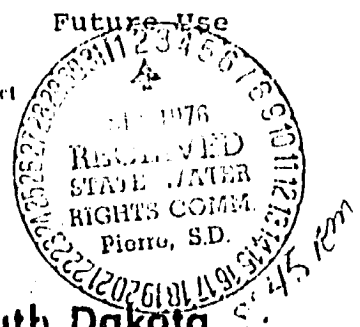


1442-2

1. Considered 9-29, 1976
2. Name of Applicant WEST RIVER CONSERVANCY SUB. DIST
3. Post Office Address PHILIP
4. Amount of water claimed 10,000 ACRES FT ANNUALLY
5. Source of water supply CAHE RESERVOIR (STORED WATER)
6. Water to be used for MULTIPLE PURPOSES - FUTURE USE
Acres to be irrigated _____
7. Water to be diverted and used in STANLEY County
about N miles _____ of FT PIERRE.
8. Proof of Publication Received 7-26-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1223-2 Water Division No. 2 BAD RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant West River Conservancy Sub-District
 Postoffice address Philip State South Dakota
 If a corporation show date and place of incorporation -0-
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work West River Aqueduct
4. Amount of water claimed (cubic feet per second) 13.8 (10,000 AF/yr.)
5. Source of water supply Oahe Reservoir Stored Water
6. Location of point of diversion Oahe Reservoir left bank between Oahe Dam and mouth of Cheyenne River
- County Stanley
7. Annual period or periods during which water is to be used January 1 to December 31
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal, industrial, commercial, and rural domestic water systems
9. For irrigation use, Total number of acres to be irrigated -0-

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.
<u>-0-</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N.A. years. Additional time required to complete application of water to the proposed beneficial use N.A. years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pierre Capitol Daily Journal
12. Principal Features of the Proposed Water Supply System.

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

Intake structure on left bank of Oahe Reservoir*

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

West River Aqueduct* from point of diversion to pipelines leading to users

C. Works proposed to apply water to beneficial use.

Pipelines leading to municipal systems, industrial and commercial users & rural water systemsEstimated 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 Stanley)I, West River Conservancy Sub-District 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 West River Conservancy Sub-DistrictSubscribed and sworn to before me this 28 day of August, 1976.

Notary Public (or other qualified officer)

*See attached report on West River Aqueduct.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1442-2
WEST RIVER CONSERVANCY SUB-DISTRICT Philip
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57567 With the following modifications.
 (State)

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

Date of first receipt of application SEPTEMBER 2, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved NOVEMBER 18, 19 76, Recorded in Book 19 Page 74

WATER RIGHT PERMIT NO. 1442-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1442-2 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 SEPTEMBER 2, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE
5. The water appropriated shall be used for the purpose of FUTURE MUNICIPAL, INDUSTRIAL, COMMERCIAL AND RURAL WATER SYSTEM 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.
7. The amount of the appropriation herein granted shall not exceed 10,000 ACRES FEET ANNUALLY; 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~~ used for the above purposes
~~actual and beneficially applied for irrigation~~ used for the above purposes
~~following described purposes~~ used for the above purposes

WILL BE actually and beneficially applied for irrigation 19 77 19 77

Witness my hand this 19TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Walsh
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

No. 1442-2

Publish first publication, on or before September 20, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 14, 1976

Notice is hereby given that the West River Conservancy Sub-District
whose post office address is Philip, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a ~~perpetual~~ future appropriate for beneficial use
10,000 acre annually ~~cubic feet of water per second of time~~ from the Oahe Reservoir through the
West River duct, the point of diversion of which is to be located ~~in the~~
on the west side of the Oahe Reservoir between
the Oahe Dam and the mouth of the Cheyenne River

of Section 1, Township 20N, Range 10E, 76th. Said water to be used for the purpose
of providing ~~irrigation in the following described land:~~ portions of

future supplies for municipal, industrial, commercial
and rural water system use

This application No. 1442-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 30th day of September, 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:

West River Conservancy Sub-District, Philip, S.D. 57567

Form 2 - Proof of Publication - Notice of
Intent to Appropriate Water

No. #1442-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 Pierre

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

September 16, 1976 and

September 23, 1976.

John H. Hipple
(Signature)

Business Manager
(Title)

September 23, 1976
(Date Signed)

No. 3557 - 21 dly. Sept. 16-23

No. 1442-2

NOTICE

INTENT TO

APPROPRIATE WATER

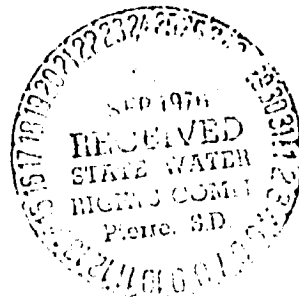
Notice is hereby given that the
West River Conservancy Sub-
District whose post office is
Phillip, South Dakota, has made
an application in accordance with
the provisions of the water laws
of South Dakota for a future use
permit to appropriate for bene-
ficial use 10,000 acre feet of water
annually from the Oahe Reser-
voir through the West River
Aqueduct, the point of diversion
of which is to be located on the
west side of the Oahe Reservoir
between the Oahe Dam and the
mouth of the Cheyenne River.
Said water to be used for the
purpose of providing future
supplies for municipal, indus-
trial, commercial and rural
water system use.

This application No. 1442-2 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 30th day of
September, 1976, at 10:00 A.M.
All interested persons may
appear and be heard.

WATER RIGHTS

COMMISSION

By: BURTON F. JONES
Water Rights Specialist



Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Reliance, South Dakota

WHEREAS, a pipeline from the Missouri River across western South Dakota could provide water for domestic, municipal, and industrial users, and

WHEREAS, many farmers and towns are and will be faced with serious water problems with the drought conditions that plague the state, and

WHEREAS, a stable supply of good quality Missouri River water would increase the economic stability of the area and provide a better standard of life for all involved.

NOW, THEREFORE, BE IT RESOLVED that the Reliance City Council supports a conceptual study to divert Missouri River water across western South Dakota for use in water short areas, and

BE IT FURTHER RESOLVED that the town of Reliance would encourage the Governor and other governmental agencies to aggressively promote and accelerate this proposal as much as possible, and

BE IT FURTHER RESOLVED that the town of Reliance, South Dakota would be willing to purchase a portion of the aqueduct water if the cost was within the ability to pay.

R. J. Connelley
City Council of Reliance
By vote of 3 to 0
Ronald McManus, Mayor
Ronald M. McManus

ATTEST:

Resolution
In Support Of
Missouri River-Wyoming Aqueduct
To Transport Water To
Western South Dakota Users

WHEREAS, existing water supplies in the proposed Cheyenne Rural Water System are generally of poor quality or quantity or both, and

WHEREAS, during drought periods many farmers are left with no alternative but to haul expensive low quality water from artesian wells for domestic & livestock needs, and

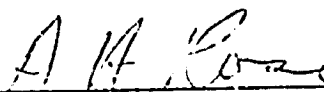
WHEREAS, a 1974 Engineering Study indicated that 1,300 people; 94,000 cattle; 300 horses; 5,000 hogs; and 4,000 sheep could be served with high quality water from the system, and

WHEREAS, funding of this system does not look possible because of the high pump lift and large pipe cost, and

WHEREAS, a concept is being studied to pipe Missouri River water across western South Dakota to eastern Wyoming that could provide high quality low cost water at the higher elevations for rural, municipal, and light industrial users in western South Dakota.

NOW, THEREFORE, BE IT RESOLVED that the Cheyenne River Water Association endorses and supports the concept of a pipeline from the Missouri River across the western part of the State that would provide water for city and rural use and make water available for use in the coal development of our state and in Wyoming, and

BE IT FURTHER RESOLVED that the Governor and Legislature be encouraged to accelerate this proposal with the utmost efficiency.



A. H. Rose, Chairman
Cheyenne River Water Association

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Draper, South Dakota

WHEREAS, many farmers, ranchers, and towns in western South Dakota find themselves short of water due to a chronic drought problem of the area, and

WHEREAS, a pipeline from the Missouri River across the State could provide water for domestic, municipal, and industrial users in both western South Dakota and eastern Wyoming, and

WHEREAS, the town of Draper's source of water is from an artesian formation of which is very poor quality, thus, many residents within Draper haul their drinking water, and

WHEREAS, the quantity of water is adequate at the present time, the town could be faced with unsurmountable problems in the future if the source was depleted, and

WHEREAS, a dependable source of good quality Missouri River water would increase the economical stability of the surrounding communities and thus increase the standard of living.

NOW, THEREFORE, BE IT RESOLVED that the Draper City Council endorses and supports any study that would provide Missouri River water to the town of Draper and to other water short areas within western South Dakota, and

BE IT FURTHER RESOLVED that the City Council of Draper would be interested in a portion of water from a proposed pipeline to eastern Wyoming if the water cost is feasible for municipal use.

City Council of Draper
By vote of 3 to 1
Roger Vic. Mayor

ATTEST:

Roger Vic. Mayor

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota

WHEREAS, the township of Vivian provides water to approximately seventy families from an artesian well which is about 20 years old, and

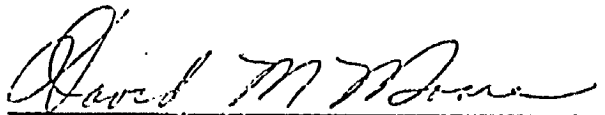
WHEREAS, other sources of water such as shallow ground water or large surface impoundments are not reliable alternatives, and

WHEREAS, a study to divert Missouri River water across western South Dakota could provide Vivian with a reliable supply of good quality water for up to forty years, and

WHEREAS, other studies to transport Missouri River water to the higher elevations of western South Dakota for rural and municipal use have proved to be economically unacceptable because there was no large customer at the end of the pipe.

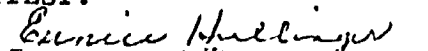
NOW, THEREFORE, BE IT RESOLVED that the township of Vivian, South Dakota supports the idea of transporting water to Wyoming if the aqueduct can provide low cost water to water short towns and ranchers in western South Dakota. and

BE IT FURTHER RESOLVED that the township of Vivian would be a potential consumer if the cost of water is satisfactory.



David M. Moore, Supervisor
Vivian Township
Vivian, South Dakota

ATTEST:


Treasurer of Vivian Township

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Belvidere, South Dakota

WHEREAS, Belvidere is one of many small towns in western South Dakota relying on deep artesian flows for their sole water supply, and

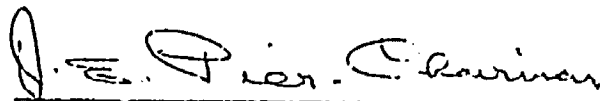
WHEREAS, good quality shallow aquifers and surface impoundment are unreliable due to drought periods that plague the state of South Dakota, and

WHEREAS, the artesian heads are dropping every year and maintenance costs are increasing annually.

NOW, THEREFORE, BE IT RESOLVED that the town of Belvidere supports and endorses a proposed pipeline from the Missouri River across western South Dakota to eastern Wyoming that would furnish high quality Missouri River water to water short areas for rural, municipal, and light industrial users in western South Dakota along with coal industries in Wyoming, and

BE IT FURTHER RESOLVED that the Belvidere City Council would be willing to enter into a water service contract to obtain water from the aqueduct if the cost factor is satisfactory, and

BE IT FURTHER RESOLVED that the state of South Dakota should take an aggressive and positive approach in supporting this concept or any other proposal that would provide water in water short areas of western South Dakota.


James E. Pier, Mayor

City Council of Belvidere
By vote of 3 to 0
James E. Pier, Mayor

ATTEST:

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Fresno, South Dakota

WHEREAS, the city of Fresno, South Dakota has a limited source of water supplied from deep artesian wells which are being pumped nearly to capacity, and

WHEREAS, a stable and reliable water source such as Missouri River water would increase the economic stability of both rural and municipal communities, and

WHEREAS, prior studies of delivering Missouri river water to Fresno and surrounding communities have failed due to extreme cost factors, and

WHEREAS, industrial markets are materializing in coal rich areas of Wyoming that could bear the cost of transporting Missouri River water to the higher elevations of western South Dakota for towns and ranchers along the pipeline route.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fresno, South Dakota supports the proposal to divert Missouri River water across western South Dakota to supply rural, municipal, and industrial users, and

BE IT FURTHER RESOLVED that the City Council of Fresno would agree to take Missouri River water from the proposed aqueduct for use by the city of Fresno subject only to a reasonable cost per unit of measure, and

BE IT FURTHER RESOLVED that the Governor and Legislature accelerate investigations concerning this proposal.

Mike Sweeney

City Council of Fresno
By vote of 4 to 0
Mike Sweeney, Mayor

ATTEST:

Finance Officer
Jale Feringa

Jale Feringa

RESOLUTION

In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Philip, South Dakota

WHEREAS many farmers, ranchers, and town in western South Dakota find themselves short of water due to a drought situation which is a chronic problem of the area, and

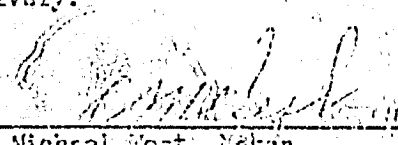
WHEREAS, a pipeline from the Missouri River into the higher elevations in western South Dakota could possibly provide low cost, high quality water for domestic, municipal, and industrial users, and

WHEREAS, a stable and reliable water supply would increase the economic stability of both rural and urban communities, and

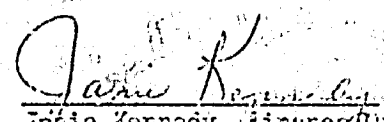
WHEREAS the town of Philip, South Dakota may be faced in the future with an inadequate water supply,

NOW, THEREFORE, BE IT RESOLVED that the City of Philip endorses and supports the concept of a pipeline into western South Dakota that would provide water for city and rural use, and

BE IT FURTHER RESOLVED that the Governor and Legislature be encouraged to address this concept cautiously but aggressively.


Michael West, Mayor
City of Philip, South Dakota
By vote of 4 to 0.

Attest:


Janie Kennedy, Finance Officer

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
City Council of Murdo, South Dakota

WHEREAS, many farmers, ranchers, towns and homes in western South Dakota find themselves short of water due to a drought situation which is a chronic problem of the area, and

WHEREAS, the coal reserves of our state and neighboring states need to be developed for our nation's welfare and water is needed for this development, and

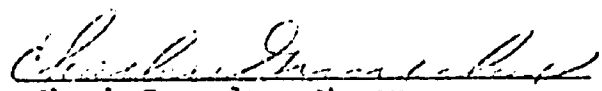
WHEREAS, a pipeline from the Missouri River across the state could provide water for domestic, municipal, and industrial uses both rural and urban, and

WHEREAS, the town of Murdo has been faced with a water shortage in the past and will likely be faced with unsurmountable problems in the future.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Murdo, South Dakota endorses and supports the concept of a pipeline from the Missouri River across the western part of the state that would provide water for city and rural use and make water available for use in coal development, and

BE IT FURTHER RESOLVED that the Murdo City Council would be willing to enter into a water service contract to obtain water from the aqueduct if the feasibility or cost factor is satisfactory.

BE IT FURTHER RESOLVED that the Governor and Legislature be encouraged to promote and accelerate this proposal as much as possible.


Chuck Gunsalus, Mayor
City of Murdo, South Dakota

Resolution
In Support Of
Pipeline Transport of Missouri River Water
Into Western South Dakota
by the
Lyman-Jones Rural Water System

WHEREAS, many farmers, ranchers, towns and homes in the Lyman-Jones Rural Water System find themselves short of water due to a drought situation which is a chronic problem of the area, and

WHEREAS, many farmers and ranchers are forced to haul water for livestock as well as human consumption because of inadequate ground water and run off, and

WHEREAS, many towns are faced with both poor quality and quantity water, and

WHEREAS, previous studies of diverting Missouri River water have proven infeasible due to high pumping cost and large diameter pipe cost, and

WHEREAS, a pipeline from the Missouri River across western South Dakota for industrial coal development could provide water for domestic and municipal uses.

NOW, THEREFORE, BE IT RESOLVED that the Steering Committee of the Lyman-Jones Rural Water System endorses and supports the concept of a pipeline from the Missouri River across western South Dakota to Wyoming that would provide water for city and rural use and make water available for use in coal development, and

BE IT FURTHER RESOLVED that the Lyman-Jones Rural Water System would enter into a water service contract for raw water out of the aqueduct if cost is satisfactory.

BE IT FURTHER RESOLVED that any governmental entity be encouraged to promote this proposal to benefit the water short areas in western South Dakota.

A handwritten signature in cursive script, appearing to read "Frank Woster", is written over a horizontal line.

Frank Woster, Chairman
Lyman-Jones Rural Water System

RESOLUTION

WHEREAS, the City of Kadoka, South Dakota has a limited source of water supplied from deep artesian wells, which are being pumped nearly to capacity during the summer of 1976.

WHEREAS, the City of Kadoka is faced with expanding and expending up to \$200,000 for additional water supply by 1980; which supply continues to decrease the total available water in the Lakota formation as aquifer.

NOW THEREFORE BE IT RESOLVED, that the City Council of Kadoka hereby believes and makes it a matter of record agreeing to take Missouri River water for use by the City of Kadoka as the most reliable source of fine water subject only to a reasonable cost per unit of measure.

Vernon W. Uhler
CITY COUNCIL OF KADOKA
By vote of 5 to 0
Vernon Uhler,
Mayor

M. A. Barnes
ATTEST: M. A. Barnes
City Superintendent
This 22d day of June 1976.

City of Kadoka

KADOKA, SOUTH DAKOTA 57543

"Gateway to the Badlands"

June 22, 1976

Mr. Keith Kuchenbecker, Manager
West River Conservancy Sub-District
Philip, South Dakota 57567

Dear Mr. Kuchenbecker:

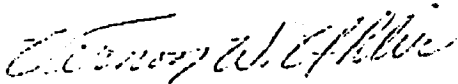
The Kadoka City Council trusts that should the pipe line materialize that the southerly route near Kadoka would be the most beneficial.

If I can give you any help or support, I shall be available with a look to the future.

Enclosed is our Resolution in support of the project.

Hope to see you soon.

Sincerely yours,



Vernon W. Jhlir
Mayor



1442-2

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

August 22, 1977

West River Conservancy Sub-District
Philip, South Dakota 57567

Gentlemen:

Enclosed herewith is your Water Right Permit No. 1442-2 as approved by the Water Rights Commission, to withdraw 10,000 acre feet annually for future use.

Approval of this Permit does not in any way grant property rights to the land involved.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/gy

Enclosure



Department of Water & Natural Resources

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

January 20, 1987

Curt Pfeifle, Manager
West River Water Development District (WRWDD)
PO Box 523
Murdo SD 57559

Dear Mr. Pfeifle:

This letter is in regard to Future Use Water Permit No. 1442-2 which was assigned to the WRWDD on July 12, 1985 by the Board of Water and Natural Resources. A copy of Permit No. 1442-2 is enclosed for your information.

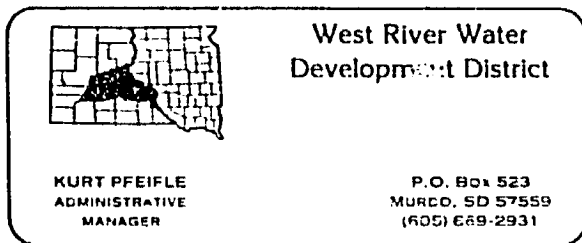
Future Use Permit No. 1442-2 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permit. The Board will also consider amending the permit to add the qualification that the permit be subject to review every seven years by the Board. No fee will be charged if the permit remains in effect after May 6, 1987. Thereafter, a fee of \$227.50 will be charged if the permit is to remain in effect following each seven year review.

Please advise in writing within 30 days of the District's intentions regarding Future Use Permit No. 1442-2. Let us know if you have any questions.

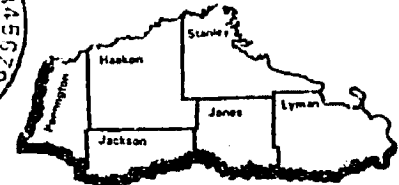
Very truly yours,

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

JH:ks



RICT



Mr. John Hatch
Chief Engineer
Water Rights Division

Dear Mr. Hatch:

In response to your letter regarding the Future Use Water Permit No. 1442-2; which was assigned to the West River Water Development District on July 12, 1985 by the Board of Water and Natural Resources. The Board of the West River Water Development District has every intention of retaining the Future Use Water Permit.

The 10,000 AF/yr specified in the permit is to be used upon Authorization and completion of the West River and Lyman - Jones Rural Water Systems.

Representatives of the West River Water Development District will be attending the review that is scheduled for May 6, 1987.

I would like to extend our thanks for bring this matter to our attention.

Sincerely,
West River Water Development District

Kurt Pfeifle
Administrative Manager

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1442-2

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. 1442-2, West River Water Development District, PO Box 523, Murdo SD.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the West River Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Future Use Permit No. 1442-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment upon expiration of seven years.



JOHN HATCH, Chief Engineer
March 31, 1987

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1442-2

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. 1442-2, West River Water Development District, PO Box 523, Murdo SD.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the West River Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Future Use Permit No. 1442-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment upon expiration of seven years.



JOHN HATCH, Chief Engineer
March 31, 1987

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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, PO Box 523, Murdo SD 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 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, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

1442-2

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Belle Ravellette hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pennington County Courant

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

April 9, 1987

April 16, 1987

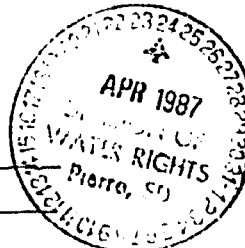
Belle Ravellette
(Signature)

(Title)

Bookkeeper Apr. 24, 1987

(Date Signed)

Cost of Printing: 38.77



Notice of Hearing

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, PO Box 523, Murdo, S.D. 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. 1442-2. This permit was approved November 18, 1978 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 218, Joe Foss Building, Pierre, S.D. on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 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, DWRN, Joe Foss Building, Pierre, S.D. 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.
Pub.: April 6 and 16, 1987

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT

NO. 1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, P.O. Box 623, Murdo SD 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-14-21, the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 216, Joe Fosness Building, Pierre, SD on May 6, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permit, the reasons for the 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-32.1, Board Rules ARSD 74-02-01-27, 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, future information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Fosness Building, Pierre SD 605 778-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lepman) ss.

I, Robert Fosness hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Lepman Telegraph Herald

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

State of Pierre

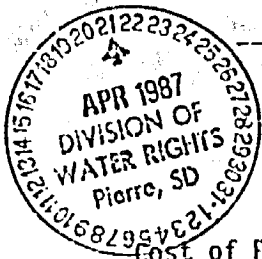
County of Lepman and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 8
April 15

Robert Fosness
(Signature)

Editor, Lepman Telegraph Herald
(Title)

April 20, 1987
(Date Signed)



Cost of Printing: \$40.05

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, Jacqueline C. Johnson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 Pierre

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

April 8

April 15

Jacqueline C. Johnson
(Signature)

Legal Secretary
(Title)

4/10/87
(Date Signed)

Cost of Printing: 95 lines @ .44 = \$41.80

WNR-808-7/79
Proof of Publication

No. 0995 2dly 4/8, 4/15
NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT

NO. 1442-2

Notice is hereby given that the
Water Management Board will
review Future Use Permit No. 1442-2
held by the West River Water Devel-
opment District, PO Box 523, Murdo,
SD for progress made in the develop-
ment of the water reserved by the
Permit and future plans for develop-
ment of the water reserved by Per-
mit No. 1442-2. This permit was
approved November 18, 1976 to
reserve 10,000 acre feet of water from
the Missouri River (Oahe Reservoir
stored water) for diversion from the
West riverbank between the Oahe
Dam and the mouth of the Cheyenne
River.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Divi-
sion recommends that Permit No.
1442-2 remain in effect because 1) the
reserved water may be developed, 2)
there is need for the reserved water
3) the proposed use will be a benefi-
cial use and 4) it is in the public
interest.

The Water Management Board will
conduct the hearing to review Future
Use Permit No. 1442-2 in Room 216,
Joe Foss Building, Pierre, SD on May
6, 1987 at 2:15 p.m.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is author-
ized 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 con-
clusion 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 peti-
tion with BOTH the permit owner and
the Chief Engineer by April 24, 1987.

The petition may be informal, but is
must include a statement describing
the petitioners interest in the future
use permit, the reasons for peti-
tioner'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. 1442-2 will be conducted
pursuant to the provisions of SDCL
46-1-14, 46-5-38.1, Board Rules ARSD
74:02:01:27 and contested case pro-
cedures contained in SDCL 1-26.

This hearing is an adversary pro-
ceeding. The permit owner or any
person after filing a petition, has the

right to be present or to be repre-
sented 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, DWRN, Joe Foss
Building, Pierre, SD 605 773-3352 for
assistance prior to the hearing date.
The time of the hearing will be auto-
matically extended for at least 20
days upon written request of the per-
mit owner or any person who has
filed a petition to oppose or support
continuance of the Future Use Per-
mit. The request for extension must
be filed with the Chief Engineer by
April 24, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jackson) ss.

I, L. G. Parkinson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Kadoka Press

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 Kadoka, of _____

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

Thursday, April 9, 1987

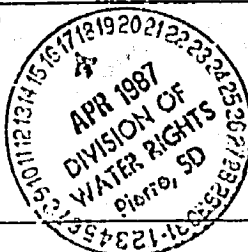
Thursday, April 16, 1987


L. G. Parkinson
(Signature)

Editor-Publisher
(Title)

April 16, 1987
(Date Signed)

Cost of Printing: \$39.61



NOTICE OF HEARING TO REVIEW FUTURE
USE WATER PERMIT NO. 1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, PO Box 623, Murdo, S.D. 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 216, Joe Foss Building, Pierre, S.D. on May 8, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to: 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27, 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.

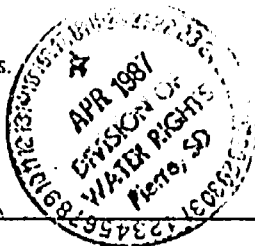
Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped, can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, S.D. 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

Pub. April 9-16

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County McPherson) ss.



I, Kathy Klein hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the McPherson County News

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 MISSION

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

April 8, 1987

April 15, 1987

Kathy Klein
(Signature)

Proprietor
(Title)

4/16/87
(Date Signed)

Cost of Printing: 1-1/2 @ .25 = .375

plus 20% discount on ad insertion = 19.69

Total cost of printing = 42.05

Notice of Hearing
TO REVIEW FUTURE USE WATER PERMIT NO.
1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Development District, PO Box 523, Murdo, SD 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 216, Joe Foss Building, Pierre, SD on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to: 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02-01:27 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, DWNR, Joe Foss Building, Pierre, SD, 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

Publ: April 8 and 15, 1987.

No. 1442-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haakon) ss.

I, Tami Ravellette hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pioneer Review

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

Pioneer Review of Philip, SD

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

April 9, 1987

April 16, 1987

Tami Ravellette
(Signature)

Bookkeeper
(Title)

4-27-87
(Date Signed)

Cost of Printing: \$44.84

Notice of Hearing

TO REVIEW FUTURE USE
WATER PERMIT NO. 1442-2

Notice is hereby given that the
Water Management Board will
review Future Use Permit No.
1442-2 held by the West River Water
Development District, PO Box 523,
Murdo, SD, 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. 1442-2. This permit
was approved November 18, 1976, to
reserve 10,000 acre feet of water
from the Missouri River (Oahe
Reservoir stored water) for diver-
sion from the West riverbank bet-
ween the Oahe Dam and the mouth
of the Cheyenne River.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water Rights
Division recommends that Permit
No. 1442-2 remain in effect 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. 1442-2 in
Room 216, Joe Foss Building, Pierre,
SD, on May 6, 1987, at 2:15 p.m.

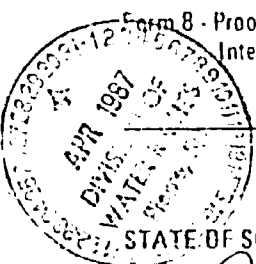
The recommendation of the Chief
Engineer is not final or binding
upon the Board and the Board is
authorized to 1) allow the permit to
remain in effect, 2) amend the per-
mit by adding, modifications, 3)
cancel the permit for no develop-
ment or no planned future develop-
ment, or 4) take no action after it
reaches a conclusion based upon
facts presented at the public hear-
ing. Any interested person who may
be affected by a Board decision and
who intends to participate in the
hearing before the Board and pre-
sent evidence or cross-examine
witnesses according to SDCL 1-26,
must file a written petition to
JOH the permit owner and the
Chief Engineer by April 24, 1987.
The petition may be informal, but
must include a statement describ-
ing 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 ad-
dress of the petitioner or his legal
counsel if legal counsel is obtained.
The permit owner need not file a
petition.

The hearing to review Future
Use Permit No. 1442-2 will be con-
ducted pursuant to the provisions of
SDCL 46-1-14, 46-5-38.1, and Rules
ARSD 74-02-01-27 and contest case
procedures contained in SDCL 1-26.

This hearing is an adversary pro-
ceeding. 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 ap-
pealed 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, DWNR, Joe
Foss Building, Pierre, SD, 605-773-
3352, for assistance prior to the
hearing date. The time of the hear-
ing will be automatically extended
for at least 20 days upon written re-
quest 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 extension must be filed with the
Chief Engineer by April 24, 1987.
(Publish April 9 & 16, 1987)



Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Jonas) ss.

Barbara Rust hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Murdo Creyate

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 Murdo

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

April 9, 1987

April 16, 1987

Barbara Rust

(Signature)

Offici Clerk

(Title)

4-17-87

(Date Signed)

Cost of Printing: \$ 38.43

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT NO.
1442-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, PO Box 523, Murdo SD 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water from the Missouri River (Oahe Reservoir stored water) for diversion from the West riverbank between the Oahe Dam and the mouth of the Cheyenne River.

Pursuant to SDCL 46-2A-2 the chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 remain in effect 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. 1442-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1(allow the permit to remain in effect, 2(amend the permit by adding qualifications, 3(cancel the permit for no development or no planned future development, or 4(take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-30.1, Board Rules ARSD 74:02:01:27 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. Those 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, DWRN, Joe Foss Building, Pierre SD (505-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief

South Dakota Department of
Water & Natural Resources

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

May 18, 1987

NOTICE

Curt Pfeifle, Manager
West River Water Development District
PO Box 523
Murdo SD 57559

Dear Mr. Pfeifle:

This letter is in response to action taken by the Water Management Board at the May 6, 1937 hearing regarding review of Future Use Water Permit No. 1442-2. The Board allowed the permit to remain in effect. Future Use Permit No. 1442-2 is again subject to review in seven years. At that time, a fee of \$227.50 will be charged if the permit is to remain in effect following seven years.

Please contact us if you have any questions.

Very truly yours,



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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 1442-2

WEST RIVER WATER DEVELOPMENT DISTRICT

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 1442-2 was allowed to remain in effect and amended by adding the following qualifications:

1. That Future Use Permit No. 1442-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment upon expiration of seven years.



1442-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 1994

West River Water Development District
Mike Kurle, Manager
PO Box 523
Murdo SD 57559

Dear Mr. Kurle:

I am writing in regard to the seven year review of Future Use Water Permit No. 1442-2 from the Missouri River which is held by West River Water Development District. Currently, our records show that 5,515 acre-feet remain in reserve under this future use permit which was issued in 1976.

Permit No. 1442-2 will be scheduled for review by the Water Management Board this spring and summer 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. 1442-2.

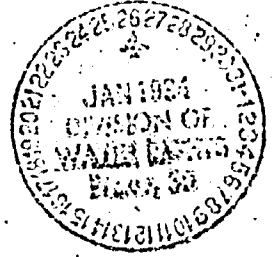
Please respond in writing by February 15, 1994, regarding the District's intention for the future use permit. If the District does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



P.O. Box 523 Murdo, South Dakota 57559 Phone 605 • 669 • 2931 Fax 605 • 669 • 3022



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1994

Mike Kurle, Manager
West River Water Development District
Box 523
Murdo SD 57559

Dear Mr. Kurle:

We have received your letter dated January 18, 1994 requesting that Future Use Permit No. 1442-2 be allowed to remain in effect for 5,515 acre feet. The review of Future Use Permit No. 1442-2 will be at the July, 1994 Water Management Board meeting. Public notice will be given sometime in May. As stated in our letter dated January 3, 1994, after the hearing, a fee will be charged if the Board allows the permit remain in effect. Enclosed is your check for \$135.00. If Board action allows the permit to remain in effect for 5,515 acre feet, a fee of \$132.50 will be requested at that time.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 1994

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

Mike Kurle
West River Water Development District
PO Box 523
Murdo SD 57559

Dear Mr. Kurle:

Future Use Permit No. 1442-2 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 Publishers of the Capital Journal, Pierre SD (Ph #224-7301), The Pioneer Review, Philip SD (Ph # 859-2516), Kadoka Press, Kadoka SD (Ph # 837-2259), Rapid City Journal, Rapid City SD (Ph # 394-8300), Murdo Coyote, Murdo SD (Ph # 669-2271), Mellette Co. Now, Mission SD (Ph # 856-4469), Lyman Co. Herald, Presho SD (Ph #895-2505), and Indian Country Today, Rapid City SD, (Ph # 856-4469). 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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

341-0011

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

May 17, 1994

Capitol Journal
PO Box 878
Pierre SD 57501-0878

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 25, 1994 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 West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2913).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Name Newspaper



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

May 17, 1994

The Pioneer Review
Box 788
Philip SD 57567-0788

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 26, 1994 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 West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2931).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. _____

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

Date _____

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Kadoka Press
Box 309
Kadoka SD 57543-0309

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 26, 1994 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 West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2931).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Rapid City Journal
PO Box 450
Rapid City SD 57709-0450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 25, 1994 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 West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2911).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

The Murdo Coyote
Box 465
Murdo SD 57559-0465

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 26, 1994 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 West River Water Development District, Box 522, Murdo SD 57559 (Ph # 669-2931).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
No. _____

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

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

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Mellott County News
Box 229
Mission SD 57555-0229

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit P.S. 1442-2 to be published twice. Please publish the first notice on May 25, 1994 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 West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2931).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
523 E Capitol
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 *6 A COPY OF THIS FIRST PUBLICATION.

Name Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Lyman Co. Herald
Box 280
Presho SD 57568-0280

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 25, 1994 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 West River Water Development District, Box 523, Hurdo SD 57559 (Ph # 669-2931).

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Name _____

Newspaper _____



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

May 17, 1994
Indian Country Today
Box 2180
Rapid City SD 57709-2180

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THIS NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is West River Water Development District, Box 523, Murdo SD 57559 (Ph # 669-2931).

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.

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE	TO: Water Rights Division
No. _____	Joe Foss Building
	523 E Capitol
	Pierre SD 57501-3181

Date _____

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

Name Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on May 26, 1994 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo SD 57559 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water annually from the Missouri River for diversion from the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. Water Permit No. 2284-2 places 4,485 acre-feet to beneficial use reserved by No. 1442-2 leaving 5,515 acre-feet in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 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 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders 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. 1442-2 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 Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. 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 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) ss

I, Judy Gering

certify that the attached printed Notice was

taken from the NOTICE OF HEARING

ON JUNE 28

printed and published in INDIAN COUNTRY TODAY

County of Pennington and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

May 25, 1994

June 01, 1994

Cost of Printing: 89.00

Judy Gering
(Signature)

General Mgr.
(Title)

June 13, 1994
(Date Signed)

Dept. of Environment and Natural
Resources
523 E. Capitol
Pierre, SD 57501
NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo, SD 57559 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water annually from the Missouri River for divert 3/4 from the west riverbank between the Cane Dam and the mouth of the Cheyenne River. Water Permit No. 1442-2 places 4,485 acre-feet to beneficial use reserved by No. 1442-2 leaving 5,515 acre-feet in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at the Ramkota Inn East Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 a.m.

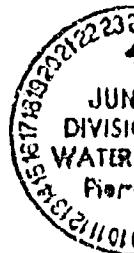
The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the board and present evidence or cross examine witnesses according to SDCL 1-28, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501; (605) 773-3352, and the permit holders 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-3-11, 46-5-39-1; Board Rules ARSD 74 02.01:25 01 thru 74 02.01:27 C3 and contested case procedures contained in SDCL 1-28.

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 Division, DENR, Joe Foss Building, Pierre, SD: (605) 773-3352, by June 20, 1994. 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 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources

131622



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) ssI, Peggy Warner

certify that the attached printed Notice was

taken from the

Capital Journalprinted and published in PierreCounty of Hughes and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:May 25, 1994June 1, 1994Cost of Printing: 66.18Peggy Warner
(Signature)Legal Ad Representative
(Title)June 2, 1994
(Date Signed)

No. 7665 2tdly 5/25/94

NOTICE OF HEARING TO

REVIEW FUTURE USE

WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo SD 57559 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. 1442-2. This permit was approved November 18, 1970 to reserve 10,000 acre feet of water annually from the Missouri River for diversion from the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. Water Permit No. 2284-2 places 4,485 acre-feet to beneficial use reserved by No. 1442-2 leaving 5,515 acre-feet in reserve.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre S.D. on June 28, 1994 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders 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. 1442-2 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 Division, L ENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. 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 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lynn) ss

I, Patricia A. McNaughton

certify that the attached printed Notice was
taken from the Lynn Co.
Record

printed and published in Lynn Co.

County of Lynn and State of

South Dakota. The notice was published in
the newspaper on the following two dates:
5-25-94
6-1-94

Cost of Printing: \$160.23

Patricia A. McNaughton
(Signature)

Editor
(Title)

6-17-94
(Date Signed)

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 Gröf, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. 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 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT

NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo SD 57559 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water annually from the Missouri River for diversion from the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. Water Permit No. 12284-2 places 4,485 acre feet to beneficial use reserved by No. 1442-2 leaving 5,515 acre feet in reserve.

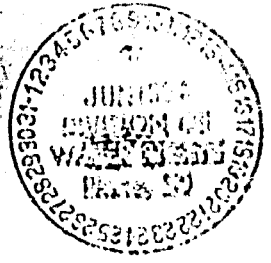
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre feet annually because: 1) the reserved water may be developed; 2) there is need for the reserved water; 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 at the Ramkota Inn, Best Western, Gallery D, 920 W. Sioux, Pierre SD on June 23, 1994 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 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501, (605-773-3352) and the permit holder's 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. 1442-2 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



REDUCTION RATIO
ROLL NUMBER
DATE MICROFILMED
CAMERA OPERATOR SIGNATURE

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) ss

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid City Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

May 25, 1994

June 1, 1994

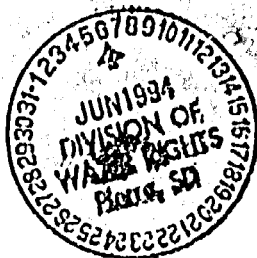
Cost of Printing: 10 10/16 inch legal
adv @ 5.31 per inch 2 times \$112.80

Helena M. Bauer
(Signature)

Bookkeeper

(Title)

June 2, 1994
(Date Signed)



May 25, June 1, 1994
NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1442-2
Notice is given that the Water
Management Board will review
Future Use Permit No. 1442-2 held
by Vist River Water Development
District, Box 321, Murdo, SD 57559,
for progress made in the devel-
opment of the water reserved by
the Permit and future plans for
development of the water reserved
by Permit No. 1442-2. This permit
was approved November 18, 1976,
to reserve 18,000 acre feet of water,
annually from the Missouri River
for diversion from the west river-
bank between the Oahe Dam and
the mouth of the Cheyenne River.
Water Permit No. 2244-2 places
4,435 acre feet in beneficial use
reserved by the 1442-2 leaving
13,565 acre feet in reserve.
Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water
Rights Division recommends that
Permit No. 1442-2 (REMA) be in
EFFECT for 13,513 acre feet (an-
nually 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 inter-
est.
The Water Management Board
will conduct the hearing to review
Future Use Permit No. 1442-2 at
the Ramona Inn East, Western
Gallery, O. 920 W. 10th, Pierre,
S.D. on June 22, 1994, at 10:00 a.m.
The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) allow the
permit to remain in effect, 2)
amend the permit by adding eval-
uations, 3) cancel the permit for
no development or no planned fu-
ture 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 1-24, must file a written
petition with BOTH the permit
owner and the Chief Engineer by
June 20, 1994. The Chief Engineer's
address is Water Rights Division,
Joe Fass Building, 323 E. Capitol
Ave., Pierre, SD 57501, (605-773-
3332) and the permit holder's ad-
dress is given above. The petition
may be informal, but it must in-
clude a statement describing the
petitioner's interest in the future
use permit, the reasons for peti-
tioner's opposition to or support of
continuing the future use permit,
and the signature and mailing ad-
dress of the petitioner or his legal
counsel. If legal counsel is ob-
tained, the permit owner need not
file a petition.
The hearing to review Future
Use Permit No. 1442-2 will be con-
ducted pursuant to the provisions
of SDCL 46-1-14, 46-2-1, 46-2-
11, 46-5-30, 46-5-31, 46-5-32,
46-5-33, 46-5-34, 46-5-35, 46-5-
36, 46-5-37, 46-5-38, 46-5-39,
46-5-40, 46-5-41, 46-5-42, 46-5-
43, 46-5-44, 46-5-45, 46-5-46,
46-5-47, 46-5-48, 46-5-49, 46-5-
50, 46-5-51, 46-5-52, 46-5-53,
46-5-54, 46-5-55, 46-5-56, 46-5-
57, 46-5-58, 46-5-59, 46-5-60,
46-5-61, 46-5-62, 46-5-63, 46-5-
64, 46-5-65, 46-5-66, 46-5-67,
46-5-68, 46-5-69, 46-5-70, 46-5-
71, 46-5-72, 46-5-73, 46-5-74,
46-5-75, 46-5-76, 46-5-77, 46-5-
78, 46-5-79, 46-5-80, 46-5-81,
46-5-82, 46-5-83, 46-5-84, 46-5-
85, 46-5-86, 46-5-87, 46-5-88,
46-5-89, 46-5-90, 46-5-91, 46-5-
92, 46-5-93, 46-5-94, 46-5-95,
46-5-96, 46-5-97, 46-5-98, 46-5-
99, 46-5-100.
This hearing is an adversary
proceeding. The permit owner or
any person, other than a petitioner,
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 ex-
ercised. Decisions of the Board may
be appealed to the Circuit Court
and State Supreme Court as pro-
vided 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 in-
terpreter for the hearing unopposed
may contact Eric Grohnd, Water
Rights Division, DENR, Joe Fass
Building, Pierre, S.D., (605) 773-
3332, by June 20, 1994. 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 En-
gineer by June 20, 1994.
Russell L. Stone
Acting Secretary
Department of Environment
and Natural Resources

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Jackson) SS

I, Ronda K. Dennis
certify that the attached printed Notice v
taken from the Kadoka Press
printed and published in Kadoka

County of Jackson and :
South Dakota. The notice was published
the newspaper on the following two dates

May 26, 1994

June 2, 1994

Cost of Printing: 64.91

Ronda K. Dennis
(Signature)

Legal Advertising Manager
(Title)

June 10, 1994
(Date Signed)



The hearing to review Future Use Permit No. 1442-2 will be conducted pursuant to the provisions of SDCL 46-1-4, 46-2-5, 46-2-9, 46-2-11, 46-5-39, 1. The Board Rules ARSD 74:02:01:25.01 to 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. Those 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 Division, DENR, Joe Foss Building, Pierre, SD (605 773-3352) by June 20, 1994. 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 20, 1994.

Russell L. Stone,
Acting Secretary,
Department of Environment
and Natural Resources.

PUBLISH: May 26 & June 2, 1994

NOTICE NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo, SD 57559, 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. 1442-2. This permit was approved November 18, 1976 to reserve 10,000 acre-feet of water annually from the Missouri River for diversion from the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. Water Permit No. 2284-2 places 4,485 acre-feet to beneficial use reserved by No. 1442-2, leaving 5,515 acre-feet in reserve.

Pursuant to SDCL 46-2A-2 the chief engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN IN EFFECT for 5,515 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. 1442-2 at the Ramkota Inn East Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 a.m.

The recommendation of the chief engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses, according to SDCL 1-26, must file a written petition with BOTH the permit owner and the chief engineer by June 20, 1994. The chief engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holder's 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 petitioner's signature.

For more information, call 837-2145.
Socialwalk Mall, Kadoka, SD. For

)SS

COUNTY OF HAKON

Andrea Cook

Editor

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 26th day of May, 19 04, and the last publication on the 2nd day of June, 19 04; that \$ 58.46, being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Andrew G. ...

Subscribed and sworn to before me this 20th day of June
19 94.

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT NO.
1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo, SD 57559 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. 1442-2. This permit was approved November 18, 1976, to reserve 10,000 acre-foot of water annually from the Missouri River for diversion from the west livebank between the Oahe Dam and the mouth of the Cheyenne River. Water Permit No. 2284-2 places 4,485 acre-foot to beneficial use reserved by No. 1442-2 leaving 5,515 acre-foot in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre-feet annually because 1) the reserved water

Stella L. L. L. L.
Notary Public, Haakon County

My Commission Expires
September 30, 1994

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. 1442-2 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD, on June 28, 1994, at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-2-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1, Board Rules ARSD 74:02:01:25.01 through 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 Division, DENR, Joe Foss Building, Pierre, SD, 605 773-3352 by June 20, 1994. 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 20, 1994.

Russell L. Stone, Acting Secretary
Department of Environment and
Natural Resources
(Publish May 26 & June 2, 1994)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Jones--ss.

Clarice Roghair

being first duly sworn, on oath says that she is the editor and general manager of the

Murdo Coyote

a weekly newspaper printed and published at Murdo, said county of Jones, 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 prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

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 one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

5-26 19 94

6-2 19 94

19

19

19

19

That the full amount of the fees for the publication of the annexed notice is \$ 50.78

Subscribed and sworn to before me

this 10th day of June, 19 94

Notary Public

County of Jones, South Dakota

My Commission Expires: Oct 5, 1996

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Box 523, Murdo SD 57559 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. 1442-2. This permit was approved November 18, 1975 to reserve 10,000 acre feet of water annually from the Missouri River for diversion from the west riverbank between the Gabe Dam and the mouth of the Cheyenne River. Water Permit No. 2284-2 places 4,485 acre-feet to beneficial use reserved by No. 1442-2 leaving 5,515 acre-feet in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at the Ramkota Inn Best Western, Gallery D, 920 W

Sioux, Pierre SD on June 28, 1994 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 20, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders 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, and 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. 1442-2 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 Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. 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 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Publish May 26 & June 2, 1994



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

June 29, 1994

The Murdo Coyote
Box 465
Murdo SD 57559-0465

Dear Sir:

Enclosed is the bill that was sent to our office for payment of a Notice of Hearing published in your paper on May 26 and June 2, 1994. As stated in our letter to you dated May 17, 1994, the applicant is responsible for the cost of this publication. This should be sent to the West River Water Development District, Box 523, Murdo SD.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

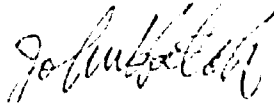
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1442-2, WEST RIVER WATER DEVELOPMENT DISTRICT

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1442-2, West River Water Development District, Box 523, Murdo SD 57559.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the West River Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Water Permit No. 1442-2 reserve for future use a total of 5,515 acre-feet of water annually.

And that maintaining the effectiveness of Future Use Permit No. 1442-2 is subject to payment of the \$152.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the West River Water Development District.



JOHN HATCH, Chief Engineer
May 16, 1994



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 1994

NOTICE

Mike Kurle, Manager
West River Water Development District
Box 523
Murdo SD 57559

Dear Mr. Kurle:

I am writing in response to action taken by the Water Management Board at the hearing on June 28, 1994 to review Future Use Permit No. 1442-2. The Board allowed the permit to remain in effect and amended Permit No. 1442-2 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1442-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1442-2 is \$132.50 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,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 1442-2

WEST RIVER WATER DEVELOPMENT DISTRICT

Pursuant to the June 28, 1994 Water Management Board hearing, Future Use Permit No. 1442-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1442-2 reserve for future use a total of 5,515 acre-feet of water annually.

CERTIFICATION

I hereby certify that on July 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated July 7, 1994, regarding action taken by the Water Management Board at the hearing on June 28, 1994, to review Future Use Permits, along with the Amendment for these Future Use Permits, addressed as stated below:

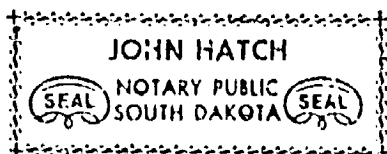
- 1442-2: Mike Kurle, Manager, West River Water Development District,
Box 523, Murdo, SD 57559.
- 1622-2: Ernie Schweigert, Mayor, City of Gregory, Box 436, Gregory, SD
57533-0436.
- 2671-3 & 3429-3: Arden Wallum, Manager, WEB Water Development
Association, Inc., P.O. Box 51, Aberdeen, SD
57402-0051.
- 3984-3: Leonard Heinemann, Manager, Big Sioux Community Water
Corporation, Box 158, Egan, SD 57024.
- 4456-3: Wade J. Blasius, Manager, Aurora-Brule Rural Water System,
Inc., P.O. Box 140, Kimball, SD 57355.
- 5113-3: Bonnie Nielsen, Finance Officer, Town of Pickstown, P.O. Box
107, Pickstown, SD 57367-0107.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of July, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1442-2
414224

Pierre, _____ July 19 _____, 19 94

RECEIVED OF West River Water Development Dist, PO Box 523, Murdo, SD 57559

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>1442-2</u> after period of seven years.	132	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 _____		

(Any Other Work Provided by Law)	Total	132 50

By John Hatch
Chief Engineer



1442-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 27, 2001

West River Water Development District
Mike Kurle, Manager
PO Box 523
Murdo SD 57559

Dear Mr. Kurle:

I am writing in regard to the seven year review of Future Use Water Permit No. 1442-2 from the Missouri River which is held by the West River Water Development District. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the district. Currently, our records show that 5,515 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 1994.

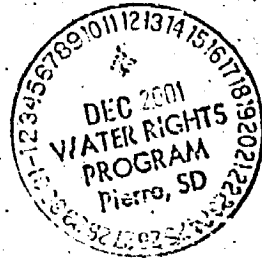
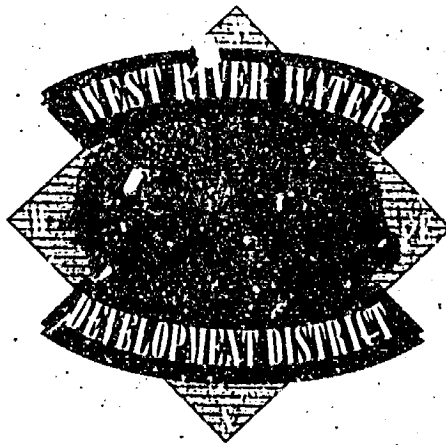
Please respond in writing by January 1, 2002, regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 1442-2 will then be public noticed in all counties proposed to be served water and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



December 10, 2001

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

Re: West River Water Development District

Dear Ms. Schlaak:

The West River Water Development District (WRWDD) herein declares its intent to renew and requests renewal of Future Use Permit No. 1442-2 from the Missouri River for 5,515 acre-feet per year.

The subject permit is held by WRWDD for domestic, municipal and livestock water use within the West River/Lyman-Jones Rural Water System (WR/LJ) service area. WR/LJ currently holds a permit to divert 4,485 acre-feet per year. However, WR/LJ, as a component of the Mni Wiconi Water Supply Project, is now constructing facilities having the capacity to deliver 6,844 acre-feet per year. A portion of the subject permit will be needed to serve that constructed capacity.

WR/LJ has completed approximately 50% of the total planned construction. Those users now being served have not totally converted to the use of project water. We anticipate that it will take several years following the completion of the project to accurately assess WR/LJ's total water needs in the rural areas. Added capacity may also be required in the future if service is provided to the City of Ft. Pierre and if significant residential, commercial and agricultural development occurs in the Ft. Pierre area and along Interstate Hwy 90.

For the reasons noted above we respectfully request renewal of Future Use Permit No. 1442-2. Please contact me if any further action is required by WRWDD.

Sincerely,

Mike Kurle
Manager



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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. 1442-2, West River Water Development District

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. 1442-2, West River Water Development District, PO Box 523, Murdo SD 57559.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the West River Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 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. 1442-2 is subject to payment of the \$132.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the West River Water Development District after the Board hearing.

Garland Erbele, Chief Engineer
May 17, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

May 20, 2002

West River Water Development Dist.
Mike Kurle, Manager
PO Box 523
Murdo, SD 57559

Dear Mr. Kurle:

Water Permit Application No. 2481-2 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the papers on the attached page. This notice also includes the seven year review of Future Use Permit No. 1442-2. You will need to contact each newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on May 29, 2002 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Application No. 2481-2 and Notice to Review
Future Use Permit No. 1442-2

Notice is given that West River Water Development District, Mike Kurlc, Manager, PO Box 407, Murdo SD 57559 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW ¼ NE ¼ Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No. 2284-2, held by the district was approved July 7, 1993 and authorized 10.0 cfs (4,485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mni Wiconi project via the Ogalala Sioux Rural Water Supply System. The West River and Lyman-Jones rural water systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman Counties. Communities served by these systems will include: Belvidere, Kadoka, Midland, Philip, Quinn, Vall, Draper, Kennebec, Murdo, Presho, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use water for households and livestock.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2284-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved. The permit was approved November, 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe dam to a point located in the SW ¼ NE ¼ Section 19-T111N-R79W known as Echo Point. The future use permit reserves water for rural water system user.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5, 515 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application and future use review at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on July 10, 2002 at 10:00 am.

The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application or future use review based on the facts presented at the public hearing. The July 10, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2002, at the above Water Rights Program address to request copies of information pertaining to this application or future use review, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application and future use review are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25 Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

The Pioneer Review
PO Box 788
Philip, SD 57567-0788

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing Application No. 2481-2 to Appropriate Water to be published twice. Please publish the first notice on May 30, 2002 with a 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 West River Water Development District, %Mike Kurle, PO Box 407, Murdo, SD 57559-0407 (Ph # 605-669-2931).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2481-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 20, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2481-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Kadoka Press
PO Box 309
Kadoka, SD 57543-0309

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2481-2 to Appropriate Water to be published twice. Please publish the first notice on May 31, 2002 with the second publication 7 days later.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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No. 2481-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Murdo Coyote
PO Box 465
Murdo, SD 57559-0465

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 2481-2

Date _____

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Lyman Co. Herald
PO Box 518
Presho, SD 57568

ATTENTION: Legal Public Notice

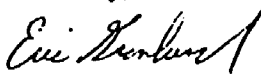
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2481-2

Date _____

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of May 20, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2481-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Mellette Co. News
PO Box F
White River, SD 57579

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Nature Resources Engineer
605 773-3352

enclosures

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

No. 2481-2

Date _____

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 2481-2

Date _____

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Capital Journal
PO Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

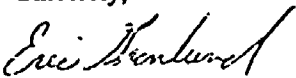
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2481-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

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Name

Newspaper

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) SS

I, Patricia K. Van Datten

certify that the attached printed Notice was taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published in the newspaper on the following two dates:

May 29, 2002

June 5, 2002

Cost of Printing Two hundred ten and eight cents (\$210.08)

Patricia K. Van Datten
(Signature)

Legal Advertising Representative
(Title)

June 5, 2002
(Date Signed)

NOTICE OF APPLICATION NO. 2481-2 AND NOTICE TO REVIEW FUTURE USE PERMIT NO. 1442-2

Notice is given that West River Water Development District, Mike Kurie, Manager, P.O. Box 407, Murdo, SD 57559, has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19, T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point). Water Permit No. 2284-2, held by the district was approved July 7, 1993, and authorized 10.0 cfs (4,485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mt. Wison project via the Ogala Sioux Rural Water Supply System. The West River and Lyman-Jones rural water systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette, and Lyman Counties. Communities served by these systems will include: Belvidere, Kadoka, Midland, Philip, Quinn, Wall, Drazet, Kennett, Murdo, Pretha, Reliance, Vivian, and White River. In addition, rural hook-ups throughout the counties provide water for domestic use water for households and livestock.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2481-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved. The permit was approved November, 1976 and currently reserves 5,315 acre-feet of water from the Missouri River along the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 12, T111N-R79W known as Echo Point. The future use permit reserves water for rural water system users.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN IN EFFECT for 5,315 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BUI-4 the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's

ing, 523 E. Capitol, Pierre, SD 57501, (605-773-3152) and the applicant's mailing address is given above. A petition filed by either or interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application and future use review at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D., on July 10, 2002, at 10:00 a.m.

The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application or future use review based on the facts presented at the public hearing. The July 10, 2002, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-2A. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court, as provided by law. Contact Eric Granlund by June 28, 2002, at the above Water Rights Program address, to request copies of information pertaining to this application or future use review, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-1, 46-2-3, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-13, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

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

RECEIVED

JUN 06 2002

WATER RIGHTS

ion, of said county and state being duly sworn on her Lyman County Herald is a weekly newspaper of general publication in Freso, Lyman County, and State of South is been such newspaper during the times hereinafter t said newspaper is a legal weekly, that it has a bonafide ore than 200 copies weekly, that it has been publisher nity of Lyman more than fifty-two successive weeks nex lion of the notice hereinafter mentioned and maintain publication; That I, the undersigned am editor of sak charge of the advertising department thereof, and have ledge of all the facts stated in this affidavit; that the eaded:

in Application

y of which is herein attached and published in the sak consecutive week(s).
lication of said notice in said newspaper aforesaid wa

the 29 day of May A.D
succeeding publications were severally
the day of A.D., 2002
the day of A.D., 2002
the day of A.D., 2002
the day of A.D., 2002
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the day of A.D., 2002
ublication on Wednesday, the 5 day of June 2002;
n of fees charged for publishing the same, to-wit: th
18.40 insures solely to the editor of The Lyma
That no agreement or understanding for any divisio
n made with any other person, and that no part there
d to be paid to any person whatsoever.

by Hal

elle Hthe
Notary Public

nd sworn to before me this 27 day of June, 2002

ion expires
RENELE UTHE
NOTARY PUBLIC - SOUTH DAKOTA
1st Commission Expires
September 20, 2007

Development District, Mike Kurie, Manager, PO Box 407, Murdo SD 57559 has filed Application No 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,483 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19, T111N R 79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No 2284-2 held by the district was approved July 7, 1993 and authorized 10.0 cfs (4,483 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mt. Wisco project via the Opalala Sioux Rural Water Supply System. The West River and Lyman Jones rural water systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman Counties. Communities served by these systems will include: Behrler, Kadoka, Midland, Philip, Quinn, Wall, Draper, Kennebec, Murdo, Freso, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use water for households and livestock.

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No.1442-2 REMAIN IN EFFECT for 5,515 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No.1442-2 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, First Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel if legal counsel is obtained.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Mellette) SSI, Susan Mairé

certify that the attached printed Notice was taken

from the Mellette County NEWSprinted and published in White RiverCounty of Mellette and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

5/29/026/5/02Cost of Printing \$100.80Susan A Mairé
(Signature)Bookkeeper
(Title)6/5/02
(Date Signed)NOTICE OF APPLICATION NO. 2481-2 AND
NOTICE TO REVIEW FUTURE USE PERMIT
NO. 1442-2

Notice is given that West River Water Development District, Mike Kurk, Manager, PO Box 407, Murdo SD 57559 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No. 2284-2, held by the district was approved July 7, 1993 and authorized 10.0 cfs (4,485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2481-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest.

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application and future use review at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on July 10, 2002, at 10:00 a.m.

The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application or future use review based on the facts presented at the public hearing. The July 10, 2002, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2002.

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This application and future use review are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

Steve M. Pinner, Secretary, Department of Environment and Natural Resources
Publ.: May 29 and June 5, 2002.



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Laura P. Waack of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal/display advertisement headed Notice of Application

a printed copy of which, taken from the paper in which the same was published, and which is here-to attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

<u>May 28</u>	<u>20 02</u>	<u>20</u>
<u>June 5</u>	<u>20 02</u>	<u>20</u>
	<u>20</u>	<u>20</u>
	<u>20</u>	<u>20</u>
	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 100.24.

Signed: Laura P. Waack

subscribed and sworn to before me this 5 day of June 2002.

May J. Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 2003.

RECEIVED
JUN 06 2002
WATER RIGHTS
PROGRAM

Notice to Review

Future Use Permit No. 1442-2

Notice is given that West River Water Development District, Mike Kurle, Manager, P.O. Box 407, Murdo, SD 57559 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10 cubic feet of water per second (cfs) (4,465 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No. 2284-2, held by the district was approved July 7, 1993 and authorized 10.0 cfs (4,465 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mni Wiconi project via the Ogalala Sioux Rural Water Supply System. The West River and Lyman-Jones rural water systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman counties. Communities served by these systems will include: Belvidere, Kadoka, Midland, Philip, Quinn, Wall, Draper, Kennebec, Murdo, Preabo, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use water for households and livestock.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2481-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserve. The permit was approved November, 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The future use permit reserves water for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3252) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application and future use review at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 10, 2002 at 10 am.

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Steven M. Pirner
Secretary
Department of Environment
and Natural Resources

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

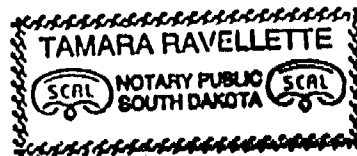
Donna Koehn, of said County and State, being duly sworn, on oath says: THE PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Legal Advertising Manager, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Application No. 2481-2 and
Notice to Review Future Use Permit No. 1442-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 30th day of May, 20 02 and the last publication on the 6th day of June, 20 02 that \$ 93.48 being the amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Donna Koehn

Subscribed and sworn to before me this 19th day of June
20 02.



Tamara Ravellette
Notary Public, State of South Dakota

My Commission Expires
January 24, 2008

RECEIVED

JUN 20 2002

WATER RIGHTS
PROGRAM

OK

Notice of Application No. 2481-2 and Notice to Review Future Use Permit No. 1442-2

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The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application or future use review based on the facts presented at the public hearing. The July 10, 2002, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer

from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2002, at the above Water Rights Program address to request copies of information pertaining to this application or future use review to assure access to the hearing by the hand capped or to obtain an interpreter for the hearing impaired.

This application and future use review are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-38 thru 46-5-40, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

Steven M. Pirner, Secretary,
Department of Environment and Natural
Resources
(Publish May 30 & June 6, 2002)

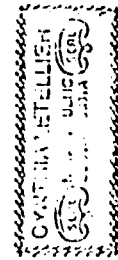
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF JACKSON

I, Ronda K. Dennis, of said County and State, being duly sworn, on oath says:
THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers, that I, the undersigned, am Legal Advertising Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice of Application a printed copy of which is hereto attached, was printed and published in said newspaper for 30 day of May 20 02 and the last publication on the 1st day of June 20 02 that \$ 105.54 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers said newspaper; that no arrangement or understanding for a division thereof has been made with any person that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 19th day of June 20 02



Notary Public
My Commission Expires
March 21, 2003

RECEIVED
JUN 20 2002
WATER RIGHTS
PROGRAM

NOTICE
NOTICE OF APPLICATION
NO. 2481-2 and NOTICE TO
REVIEW FUTURE USE
PERMIT NO. 1442-2

Notice is given that West River Water Development District, Mike Kurth, Manager, PO Box 407, Muro SD 57553 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4.485 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19-T11N-R75W (approximately three miles downstream of Echo Point) at a location known as Echo Point).

Water Permit No. 2284-2, held by the District was approved July 7, 1993 and authorized 10.0 cfs (4.485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mini Vitcon Project via the Ogallala Sioux Rural Water Supply System. The West River and Lyman-Jones Rural Water Systems will serve portions of Stanley, Heaton, Jackson, Pennington, Jones, Mellette and Lyman Counties. Communities served by these systems will include: Berdrea, Kadoka, Midland, Phillip, Quin, Wall, Draper, Kennebec, Muro, Presho, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use, water for households and livestock.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2281-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved. The Permit was approved November, 1979 and currently reserves 5,515 acre-feet of water from the Missouri River along the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T11N-R75W known as Echo Point. The future use permit reserves water for rural water system use.

Pursuant to SDCL 48-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN IN EFFECT for 5,515 acre-feet annually because 1) the re-

view are made pursuant to SDCL 48-1-1 thru 48-1-16; 48-2-1, 48-2-5, 48-2-9, 48-2-11, 48-2-13, 48-2-17, 48-2A-1 thru 48-2A-10, 48-2A-12, 48-2A-14, 48-2A-15, 48-2A-20, 48-2A-21; 48-5-1 thru 48-5-11, 48-5-13 thru 48-5-15, 48-5-24, 48-5-25, 48-5-30.2, 48-5-30.4, 48-5-31, 48-5-38 thru 48-5-40; and Board Rules ARSO 74-02:01:01 thru 74-02:01:25, 74-02:01:24 thru 74-02:01:25.

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

PUBLISHED: May 30 & June 6, 2002

future use area to the riverbank in a
point located in the SW1/4 NE1/4 Sec-
tion 15-T11N-R79W known as Echo
Point. The future use permit reserves
water for rural water system user.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Pro-
gram recommends that Permit No. 14252
14252 REMAIN IN EFFECT for 5,515
acre-feet annually because 1) the re-
served water may be developed, 2)
there is need for the reserved water,
3) the proposed use will be a benefi-
cial use and 4) it is in the public inter-
est.

Any person interested in opposing or
supporting this application or the re-
view of Future Use Permit No. 14252
must file a written petition with BOTH
the applicant and Chief Engineer. The
applicant must also file a petition if
opposed to the Chief Engineer's re-
commendations. The Chief Engineer's
address is "Water Rights Program,
Foss Building, 523 E. Capitol, Pierre
SD 57501 (803.773-3352); and the ap-
plicant's mailing address is given
above. A petition filed by either an in-
terested person or the applicant must
be filed by June 22, 2002. The petition
may be informal, but must include a
statement describing the petitioner's
interest in the application or the fu-
ture use review, the petitioner's rea-
sons for opposing or supporting the
application or future use review, and
the signature and mailing address of
the petitioner or the petitioner's legal
counsel, if legal counsel is obtained.

The Water Management Board will
consider this application and future
use review at the Floyd Matthew
Training Center, Joe Foss Building,
523 E. Capitol, Pierre SD on July 10,
2002 at 10:00 a.m.

The Chief Engineer's recommenda-
tions are not final or binding upon the
Board. The Board is authorized to 1)
approve, 2) approve with qualifications,
3) defer, or 4) deny this applica-
tion or future use review based on
the facts presented at the public hear-
ing. The July 10, 2002 hearing date
will be automatically delayed for at
least 20 days upon written request to
the Chief Engineer from the applicant
or any interested person opposing
the application. The request for an
automatic delay must be filed by
June 21, 2002.

Any hearing may be an adversarial
proceeding. Any person filing a peti-
tion and/or the applicant have the
right to be represented by a lawyer
and may present evidence or cross-
examine witnesses according to
SDCL 1-26. These and other due pro-
cess rights will be forfeited if not ex-
ercised. Decisions of the Board may
be appealed to the Circuit Court and
State Supreme Court as provided by
law. Contact Eric Grotlund by June
24, 2002, at the above Water Rights
Program address to request copies
of information pertaining to this appli-
cation or future use review, to assure
access to the hearing by the handi-
capped or to obtain an interpreter for
the hearing impaired.

This application and future use re-

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

ss

COUNTY OF JONES

Donna Koehn

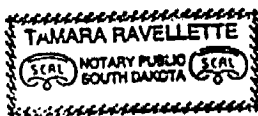
_____ of said County and State, being duly sworn, on oath says: THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in MURDO, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE MURDO COYOTE is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am _____ Legal Advertising Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Application No. 2481-2 and Notice to Review Future Use Permit No. 1442-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 30th day of May, 20 02 and the last publication on the 6th day of June, 20 02 that \$P4.06 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Donna Koehn

Subscribed and sworn to before me this 19th day of June, 20 02.



Tamara Ravellette
Notary Public, State of South Dakota

My Commission Expires
January 24, 2008

RECEIVED
JUN 20 2002
WATER RIGHTS
PROGRAM

Notice of Application No. 2481-2 and Notice to Review Future Use Permit No. 1442-2

Notice is given that West River Water Development District, Mike Kurl, Manager, P.O. Box 407, Murdo, SD 57559 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW1/4NE1/4 Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No. 2284-2, held by the district was approved July 7, 1993, and authorized 10.0 cfs (4,485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the district has filed this application.

The water will be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the M4 Wiconi project via the Ogala Sioux Rural Water Supply System. The West River and Lyman-Jones rural water systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mefette and Lyman Counties. Communities served by these systems will include: Belvidere, Kadoka, Midland, Philip, Quinn, Wall, Draper, Kennebec, Murdo, Presho, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use water for households and livestock.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 2481-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved. The permit was approved November, 1976, and currently reserves 5.515 acre-feet of water from the Missouri River along the east riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe Dam to a point located in the SW1/4NE1/4 Section 19-T111N-R79W known as Echo Point. The future use permit reserves water for rural water system user.

Pursuant to SDCL 46-2A-2 the chief engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN IN EFFECT for 5.515 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.

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BOTH the applicant and chief engineer. The applicant must also file a petition if opposed to the chief engineer's recommendations. The chief engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or the future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application and future use

review at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 10, 2002, at 10 a.m.

The chief engineer's recommendations are not final or binding upon the board. The board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application or future use review based on the facts presented at the public hearing. The July 10, 2002, hearing date will be automatically delayed for at least 20 days upon written request to the chief engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2002, at the above Water Rights Program address to request copies of information pertaining to this application or future use review, to assure access to the hearing by the hand, to be paid or to obtain an interpreter for the hearing impaired.

This application and future use review are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3, 46-2-5, 46-2-8, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30.4, 46-5-31, 46-5-38 thru 46-5-40; and Board Rules ARSD 74.02.01:01 thru 74.02.01:15; 74.02.01:24 thru 74.02.01:25

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

[Publish May 30 & June 6, 2002]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 2002

NOTICE

West River Water Development District
Mike Kurle, Manager
PO Box 523
Murdo SD 57559

Dear Mr. Kurle:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 2002 to review Future Use Permit No. 1442-2. The Board allowed the permit to remain in effect for 5,515 acre-feet of water annually. Future Use Permit No. 1442-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1442-2 is \$132.50 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 12, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 12, 2002 regarding Notice Future User Permit No 449-3 & 3981-3, Future Use Permit No. 1442-2, Future Use Permit No. 4673-3, Future Use Permit No. 5155-3, Future Use Permit No. 5832-3 addressed as stated below:

449-3 & 3981-3

Lytle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

1442-2

West River Water Development District
Mike Kurlle, Manager
PO Box 523
Murdo SD 57559

4673-3

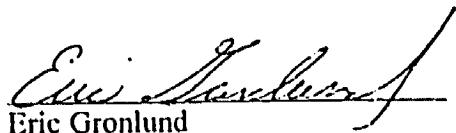
Dawn Glover, Finance Officer
City of Elk Point
PO Box 280
Elk Point, SD 57025-0280

5155-3

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

5832-3

Pamela Bonrud, Executive Director
Lewis & Clark Rural Water System
300 N Dakota Ave
Suite 206
Sioux Falls, SD 57102



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

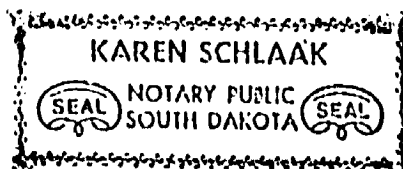
Sworn to, before me, this 15th day of July, 2002.



Karen Schlaak

Notary Public

My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 417232

Pierre, July 22, 2002

RECEIVED OF West River Water Development Dist., PO Box 523, Murdo SD 57559-0523
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>1442-2</u> after period of seven years.	132	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 _____		

(Any Other Work Provided by Law)	Total	132 50

By Darland Erbe
Chief Engineer *gjm*



MISSOURI RIVER-WYOMING AQUEDUCT

Keith Kuchenbecker, Mgr.
West River Conservancy
Sub-District

Scale
1 INCH = 15 MILES



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2009

Jake Fitzgerald, Manager
West River Water Development District
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in regard to the seven year review of Future Use Water Permit No. 1442-2 from the Missouri River which is held by the district. 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 district. Currently, our records show that 5,515 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in July, 2002.

Please respond in writing by May 15, 2009, regarding the district's intention for the future use permit. If the district 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.

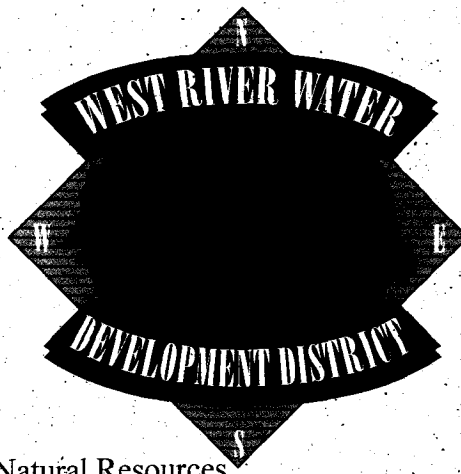
Permit No. 1442-2 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for 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 15 2009

**WATER RIGHTS
PROGRAM**

April 14, 2009

Karen Schlaak
Water Rights Program
Dept. of Environment & Natural Resources
523 East Capitol – Joe Foss Bldg.
Pierre, SD, 57501-3182

Re: Future Use Water Permit No. 1442-2

Dear Ms. Schlaak:

The West River Water Development District (WRWDD) herein declares its intent to renew and requests renewal of Future Use Water Permit No. 1442-2 from the Missouri River for 5,515 acre-feet per year.

The subject permit is held by WRWDD for domestic, municipal and livestock water use within the West River/Lyman-Jones Rural Water System (WR/LJ) service area. WR/LJ currently holds a permit to divert 4,485 acre-feet per year. However, WR/LJ, as a component of the Mni Wiconi Water Supply Project, is now constructing facilities having the capacity to deliver 6,844 acre-feet per year. A portion of the subject permit will be needed to serve that constructed capacity.

WR/LJ has completed approximately 90% of the total planned construction. Those users now being served have not totally converted to the use of project water. We anticipate that it will take several years following the completion of the project to accurately assess WR/LJ's total water needs in the rural areas. Added capacity may also be required in the future if service is provided to the City of Ft. Pierre and if significant residential, commercial and agricultural development occurs in the Ft. Pierre area and along Interstate 90.

For the reasons noted above, we respectfully request renewal of Future Use Permit No. 1442-2. Please contact me if any further action is required by WRWDD.

Sincerely,

Jake Fitzgerald
Manager

407



**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. 1442-2, West River Water Development District**

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. 1442-2, West River Water Development District, PO Box 523, Murdo SD 57559.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 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. 1442-2 is subject to payment of the \$515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
June 2, 2009

NOTE: Please be advised that the Legislature passed a bill this year raising all Water Rights Program filing fees. The fee increases become effective July 1, 2009.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 2009

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

West River Water Development District
Jake Fitzgerald, Manager
PO Box 523
Murdo SD 57559

Dear Mr. Fitzgerald:

Future Use Permit No. 1442-2 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 each county where water will be diverted or used. The notice of this review has been sent to the publishers of the following papers.

Pioneer Review, Philip 605 859-2516
Murdo Coyote, Murdo 605 669-2271
Mellette Co News, White River 605 259-3642
Capital Journal, Pierre 605 224-7301

Kadoka Press, Kadoka 605 837-2259
Lyman Co Herald, Presho 605 895-6397
Rapid City Journal, Rapid City 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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on June 11, 2009 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. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, PO Box ⁴⁰⁷523 Murdo SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW ¼ NE ¼ Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 10:30 am, July 8, 2009 at the 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 29, 2009. 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. 1442-2 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.

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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 29, 2009. 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 29, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Pioneer Review
PO Box 788
Philip SD 57567

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 11, 2009 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 West River Water Development District, Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559.

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 June 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 1442-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Kadoka Press
PO Box 309
Kadoka SD 57543

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 11, 2009 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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Date _____

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

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Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Murdo Coyote
PO Box 465
Murdo SD 57559

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 11, 2009 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Lyman Co. Herald
PO Box 518
Presho SD 57568

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

We are in receipt of your letter of June 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 1442-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Mellette Co. News
PO Box F
White River SD 57579

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 10, 2009 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.

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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 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 1442-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Rapid City Journal
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 11, 2009 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.

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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 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 1442-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2009

Capital Journal
PO Box 878
Pierre SD 57501

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on June 10, 2009 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.

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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 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 1442-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

RECEIVED

JUN 30 2009

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Mellette

Mandy Scherer, being duly sworn, says: That The Mellette County News is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, as amended, published at White River, Mellette County, South Dakota by Huether Brothers Publishing, Inc.; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order of advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

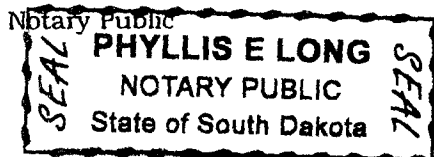
June 10, 2009
June 17, 2009

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 77.49, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid by any other person.

Mandy Scherer
Bookkeeper

Subscribed and sworn to before me this 17th
day of June A.D., 20 09.

Phyllis E. Long



My Commission Expires
August 30, 2012

Notice of Hearing

to review future use water permit no. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, PO Box 523, Murdo, SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW1/4NE1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 10:30 a.m., July 8, 2009 at the 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 29, 2009. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1442-2 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.

The 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 Cronlund, Water Rights Program, (605 773-3352) by June 29, 2009. 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 29, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Pub.: June 10 and 17, 2009

JUN 26 2009

Form 8

WATER RIGHTS PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 10, 2009

June 17, 2009

Cost of Printing \$54.98

Mary Baker
(Signature)

Accounts Receivable
(Title)

6-25-09
(Date Signed)

SNAPLP 0503
2ndy 8/10, 8/17
NOTICE OF
HEARING TO
REVIEW FUTURE
USE WATER
PERMIT
NO. 1442-2

NO. 1442-2

The Water Management Board will review the proposed 1442-2 held by River Water Development Co., Inc., Fitzgerald, Manager.

\$57539 for progress made in the development of the project. The project served by the Permittee and future plans for the project are:

- a) water reserved by Permit No. 1440-2; b) water in 1978 currently reserved by Permit No. 1440-2 from the Mississippi River along south shore of the Cheyenne River and three miles north of the mouth of the Cheyenne River and three miles west of the mouth of the Cheyenne River;
- c) point located in the area of the permittee's land at 9° 17' N-111° 17' W-97° 50' W known as Echo Point; d) water reserved for rural water systems.

Pursuant to SDCL 46A-2-2, the Chief Engineer has recommended that the Rights Program recommend that Permit No. 1442-2 be renewed in EFFECT for \$5,515.00 per year plus renewal fee because 1) the reservation may be developed or used for the reserved water;

- 2) the proposed law is in compliance with the public interest;
- and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 at 10:30 am, July 8, 2009 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

[illegible]

ASSIFIED

600 Public Notices

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 1-28.

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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, (805 773-3352) by June 29, 2009. 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

Publisher's Affidavit of Publication

RECEIVED

JUN 22 2009

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)SS

WATER RIGHTS
PROGRAM

Connie Penny, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Future Use Water Permit
132 Lines

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 10 day of June, A.D., 2009 and that the succeeding publications were severally
Wednesday, the 17 day of June, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009
Wednesday, the _____ day of _____, A.D., 2009

and the last publication on Wednesday, the 17 day of June, 2009, that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 78.64 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Connie Penny
Carolyn McClanahan
Notary Public

Subscribed and sworn to before me this 18 day of June 2009
My Commission expires 6/16/2014, 200_

CAROLYN ANN McCLANAHAN
SEAL NOTARY PUBLIC SEAL
STATE OF SOUTH DAKOTA

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T11N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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.

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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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6/10, 6/17

RECEIVED

JUN 19 2009

WATER RIGHTS
PROGRAM

Form 8

June 11, 18

L20358941

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, P.O. Box 407, Murdo SD 57559, 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW1/4 NE1/4, Section 19, T111N-R79W, known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 10:30 a.m., July 8, 2009, at the 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 29, 2009. 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. 1442-2 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 29, 2009. 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 29, 2009.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K. Van Datten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 11, 2009

June 18, 2009

Cost of Printing One hundred fifty-six

and sixty cents (\$156.60)

Patricia K. Van Datten
(Signature)

Legal Advertising Rep.
(Title)

06/18/09
(Date Signed)

PUBLISHER'S AFFIDAVIT OF PUBLICATION
RECEIVED

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

Selma Thorson

JUL - 1 2009

WATER RIGHTS
PROGRAM

_____, of said County and State, being duly sworn, on oath says: THE PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

D E N R

Notice of Public Hearing-Water Permit

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 11th day of June, 20 09 and the last publication on the 18th day of June, 20 09 that \$72.78 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 30th day of June, 20 09.



Notary Public, State of South Dakota

My Commission Expires
January 24, 2014

RECEIVED

JUN 30 2009

SURFACE WATER PROGRAM

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 1442-2

Notice is given that the Water Management board will review Future Use Permit No. 1442-2 held by West River Rural Water Development, Jake Fitzgerald, Manager, PO Box 523, Murdo, SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW1/4NE1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Programs recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 10:30 a.m., July 8, 2009, at the 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 29, 2009. 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. 1442-2 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 and 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 29, 2009. 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 29, 2009.

Steven M. Pimer, Secretary
Department of Environment and Natural

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF JONES

RECEIVED

JUL - 1 2009

WATER RIGHTS
PROGRAM

RECEIVED

JUN 30 2009

SURFACE WATER PROGRAM

Kelcy Nash _____, of said County and State, being duly sworn, on oath says: THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in MURDO, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE MURDO COYOTE is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonified subscribers; that I, the undersigned am _____ Editor _____, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Hearing to Review Future Use Water Permit No. 1442-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 11th day of June, 2009, and the last publication on the 18th day of June, 2009, that \$ 68.23 being the full amount of the fee for publication of the annexed notice solely to the benefit of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 18th day of June, 2009.


Notary Public, State of South Dakota
My Commission Expires
January 24, 2014

Notice of Hearing to
Review Future Use
Water Permit No. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo, SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 10:30 a.m., July 8, 2009, at the 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 29, 2009. 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 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 29, 2009. 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 29, 2009.

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

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF JACKSON

) SS

RECEIVED

JUL - 1 2009

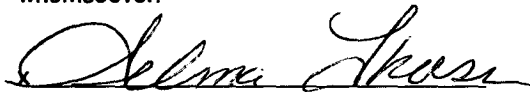
WATER RIGHTS
PROGRAM

Selma Thorson of said County and State, being duly sworn on oath says: THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA, in said County and State and has been such newspaper during the times thereafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Administrative Assistant of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

DENR

Notice of Hearing-Review Water Permit #1442-2

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive issues, the first publication being on the 11th day of June, 20 09, and the last publication on the 18th day of June 20 09, that \$ 72.78 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 30th day of June, 20 09.



Notary Public, State of South Dakota

My Commission Expires

January 24th, 2014

RECEIVED

JUN 30 2009

SURFACE WATER PROGRAM

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 currently reserves 5,515 acre feet of water from the Missouri River along west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

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The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 at 10:30 a.m., July 8, 2009 at the 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 29, 2009. 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. 1442-2 will be conducted pursuant to the provisions of SDCL 46-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, future information on this permit, to attend access to the hearing by the hearing capped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by June 29, 2009. The time of the hearing will be automatically delayed 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 29, 2009. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

[Publish: June 11 & 18, 2009]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 2009

NOTICE

TO: Jake Fitzgerald, Manager
West River Water Development District
PO Box 407
Murdo SD 57559

FROM: Garland Erbele, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read "Garland Erbele", written over the printed name in the "FROM:" field.

SUBJECT: Scheduled Time for Review of Future Use Permit No. 1442-2

The hearing time before the Water Management Board to consider the review of Future Use Water Permit No. 1442-2 has changed from 10:30 AM to 1:30 PM on Wednesday, July 8, 2009. This matter was recently public noticed. The change in the hearing time is necessary due to adjustments in the Board's agenda.

The Water Management Board will now consider review of Future Use Water Permit No. 1442-2 at **1:30 PM**, on July 8, 2009, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD.

Applicable provisions of the Notice published the county newspapers within the rural water system's service area still apply.

If you have any questions, please contact Eric Gronlund at 605 773-3352.

CERTIFICATION

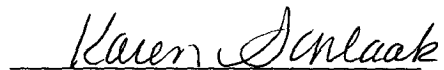
I hereby certify that on June 26, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 26, 2009 regarding scheduled time change for Future Use # 1442-2 at the WMB Mtg. addressed as stated below:

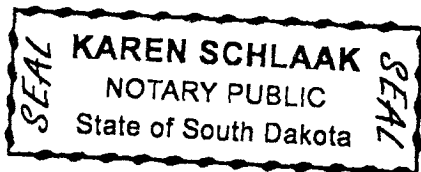
Jake Fitzgerald, Manager, West River Water Development District, PO Box 407, Murdo SD 57559


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of June, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**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 9, 2009

NOTICE

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2009 to review Future Use Permit No. 1442-2. The Board allowed the permit to remain in effect for 5,515 acre-feet of water annually. Future Use Permit No. 1442-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1442-2 is \$515.00 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 9, 2009 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 9, 2009 regarding future use permits addressed as stated below:

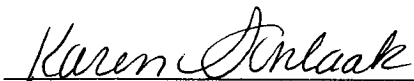
City of Elk Point, Erika Hammitt, Finance Officer, PO Box 280, Elk Point SD 57025 **4673-3**
West River Water Dev Dist., Jake Fitzgerald, Mngr., PO Box 407, Murdo SD 57559 **1442-2**
Lincoln County Rural Water System, Robin Dykstra, Mngr., PO Box 36, Harrisburg SD ~~57555-3~~ **5515-3**
57032



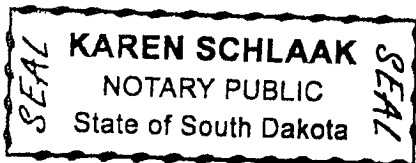
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of July, 2009.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

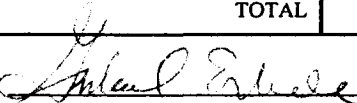
Date 7/17, 20 09

RECEIVED OF West River Lyman Jones Dev Dist PO Box 407 Murdo SD 57559

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	515 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1442-2</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	515 00

No. 04717

By 

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 23, 2012

1442-2

Jake Fitzgerald, Manager
West River Water Development District
PO Box 407
Murdo SD 57559 0407

Dear Mr. Fitzgerald:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for Future Use Permit No. 1442-2. The future use permit is currently listed in the name of the West River Conservancy Sub District.

Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

APR - 2 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1442-2

Date: 3/29/12

I/We request that Future Use Permit No. 1442-2

formerly owned by: West River Conservancy Sub District

be transferred to: (name & address) West River Water Development District

% Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559-0407

Telephone No. 605 669-2931

Title to the following described land(s)/property has been transferred as described above:

Diversion point location: Section 19, T111N, R79W (3 miles downstream of Oahe Dam

at a location known as Echo Point)

I/We understand that the validity of Future Use Permit No. 1442-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jake Fitzgerald -, the new owner, certify that the above information is true and
Manager, WRWDD correct.

Jake Fitzgerald - Manager WRWDD
(Signed by new owner)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/2, 20 12

RECEIVED OF West River Water Dev Dist PO Box 407 Murdo SD 57559

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1442-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **05396**

By Larry Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 3, 2012

1442-2

Jake Fitzgerald, Mgr
West River Water Development District
PO Box 407
Murdo SD 57559 0407

Dear Mr. Fitzgerald:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Future Use Permit No. 1442-2.

The ownership change has been completed. Future Use Permit No. 1442-2 formerly held by the West River Conservancy Sub District is now listed in the name of West River Water Development District.

Enclosed for your records is Receipt No. 05396 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



1442-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 28, 2016

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in regard to the seven year review of Future Use Water Permit No. 1442-2 from the Missouri River held by the West River Water Development District. 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 district. Currently, our records show that 5,515 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2009.

Please respond in writing by May 31, 2016 regarding the district's intention for the future use permit. If the district 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.

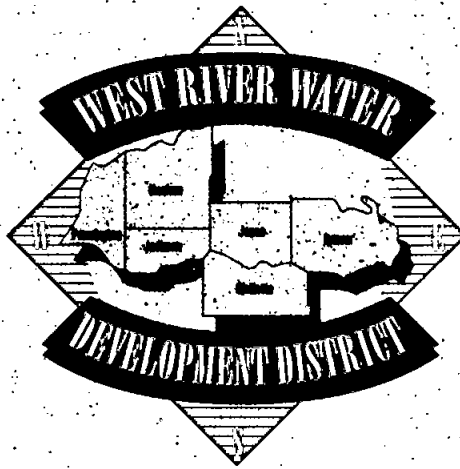
Permit No. 1442-2 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for 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 5,515 acre-feet remain in reserve, the fee will be \$515.00.

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

MAY 20 2016

WATER RIGHTS
PROGRAM

May 17, 2016

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

Re: Future Use Water Permit No. 1442-2

Dear Ms. Schlaak:

The West River Water Development District (WRWDD) herein declares its intent to renew and requests renewal of Future Use Water Permit No. 1442-2 from the Missouri River for 5,515 acre-feet per year.

The subject permit is held by WRWDD for domestic, municipal and livestock water use within the West River/Lyman-Jones Rural Water System (WR/LJ) service area. WR/LJ currently holds a permit to divert 4,485 acre-feet per year. As a component of the Mni Wiconi Water Supply Project, WR/LJ has constructed facilities having the capacity to deliver nearly 7,000 acre-feet per year.

In 2014, WR/LJ completed its congressionally authorized project after twenty years of construction. Users now being served have not totally converted to the use of project water. We anticipate that it will take several years to accurately assess WR/LJ's total water needs in the rural areas of west central South Dakota. Added capacity may also be required in the future if continued residential, commercial and agricultural development occurs around the larger municipalities and along Interstate 90.

In addition, the South Dakota Department of Agriculture has recently developed a County Site Analysis program in an effort to enhance economic development opportunities and to promote local planning throughout the state. WR/LJ would like to be in a position to have sufficient source capacity to serve future proposed agricultural development within its service area if needed.

For the reasons noted above, we respectfully request renewal of Future Use Permit No. 1442-2. Please contact me if any further action is required by WRWDD.

Sincerely,

Jake Fitzgerald
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1442-2, West River Water Development District**

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. 1442-2, West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 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. 1442-2 is subject to payment of the \$515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Jeanne Goodman, Chief Engineer
May 31, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 31, 2016

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

West River Water Development District
Jake Fitzgerald, Manager
PO Box 523
Murdo SD 57559

Dear Mr. Fitzgerald:

Future Use Permit No. 1442-2 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 each county where water will be diverted or used. The notice of this review has been emailed to following papers:

- | | |
|---|---|
| ✓ Pioneer Review, Philip 605 859-2516✓ | ✓ Kadoka Press, Kadoka 605 837-2259✓ |
| ✓ Murdo Coyote, Murdo 605 669-2271✓ | ✓ Lyman Co Herald, Presho 605 895-6397✓ |
| ✓ Mellette Co News, White River 605 259-3642✓ | ✓ Rapid City Journal, Rapid City 605 394-8300 |
| ✓ Capital Journal, Pierre 605 224-7301✓ | |

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 8 or 9, 2016. 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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:09 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:08 AM
To: news@lcherald.com
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:08 AM
To: 'press@kadokatelco.com'
Subject: FW: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:06 AM
To: legals@capjournal.com
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:05 AM
To: MCNews (mcnews@gwtc.net)
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:04 AM
To: 'mcoyote@gwtc.net'
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 9:02 AM
To: 'newsdesk@pioneer-review.com'
Subject: 1442-2, West River Water Development District
Attachments: 1442-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

West River WDD, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 (605 669-2931) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Instruction to Newspaper-Publish the following Notice on June 8 or 9, 2016. West River Water Development District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 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. 1442-2. This permit was approved 1976 currently reserves 5,515 acre feet of water from Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 2:00 pm (CST), July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. 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. 1442-2 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 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 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. 1442-2. This permit was approved 1976 currently reserves 5,515 acre feet of water from Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T11N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 2:00 pm (CST), July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. 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.

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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 27, 2016. The time of the

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

JUL - 5 2016

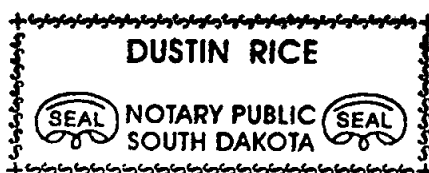
WATER RIGHTS
PROGRAM

Carina Tyler 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 1 day for 1 successive 1 day, the first publication there of being on the 9 day of June 2016 that the fees charged for the publication there of are 97 dollars and 10 cents.

Subscribed and sworn to before me this 23 day of June, 2016.

Notary public

DUSTIN RICE



My commission expires

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 27, 2016.

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 June 20, 2016.

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

(Published once at the total approximate cost of \$97.10).

THE _____ COURT
COUNTY OF PENNINGTON

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

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

Attorney for _____

2019 MAR 27

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

Connie Penny, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

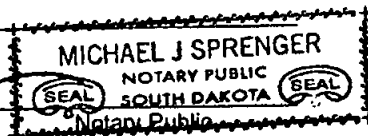
Notice of Hearing of Water Permit No 1442-2
147 Lines

a printed copy of which is hereto attached and published in the said newspaper for
1 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on
Wednesday, the 8 day of July, A.D., 2016
and that the succeeding publications were severally
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016
Wednesday, the _____ day of _____ A.D., 2016

and the last publication on Wednesday, the 8 day of July, 2016,
that the full sum of fees charged for publishing the same, to-wit; the sum of
\$ 49.69 insures solely to the editor of The Lyman County Herald.
That no agreement or understanding for any division thereof had been made with any
other person, and that no part thereof has been agreed to be paid to any person
whatsoever.

Connie Penny
m j s



Subscribed and sworn to before me this 20 day of June, 2016

My Commission expires _____, 20__

MICHAEL J SPRENGER
NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
March 27, 2022

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 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. 1442-2. This permit was approved 1976, currently reserves 5,515 acre feet of water from Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T11N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 2:00 pm (CST), July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

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

is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. 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. 1442-2 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 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$46.30.

WATON
A

WRWD

Affidavit of Publication

State of South Dakota

County of Mellette

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Huether Brothers Publishing, Inc., and that the Mellette County News is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Mellette and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

June 8, 2016

That the full amount of the fee charged for the publication of the attached public notice, **\$50.37** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

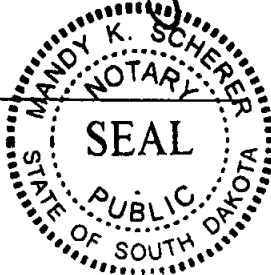
Taylor Risse

Subscribed and sworn to before me this 8 day of June, 2016.

Notary Public

Mandy K. Scherer

My Commission Expires
December 9, 2021





PUBLIC NOTICES

Public Notice Advertising • Protects Your Right to Know



Notice Of Hearing To Review Future Use Water Permit No. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 573, Murdo SD 57550 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. 1442-2. This permit was approved 1976 currently reserves 5,315 acre foot of water from Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 10-T11N-R70W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN IN EFFECT for 5,315 acre-foot 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. 1442-2 at 2:00 pm (CST), July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (505 773-3352) 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. 1442-2 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 Grumhard, Water Rights Program, (505 773-3352) by June 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$50.37
Pub: June 8, 2016

RECEIVED

JUN 22 2016

WATER RIGHTS

PROGRAM PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF JONES

Lonna Jackson, of said County and State, being duly sworn, on oath says: THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in MURDO, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE MURDO COYOTE is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonified subscribers; that I, the undersigned am Legal Advertising Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

**West River Water Development District
Notice of Hearing to Review Future Use Water Permit No. 1442-2**

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being on the 9th day of June, 2016, and the last publication on the 9th day of June, 2016, that \$ 47.23 being the full amount of the fee for publication of the annexed notice solely to the benefit of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Lonna Jackson

Subscribed and sworn to before me this 9th day of June, 2016.

Tamara Lovell

Notary Public, State of South Dakota
My Commission Expires
January 24, 2020

**Notice of Hearing
to Review Future
Use Water Permit
No. 1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 523, Murdo SD 57559 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. 1442-2. This permit was approved 1976 currently reserves 5,515 acre feet of water from Missouri River along the west river bank between the mouth of the Chienne River and three miles downstream of the Oahe Dam

to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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. 1442-2 at 2:00 pm (CST), July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Ave, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. The Chief Engineer's address is "Water Rights Program", 605 Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the per-

mit 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. 1442-2 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 infor-

mation 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 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published June 9, 2016, at the total approximate cost of \$47.23.

The hearing to review Future Use Permit No. 1442-2 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 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

[Publish: June 9, 2016 at the total approximate cost of \$36.53]

RECEIVED
JUN 17 2016
WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 8, 2016

Cost of Printing \$42.71

Marylinn Baker
(Signature)

Bookkeeper
(Title)

6-14-16
(Date Signed)

Public Notice Public Notice

MAIN IN EFFECT may contact Eric for 5,515 acre-foot Gronlund, Water annually because Rights Program. 1) the reserved (505 773-3352) by water may be de-June 27, 2016 veloped, 2) where The time of the is need for the re-hearing will be served water 3) automatically do- the proposed use layed for at least will be a beneficial 20 days upon with use and 4) it is in request of the the public interest. permit owner or The Water Man- any person who agement Board has filed a petition will conduct the to oppose or sup- hearing to review port continuance Future Use Permit of the Future Use No. 1442-2 at 2:00 Permit. The re- pm (CST), July 6, quest for a delay 2016 at Floyd must be filed with Matthew Training the Chief Engineer Center, Joe Foss by June 27, 2016. Bldg. 523 E Capit- According to tol Ave, Pierre SD SDCL 1-26-18.3. The recommen- parties to a con- dation of the Chief tested case may Engineer is not in- use the Office of rural or binding Hearing Examina- upon the Board ers to conduct a and the Board is hearing if either a authorized to 1) property right is allow the permit to being terminated remain in effect, 2) or the dollar amend the permit amount in contro- by adding quali- verary exceeds cations, 3) cancel \$2,500 00. If any the permit for no party chooses to development or no use the Office of planned future de- Hearing Examina- velopment, or 4) are rather than the take no action af- hearing procedure ter it reaches a described above, conclusion based then you need to upon facts pre- notify the Chief sented at the pub- Engineer (Water lic hearing. Rights Program Any interested 523 E Capitol Ave, person who may Pierre SD) by be affected by a June 20, 2016. Board decision Steven M. Pimer, and who intends Secretary, Depart- to participate in ment of Environ- the hearing before ment and Natural the Board and Resources. present evidence or cross-examine Published once at witnesses accord- the approximate ing to SDCL 1-26, cost of \$42 71.

SNAXLP 14985
14dy 6/6
NOTICE OF
HEARING TO
REVIEW FUTURE
USE WATER
PERMIT NO.
1442-2
Notice is given will be conducted that the Water pursuant to the Management provisions of Board will review SDCL 46-1-14, Future Use Permit 46-2-5, 46-2-9, No. 1442-2 held 46-2-11, by West River Wa- 46-5-38.1; Board ter Development Rules ARSD District, Joe Jake 74020125.01 Fitzgerald, Man- thru ager, PO Box 523, 74020125.03 Murdo SD 57559 and contested for progress made case procedures in the develop- contained in ment of the water SDCL 1-26, reserved by the This hearing is an Permit and future adversary pro- plans for develop- ceeding. The per- ment of the water mit owner or any reserved by Per- person after filing mit No. 1442-2 a petition, has the This permit was right to be present approved 1970 or to be repre- currently reserves sented by a law- 5,515 acre foot of yer These and water from Mis- other due process soun River along rights will be for- the west river tested if they are bank between the not exorciad De- mouth of the cisions of the Cheyenne River Board may be ap- and three miles posted to the Cir- downstream of the cul Court and Oahe Dam to a State Supreme t point located in Court as provided the SW 1/4 NE 1/4 by law. Section Any person with- ing a copy of the known as Echo Chief Engineer's Point. The water is recommendation, reserved for rural further information water system use on the permit, is Pursuant to assure access to SDCL 46-2A-2 the the hearing by the Chief Engineer of handicapped or the Water Rights obtain an inter- Program recom- preter for the mends that Permit hearing implied No 1442-2 RE.

WATER RIGHTS PROGRAM

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 27, 2016. 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. 1442-2 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 27, 2016. 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 27, 2016.

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 June 20, 2016. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

[Published June 9, 2016, at the total approximate cost of \$41.18]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 12, 2016

NOTICE OF ENTRY OF ORDER

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2016 to review Future Use Permit No. 1442-2. The Board allowed the permit to remain in effect for 5,515 acre-feet of water annually. Future Use Permit No. 1442-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1442-2 is \$515.00 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 12, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 12, 2016 regarding future use permits addressed as stated below:

Permit No. 5155-3 Lincoln County RWS, Robin Dykstra, PO Box 36, Harrisburg SD 57032

Permit No. 4673-3 City of Elk Point, Erika Hammitt, FO, PO Box 280, Elk Point SD 57025

Permit Nos. 449-3, 3981-3, 3981A-3 Greg Anderson, Water Purification Plant, 2100 N
Minnesota Ave, Sioux Falls SD 57104

Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

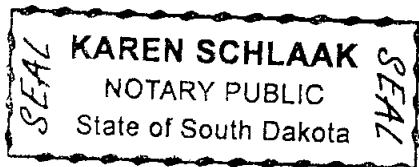
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559


Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 12th day of July, 20 16.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/25, 20 16

RECEIVED OF West River Water Dev Dist PO Box 407 Murdo SD 57559

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	515 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1442-2</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. _____	515 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	515 00

No. **07882**

By *Jerome Goodman*
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 29, 2023

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in regard to the seven-year review of Future Use Water Permit No. 1442-~~1~~ from the Missouri River held by West River Water Development District. 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 district. Currently, our records show that 5,515 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2016.

Please respond in writing by May 1, 2023, regarding the district's intention for the future use permit. If the district 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. 1442-2 will then be public noticed at the district 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 5,515 acre-feet remain in reserve, the fee will be \$515.00.

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

Sincerely,

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



RECEIVED

APR 26 2023

OFFICE OF
WATER

April 24, 2023

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

Re: Future Use Water Permit No. 1442-2

Dear Ms. Schlaak:

The West River Water Development District (WRWDD) herein declares its intent to renew and requests renewal of Future Use Water Permit No. 1442-2 from the Missouri River for 5,515 acre-feet per year.

The subject permit is held by WRWDD for domestic, municipal and livestock water use within the West River/Lyman-Jones Rural Water System (WR/LJ) service area. WR/LJ currently holds a permit to divert 4,485 acre-feet per year. As a component of the Mni Wiconi Water Supply Project, WR/LJ has constructed facilities having the capacity to deliver nearly 7,500 acre-feet per year.

In 2014, WR/LJ completed its congressionally authorized project after twenty years of construction. Users now being served have not totally converted to the use of project water. Overall, annual system water usage is trending upwards. We anticipate that it will take several years to accurately assess WR/LJ's total water needs in the rural areas of west central South Dakota. Added capacity may also be required in the future if continued residential, commercial, and agricultural development occurs around the larger municipalities and along Interstate 90.

In recent years, agricultural facilities such as Concentrated Animal Feeding Operations (CAFOs) have emerged, and more are being planned. WR/LJ would like to be in a position to have sufficient source capacity to serve future proposed agricultural development within its service area when needed.

For the reasons noted above, we respectfully request renewal of Future Use Permit No. 1442-2. Please contact me if any further action is required by WRWDD.

Sincerely,

Jake Fitzgerald
Manager



**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. 1442-2 West River Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1442-2, West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559.

The Chief Engineer is recommending that Future Use Permit No. 1442-2 REMAIN in EFFECT for 5,515 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1442-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1442-2, 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. 1442-2 is subject to payment of the \$ 515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Eric Gronlund, Chief Engineer
May 23, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 26, 2023

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

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Future Use Permit No. 1442-2 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 following newspapers:

- The Pioneer Review in Philip SD (Ph # 605 859-2516)
- The Murdo Coyote in Murdo SD (Ph # 605 669-2271)
- Lyman County Herald in Presho SD (Ph # 605 895-6397)
- Mellette County News in White River SD (Ph # 605 259-3642)
- Capital Journal in Pierre SD (Ph # 605 224-7301))
- Rapid City Journal in Rapid City SD (contact information will be mailed to you when received from the newspaper)

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 7 or 8 2023, depending on the newspaper. 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

enclosures

Instruction to Newspaper - Publish the following Notice on June 7 or June 8, 2023. The West River Water Development District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use in Haakon, Jones, Lyman, Mellette, Stanley, and portions of Jackson and Pennington counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any 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 Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", 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 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 20, 2023.

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. 1442-2 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 Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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 Chief Engineer is June 20, 2023. 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 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_____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

June 9, 2023

West River Water Development District
Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

The Capitol Journal (605 224-7301) has notified us that your public notice did not publish because you did not call to authorize and make payment for Water Permit Application No. 1442-2. I have submitted an updated notice with a publish date of June 14, 2023. Please be sure to call the newspaper as soon as possible to authorize publication of your Notice and to arrange for payment. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the following Notice on June 14 or June 15, 2023. The West River Water Development District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use in Haakon, Jones, Lyman, Mellette, Stanley, and portions of Jackson and Pennington counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any 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 Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", 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 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 26, 2023.

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. 1442-2 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 Chief Engineer by June 26, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 26, 2023.

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.

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Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:32 AM
To: ads@pioneer-review.com
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.

Thank you,

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



Rodriguez, Rachel

Murdo Coyote

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:35 AM
To: mcoyote@gwtc.net; coyoteads@gwtc.net
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

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

Thank you,

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



Rodriguez, Rachel

Lyman County Herald

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:39 AM
To: ads@lcherald.com
Cc: new@lcherald.com
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 7, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.

Thank you,

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



Rodriguez, Rachel

Milledge City News

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:43 AM
To: mcnews@gwtc.net
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 7, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.

Thank you,

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



Rodriguez, Rachel

*Capital Journal
Pierre*

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:46 AM
To: legals@capjournal.com
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 7, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.

Thank you,

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



Rodriguez, Rachel

Rapid City Journal

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 10:48 AM
To: RCY Legals
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, June 9, 2023 8:26 AM
To: ads@pioneer-review.com
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final61423.doc; FORM8.FRM.doc

republic

Attached is a notice to be published on June 15, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.**

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, June 9, 2023 8:43 AM
To: legals@capjournal.com
Subject: 1442-2 West River Water Development District - Public Notice
Attachments: 1442-2 FU REVIEWpubnotice_final61423.doc; FORM8.FRM.doc

Attached is a notice to be published on June 14, 2023.

West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559, (605 669-2931) 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.**

Thank you,

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



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

STATE OF SOUTH DAKOTA

}

}SS

COUNTY OF JONES

}

Water Rights Program

X

Tamar Ravellet

My Commission Expires

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://doh.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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 (905) 773-5569 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 Chief Engineer is June 20, 2023. 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 Chief Engineer dispense the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published June 8, 2023, at the total approximate cost of \$71.21 and may be viewed free of charge at www.edpublications.com.

RECEIVED /

JUN 12 2023

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Mellette) SS

I, _____

certify that the attached printed Notice was taken
from the Mellette County News

printed and published in White River

County of Mellette and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 7, 2023

Cost of Printing \$81.03

Mandy Scherer
(Signature)

Owner
(Title)

June 7, 2023
(Date Signed)

Affidavit of Publication

State of South Dakota

County of Mellette

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Mellette County News is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Mellette and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **1** successive week(s) to wit:

June 7, 2023

That the full amount of the fee charged for the publication of the attached public notice, **\$81.03** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

Subscribed and sworn to before me this 7 day of June, 2023.

Notary Public

My Commission Expires
December 9, 2027



Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

Connie Penny, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing to Review Water Permit
231 Lines

a printed copy of which is hereto attached and published in the said newspaper for 1 consecutive week(s).

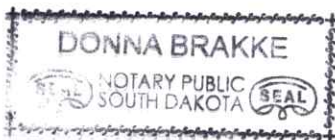
The first publication of said notice in said newspaper aforesaid was on Wednesday, the 7 day of June A.D., 2023 and that the succeeding publications were severally
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023
Wednesday, the _____ day of _____ A.D., 2023

and the last publication on Wednesday, the 7 day of June, 2023, that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 82.00 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Connie Penny
Donna Brakke
Notary Public

Subscribed and sworn to before me this 7 day of June, 2023

My Commission expires _____
DONNA BRAKKE 20
NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
December 31, 2025



RECEIVED

JUN 12 2023

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T11N-R79W known as Echo Point. The water is reserved for rural water system use in Haakon, Jones, Lyman, Mellette, Stanley, and portions of Jackson and Pennington counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1442-2 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence

RECEIVED

JUN 28 2023

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marglin Baker

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre

County of Hughes and
state of South Dakota. The notice was published

in the newspaper on the following date:

6/14/23

Cost of Printing \$71.59

Marglin Baker
(Signature)

Business Manager
(Title)

6-26-23
(Date Signed)

PUBLIC NOTICE

SNAXLP 19896
11dly 6/14

**NOTICE OF HEARING TO
REVIEW FUTURE USE WA-
TER PERMIT NO. 1442-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use in Haakon, Jones, Lyman, Mellette, Stanley, and portions of Jackson and Pennington counties. The permit was last reviewed in 2016.

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newal 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 Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", 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 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 26, 2023.

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Published once at the approximate cost of \$71.59, and may be viewed free of charge at www.sdpublicnotices.com.

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

RECEIVED

JUN 15 2023

OFFICE OF
WATER

S.D. DANR - GROUND WATER

523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 57276

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk 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 once each week for one

successive week, the first publication there of being on the 8 day of June, 2023.

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 06/08/2023

TOTAL AD COST: 141.67

FILED ON: 6/13/2023

Subscribed and sworn to before me this

13th day of June, 2023.

Kelly L. Kanaan Notary Public

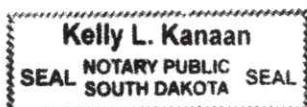
My commission expires

Jan 17, 2025

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 1442-2

Notice is given that the Water Management Board will review Future Use Permit No. 1442-2 held by the West River Water Development District, Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 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. 1442-2. This permit was approved in 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west river bank between the mouth of the Cheyenne River and three miles downstream of the Oahe Dam to a point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W known as Echo Point. The water is reserved for rural water system use in Haakon, Jones, Lyman, Mellette, Stanley, and portions of Jackson and Pennington counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5,515 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 31, 2023

NOTICE OF ENTRY OF ORDER

West River Water Development District
c/o Jake Fitzgerald, Manager
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2023 to review Future Use Permit No. 1442-2. The Board allowed the permit to remain in effect for 5,515 acre-feet of water annually. Future Use Permit No. 1442-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1442-2 is \$515.00 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,

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

CERTIFICATION

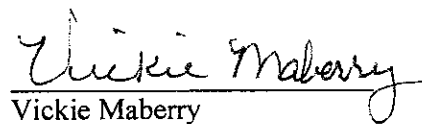
I hereby certify that on July 31, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 31, 2023 involving action taken by the Water Management Board hearing on July 12, 2023:

Lincoln County Rural Water System, c/o Robin Dykstra, 27066 Henry Pl., Sioux Falls SD 57108

West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559

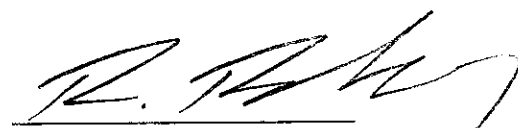
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117

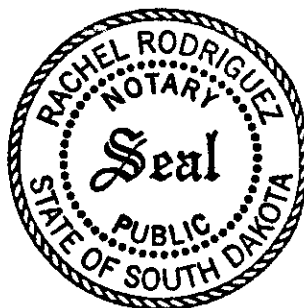
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31 day of July, 2023.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 4, 2023

RECEIVED OF West River Water Development District c/o Jake Fitzgerald, Manager PO Box 407 Murdo SD 57559

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>1442-2</u> after period of seven years.	<u>\$515.00</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>\$515.00</u>

By Eric Gronlund
Chief Engineer
Em



**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.: 1442-2

Name of Applicant: West River Water Development District, Jake Fitzgerald

Date of Posting: 6/6/2023

Date of Removal: 7/31/2023



Ron Duvall, Engineer III

7/31/2023

Date

Subscribed and sworn to before me, a notary public, this 31 day of July, 2023.



Notary Public - South Dakota
My commission expires:

(SEAL) **Rachel Rodriguez**
My Commission Expires
May 16, 2029

