of June, 2019;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2024



NOTICE OF HEARING

TO REVIEW FUTURE USE
WATER PERMIT NO. 1407-2

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Rock Aquifer located in Section 28 and S 1/2 Section 27; all in T3S-R4E for municipal use.

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Published once at the approximate cost of \$39.30. Represents 1/1000005th of the total budget.

6/19

RECEIVED

JUN 24 2019

WATER RIGHTS
PROGRAM

June 19 L21117851

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 1407-2**

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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 July 5, 2019. 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. 1407-2 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.

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUN 21 2019

County of Pennington

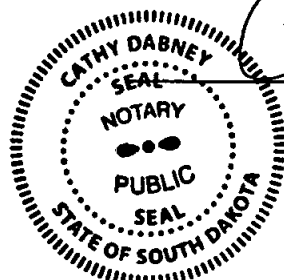
SS:

WATER RIGHTS
PROGRAM

Sheri Sponder 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 RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, 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 daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington 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 Rapid City Journal, 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 day for one successive day, the first publication there of being on the 19th day of June 2019 that the fees charged for the publication there of are 84 dollars and 54 cents.

Sheri Sponder

Subscribed and sworn to before me this 19th
day of June, 2019.



Cathy Dabney
Notary public

4-116-2024

My commission expires

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 July 5, 2019. 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 July 5, 2019.

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 July 1, 2019.

/s/ Steven M. Pirner,
Secretary,
Department of Environment and
Natural Resources.

(Published once at the total approximate
cost of \$84.54)

IN THE _____ COURT
COUNTY OF PENNINGTON

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

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

Attorney for _____

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:57 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1407-2, City of Custer
Attachments: 1407-2NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 19, 2019.

The City of Custer, Corbin Herman, Mayor, 622 Crook St, Custer SD 57730 (605 673-4824) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:57 AM
To: Custer Chronicle (custerchronicle@gmail.com)
Subject: 1407-2, City of Custer
Attachments: 1407-2NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 19, 2019.

The City of Custer, Corbin Herman, Mayor, 622 Crook St, Custer SD 57730 (605 673-4824) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 9:11 AM
To: laurie@cityofcuster.com
Subject: Future Use Permit No. 1407-2
Attachments: 1407-2.pdf

Attached is the recommendation and information regarding the public notice for Future Use Review of Permit No. 1407-2 for the City of Custer. The notice has been emailed to the papers with instructions to publish on June 19th. As stated in the letter it is important to contact the papers ASAP to authorize publication and arrange for payment. Paper copies are being mailed today.

If you have questions, let me know.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 18, 2019

NOTICE OF ENTRY OF ORDER

City of Custer
Corbin Herman, Mayor
622 Crook St.
Custer SD 57730

Dear Mayor Herman:

I am writing in response to action taken by the Water Management Board at the hearing on July 17, 2019 to review Future Use Permit No. 1407-2. The Board allowed the permit to remain in effect for 434 acre-feet of water annually. Future Use Permit No. 1407-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1407-2 is \$95.00 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 July 18, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 18, 2019, regarding Notice of 1407-2, 135-3, 5003-3, 524-3, 558A-3 and 5358-3 addressed as stated below:

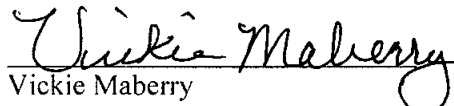
City of Custer, Corbin Herman, Mayor, 622 Crook St., Custer, SD 57730

City of Pierre, Brad Palmer, Utilities Manager, PO Box 1253, Pierre, SD 57501

City of DeSmet, Gary Wolkow, Mayor, PO Box 70, DeSmet, SD 57231

City of Castlewood, Sheila Gerhold, Finance Officer, PO Box 17, Castlewood, SD 57223

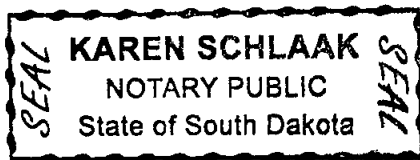
TM Rural Water District, Jay Jorgensen, Manager, PO Box 445, Parker, SD 57053


Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of July, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF City of Custer, 622 Crook St, Custer SD 57730 AUG 22, 20 19

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	95	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1407-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	95.00	

No. 09184

By Flanne Goodman
Chief Engineer

1155



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2026

City of Custer
c/o Laurie Woodward
622 Crook Street
Custer SD 57730

Dear Ms. Woodward,

I am writing in regard to the seven-year review of Future Use Water Permit No. 1407-2 from the PreCambrian Rock Aquifer held by the City of Custer. 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 434 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2019.

Please respond in writing by April 10, 2026, 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.

Permit No. 1407-2 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 434 acre-feet remains in reserve, the fee will be \$95.00.

Please contact Amanda Dewell or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us



RECEIVED

APR 07 2026

OFFICE OF
WATER

622 Crook Street
Custer, SD 57730

Office of Mayor
Robert Brown

Phone: (605) 673-4824
mayor@cityofcuster.com

March 31, 2026

SD Department of Agriculture & Natural Resources
Rachel Rodriguez, Water Rights Program
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501-3182

Re: Custer City Future Use Water Permit No. 1407-2

Dear Rachel Rodriguez,

The City of Custer is writing in response to the seven-year review of Future Use Water Permit No. 1407-2 from the PreCambrian Rock Aquifer, dated March 5, 2026.

The City requests that this future use permit be retained. The reserved water under this permit remains an important component of the City's long-term water supply planning. To continue producing and delivering high-quality drinking water to our citizens and support future community growth, it is important that the City maintain this reserved water supply.

In recent years, the region has experienced drought, which demonstrates the importance of protecting available water resources. Maintaining the reserved water under this permit will help ensure the City has the capacity needed to respond to ongoing drought conditions, meet current system demands, and plan for future development within the community. Based on a recent water study, it is estimated that by 2050, our peak average daily demand will increase by roughly 95 percent.

While 434 acre-feet remain in reserve under this permit, the City believes this reserved amount remains reasonable and necessary to support both current and anticipated future water needs.

Sincerely,

Robert Brown
Mayor



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1407-2, City of Custer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1407-2, City of Custer, 622 Crook Street, Custer SD 57730.

The Acting Chief Engineer is recommending that Future Use Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1407-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1407-2, 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. 1407-2 is subject to payment of the \$ 95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
May 1, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 20, 2026

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

City of Custer
c/o Robert Brown
622 Crook Street
Custer SD 57730

Dear Mr. Brown:

Future Use Permit No. 1407-2 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 Custer County Chronicle (605-673-2217) and the Rapid City Journal (see contact information). 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(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instructions to Newspaper - Publish the following Notice on May 27 or 28, 2026. The City of Custer is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook Street, Custer SD 57730 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. 1407-2. This permit was approved in 1977 and currently reserves 434 acre-feet from the Precambrian Rock Aquifer located in Section 28 and S 1/2 Section 27; all in T3S-R4E for municipal use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1407-2 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1407-2 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.

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 renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 20, 2026 9:51 AM
To: Custer Chronicle; 'custerchronicle@gwtc.net'
Subject: 1407-2 City of Custer - Public Notice
Attachments: 1407-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 27, 2026.

City of Custer, 622 Crook Street, Custer SD 57730, 605-673-4824, mayor@cityofcuster.com 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, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Renniel Pasia <leelegals@column.us>
Sent: Wednesday, May 20, 2026 1:16 PM
To: Rodriguez, Rachel; mayor@cityofcuster.com
Subject: Re: [EXT] 1407-2 City of Custer - Public Notice

Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on May 28, 2026.
Your Notice ID is: [mbDrKLM1UV2qcR32EM4T](#)

You will be receiving a notification from Column Support with your proof. **Please be sure to review your proof to confirm all the information is correct.** If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use [column.us](#) to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—
// Renniel



On May 20, 2026 at 10:53 AM EDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on May 28, 2026.

City of Custer, 622 Crook Street, Custer SD 57730, 605-673-4824, mayor@cityofcuster.com 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, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 20, 2026 1:43 PM
To: Mayor
Subject: 1407-2 City of Custer - Public Notice
Attachments: 1407-2 Rec.pdf; 1407-2 Ltr.pdf; 1407-2 PubNotice.pdf; RapidCityJournal Info.pdf

Good afternoon,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for Future Use Permit 1407-2. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

City of Custer Custer

State of Florida, County of Orange, ss:

I, Edmar Corachia, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, 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 daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- May 28, 2026

NOTICE ID: mbDrKLM1UV2qcR32EM4T

NOTICE NAME: 1407-2 City of Custer - Public Notice

TOTAL AD COST: \$121.93

Edmar Corachia

Agent

VERIFICATION

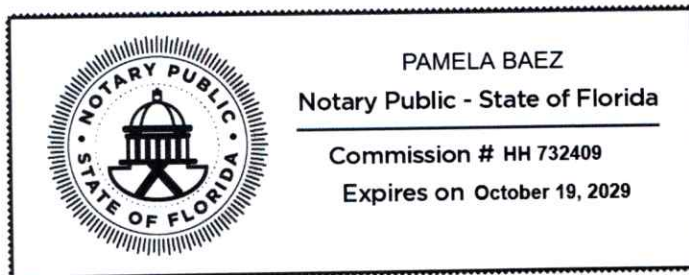
State of Florida
County of Orange

Signed or attested before me on this: 06/03/2026



Notary Public

Notarized remotely online using communication technology via Proof.



RECEIVED

JUN 02 2026

Water Rights
Program

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook Street, Custer SD 57730 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. 1407-2. This permit was approved in 1977 and currently reserves 434 acre-feet from the Precambrian Rock Aquifer located in Section 28 and S 1/2 Section 27; all in T3S-R4E for municipal use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1407-2 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol

Ave, Pierre SD 57501 * or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1407-2 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.

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 renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Non-discrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

(Published May 28, 2026 for a total approximate cost of \$121.93 and may be viewed for free at www.sd-publicnotices.com)
Legal No: COL-SD-4899

RECEIVED
JUN 02 2026
Water Rights
Program

RECEIVED

JUN 01 2026

OFFICE OF
WATER

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Jerry Lee Lenander of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

City of Custer City
Notice of Hearing to
Review Future Use Water Permit No. 1407-2

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on which said newspaper was regularly published, to wit:

May 27, 2026; _____;
_____; _____;
_____; _____;
_____; _____;
_____; _____;

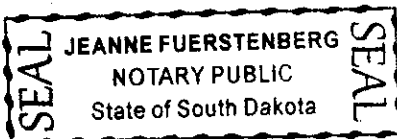
the full amount of the fees for the publication of the annexed notice is \$ 666.52

Subscribed and sworn to me before this 27th

of May, 2026;

Jeanne Fuerstenberg
NOTARY PUBLIC

MY COMMISSION EXPIRES: **NOV 30 2027**



NOTICE OF HEARING

TO REVIEW FUTURE USE WATER PERMIT NO. 1407-2

Notice is given that the Water Management Board will review Future Use Permit No. 1407-2 held by the City of Custer, 622 Crook Street, Custer SD 57736 for progress made in the development of the water reserved by this Permit and future plans for development of the water reserved by Permit No. 1407-2. This permit was approved in 1977 and currently reserves 434 acre-feet from the Precambrian Rock Aquifer located in Section 28 and S 1/2 Section 27; all in T3S-R4E for municipal use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1407-2 REMAIN in EFFECT for 434 acre-feet annually 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1407-2 on July 8, 2026 at 9:35 AM (Custer Time), Floyd Madison, Hearing Room, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting 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 proposed future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board shall present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to set upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD, 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1407-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 then 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.

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 renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing. Service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at an approximate cost of \$66.52 and may be viewed free of charge at www.sdpublicnotices.com.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2026

NOTICE OF ENTRY OF ORDER

City of Custer
c/o Robert Brown
622 Crook Street
Custer SD 57730

Dear Mr. Brown,

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2026, to review Future Use Permit No. 1407-2. The Board allowed the permit to remain in effect for 434 acre-feet of water annually. Future Use Permit No. 1407-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1407-2 is \$95.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on July 14, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 14, 2026, involving action taken by the Water Management Board hearing on July 08, 2026:

Future Use Permit No. 524-3

City of De Smet
c/o Gary Wolkow
106 Calumet Avenue SE
De Smet SD 57231

Future Use Permit No. 8400-3

City of Harrisburg
c/o Heath VonEye
301 E Willow Street
Harrisburg SD 57032

Future use Permit No. 558A-3

City of Castlewood
c/o Logan Ruesink
PO Box 17
Castlewood SD 57223

Future Use Permit No. 1407-2

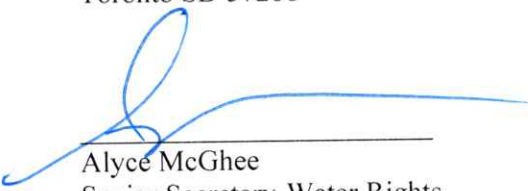
City of Custer
c/o Robert Brown
622 Crook Street
Custer SD 57730

Future Use Permit No. 5358-3

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Future Use Permit No. 6988-3, 6988A-3, and 6988B-3

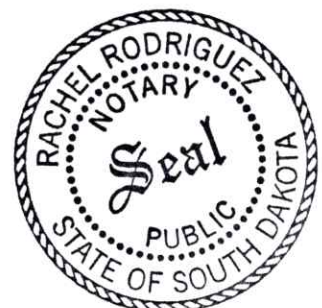
Joint Well Fields Inc.
c/o Reed Andries
PO Box 340
Toronto SD 57268


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2026.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 1407-2

Name of Applicant: City of Custer, Robert Brown

Date of Posting: 5/28/2026

Date of Removal: 7/14/2026

Amanda Dewell, Permitting Administrator

7/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of July, 2026.

Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**



RECEIPT

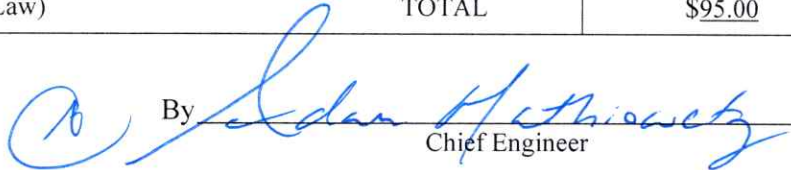
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 10, 2026

RECEIVED OF City of Custer 622 Crook Street Custer SD 57730

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>1407-2</u> after period of seven years.	<u>\$95.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$95.00</u>

By  Chief Engineer