

1443-2

1. Considered 9-29, 1976
2. Name of Applicant BLACK HILLS CONSERVANCY SUB. DIST
3. Post Office Address RAPID CITY
4. Amount of water claimed 10,000 ACRES FT ANNUALLY
5. Source of water supply DAHE RESERVOIR (STORED)
6. Water to be used for MULTIPLE - FUTURE USE
Acres to be irrigated _____
7. Water to be diverted and used in STANLEY County
about N miles SAF PERLE
8. Proof of Publication Received 9-24-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1224-2 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 Black Hills Conservancy Sub-District
 Postoffice address Rapid City, State South Dakota
 If a corporation, show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work West River Aqueduct

4. Amount of water claimed (cubic feet per second) 3.8 (10,000 AcFt/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, _____ Total number of acres to be irrigated _____

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

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

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 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 and rural water systems

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
 Pennington) ss.
 County of _____)

I, Ed Glasgow, 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 Ed Glasgow

Subscribed and sworn to before me this 1st day of September, 1956

William A. Wynne
 Notary Public (or other qualified officer)

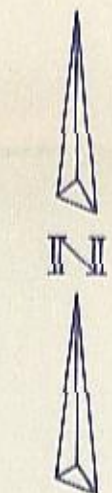
* See attached report on West River Aqueduct

WILLIAM A. WYNNE, Notary Public
 My Commission Expires June 4, 1959

PROPOSED MISSOURI RIVER-WYOMING PIPELINE ALTERNATE ROUTES

KEY

- 250 mi. S. DAK. 34 - INTERSTATE 90
- 270 mi. BAD RIVER - CHEYENNE RIDGE
- 340 mi. INTERSTATE 90
- 220 mi. CHEYENNE - WHITE RIVER
- 175 mi. CHEYENNE - BELLE FOURCHE RESERVOIR



- BLACK HILLS CONSERVANCY SUBDISTRICT BOUNDARY
- WEST RIVER CONSERVANCY SUBDISTRICT BOUNDARY
- MAIN LINE
- ALTERNATE
- TRUNK LINE

Prepared by:
Black Hills Conservancy Sub-District
P. O. BOX 1692
RAPID CITY, SOUTH DAKOTA 57701
9/10/76

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1443-2
BLACK HILLS CONSERVANCY SUB-DISTRICT Box 1692, RAPID CITY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57701 With the following modifications:
 (State)

1

2

3e;

mit

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

Date of first receipt of application SEPTEMBER 3, 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 75
 WATER RIGHT PERMIT NO. 1443-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1443-2 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 3, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE, 19 ____
3. The whole of said work is to be completed on or before NOT APPLICABLE, 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE, 19 ____
5. The water appropriated shall be used for the purpose of FUTURE MUNICIPAL, INDUSTRIAL, COMMERCIAL & 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 ACRE 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 ~~irrigation and if for the irrigation purpose said appropriation must be limited to not more than three feet per acre per year and be limited to not more than one-seventh (1/7) of one cubic foot of water per second of time for each acre of land to which water is~~
USED FOR THE ABOVE PURPOSES
 actually and beneficially ~~applied for irrigation on or before~~ 1977; said water to be used during the following described annual period: _____

wmc

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

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

No. 1443-2

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 Black Hills Conservancy Sub-District~~
whose post office address is Rapid City, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a ~~perpetual~~ appropriate for beneficial use
10,000 acre cubic feet of water ~~annually~~ annually from the Oahe Reservoir through the
West River Aqueduct, 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 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000~~
of providing irrigation ~~on the following described land:~~
future supplies for municipal, industrial, commercial
and rural water system use

This application No. 1443-2 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:

Black Hills
Conservancy Sub District, Box 1692, Rapid City, S.D. 57701

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

No. #1443-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hinkle 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

September 27, 1976.

John H. Hinkle
(Signature)

Business Manager
(Title)

September 23, 1976
(Date Signed)

No. 3556 - 21 day, Sept. 10-23
No. 1443-2

NOTICE

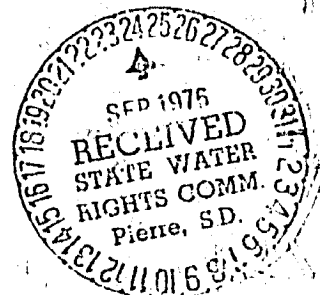
INTENT TO

APPROPRIATE WATER

Notice is hereby given that the
Black Hills Conservancy, Sub-
District whose post office address
is Rapid City, South Dakota, has
made an application in accord-
ance with the provisions of the
water laws of South Dakota for a
future use permit to appropriate
for beneficial use 10,000 acre feet
of water annually from the Oahe
Reservoir through the West
River Aqueduct, the point of
diversion of which is to be 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. 1443-2 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





BLACK HILLS CONSERVANCY SUB-DISTRICT

1124 6th St. Rapid City, South Dakota 57701
P.O. Box 1692 Phone 343-1782



September 25, 1976

MANAGER-TREASURER
ED GLASSGOW

CHAIRMAN
JOHN LOUCKS
Rapid City, South Dakota

VICE-CHAIRMAN
OLIN MATKINS
Sturgis, South Dakota

SECRETARY
MAYNARD DOWNEN
Fairburn, South Dakota

DIRECTORS
REUBEN DEUTSCHER
Walt, South Dakota

HOLAND VEREN
Sturgis, South Dakota

LOUIS K. FREIBERG
Rapid City, South Dakota

CHARLES WENBERG
Whitewood, South Dakota

C.A. "BUD" POLLEY
Spearfish, South Dakota

TO: Members of the Water Rights Commission

Gentlemen:

RECEIVED

OCT 1 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

On Thursday you will be considering the water rights applications of our Sub-District (10,000 acre/feet), the West River Conservancy Sub-District (10,000 acre/feet) and Energy Transportation Systems, Inc. (20,000 acre/feet). On behalf of our Board of Directors I would urge you to act favorably on all three.

I don't believe you have any questions on the need for water in Western South Dakota, so I will not take your time to review that aspect except to say our Sub-Districts have in hand resolutions of support for the proposed aqueduct concept from most every municipality and water district along the proposed route. At the hearing we will be happy to review these indications of need and support with you.

Since, our proposal is unprecedented I believe the major concerns surround providing water for use by a coal slurry pipeline and for providing water for an out of state use. In our best judgement there is no question on the availability of water. This then leaves the matter to a question of policy. It seems the legislature may have saved you from having to make this important determination by requiring that all permits over 10,000 acre/feet be referred to them for final approval. I remember what one of our board members said a long time ago, "In matters of this nature there is no way you are going to keep the legislature from getting involved since they are the elected representatives."

Since the whole matter of Missouri water into our part of the state rests on the participation of large industry we urge you to approve the application of Energy Transportation Systems Inc. I'm sure you realize that it

is the only hope for the concept. Our position in the matter is best defined in the enclosed letter sent to Congressman Abdnor.

Again I would like to urge you to approve all three of the applications as a complete package, as the only visible hope of bringing much needed Missouri River water into our water starved part of the state.

If I can be of help to you in any way please call me collect.

Respectfully,

Ed Glassgow, Manager-Treasurer

EG/jms
Enclosure

**BEST IMAGE POSSIBLE
FROM POOR ORIGINAL**

RECEIVED

OCT 1 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

WHEREAS the citizens of Edgemont, South Dakota, have
fled themselves short of water due to a drought which has been a
chronic problem of the area, 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 Edgemont has been faced with a water shortage in
the past and will likely be faced with unsoundable problems in the future:

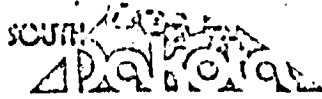
NOW, THEREFORE, BE IT RESOLVED that the City Council of Edgemont, South Dakota
endorse and supports the concept of a pipeline from the Missouri River across
the western part of the state that would provide water for city and rural use,
and

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

BE IT FURTHER RESOLVED that the Congressional Delegation, Governor, Legislature,
the Department of Natural Resources Development and the Black Hills Conservancy Sub-
District be encouraged to promote and accelerate this proposal as much as possible,
and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the officials
listed above.

[Handwritten signature and stamp]



1443-2

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

August 22, 1977

Black Hills Conservancy Sub-District
Box 1692
Rapid City, South Dakota 57701

Gentlemen:

Enclosed herewith is your Water Right Permit No. 1443-2 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



July 15, 1985

Division of Water Rights
Department of Water and Natural Resources
Pierre, South Dakota 57501

Dear Sirs:

In accordance with SDCL 46-5-30.3, 46-5-32 and Special Session Law 1984(SS), Chapter 1, §59, the Board of Water and Natural Resources made the following assignments of conservancy subdistrict future use permits on Friday, July 12, 1985.

<u>Permit No.</u>	<u>Assignment</u>
1688-3	Southern Missouri Water Development District
1507-2	Southern Missouri Water Development District
1442-2	West River Water Development District
1508-2	Whetstone Pipeline Irrigation District
1443-2	West Dakota Water Development District
2671-3	WEB Water Development Association, Inc.
3429-3	WEB Water Development Association, Inc.
1157-1	Recommend cancellation.

Thank you for your assistance in this matter.

Sincerely,

Laurel Gunderson
Office of Water Policy

SI9601LG

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 22, 1987

Van Lindquist
West Dakota Water Development District (WDWDD)
PO Box 1721
Rapid City, SD 57709

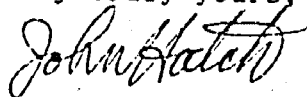
Dear Mr. Lindquist:

This letter is in regard to Future Use Water Permit No. 1443-2 which was assigned to the WDWDD on July 12, 1985 by the Board of Water and Natural Resources. A copy of Permit No. 1443-2 is enclosed for your information.

Future Use Permit No. 1443-2 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. 1443-2. Let us know if you have any questions.

Very truly yours,



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

JH:ks

South Dakota Department of
Water & Natural Resources

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

January 22, 1988

1443-2

Van Lindquist
West Dakota Water Development District (WDWDD)
PO Box 1721
Rapid City SD 57709

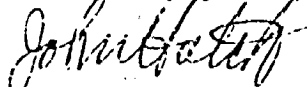
Dear Mr. Lindquist:

I am writing in regard to the lack of response to the enclosed letter dated January 22, 1987. The purpose of the letter was to determine your intentions regarding Future Use Water Permit No. 1443-2. No action was taken on the Permit due to lack of response to the enclosed letter.

I am again requesting you to advise the Division of Water Rights in writing, within 30 days, of the District's intentions regarding Future Use Permit No. 1443-2. If no response is received, then Permit No. 1443-2 will be scheduled for hearing before the Water Management Board to consider cancellation of the permit. Notice will be given of the hearing time and place.

The applicable portions of the January 22, 1987 letter will still apply if the District indicates an interest in maintaining Permit No. 1443-2. The Water Management Board has authority to review future use permits and amend future use permits pursuant to 46-5-38.1 and 46-1-14. Please contact us if you have any questions.

Very truly yours,



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

enclosure

WEST DAKOTA WATER DEVELOPMENT DISTRICT

PHONE (605) 394-2685

P.O. BOX 1721

RAPID CITY, S.D. 57709



February 22, 1988

John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Future Use Water Permit #1443-2

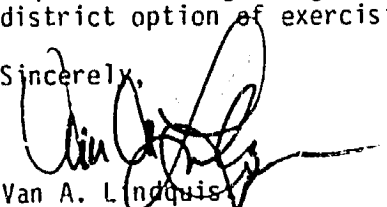
Dear Mr. Hatch:

Please be advised that the West Dakota Water Development District intends to discuss action on the above referenced water permit at our next regularly scheduled meeting, March 16, 1988. Your January letter regarding the District's intention was not received until after the water development district met at their meeting on January 20, 1988. For this reason, West Dakota Water Development District has not formally acted upon exercising the permit.

Given the above stated fact, West Dakota respectfully requests an extension to the 30 day requirement in your January letter until we can discuss and take the appropriate action at our March meeting. It is the intent of the West Dakota Water Development District to take formal action of some type at that meeting. Your office will be advised of such action after that meeting.

Please advise me immediately if this will not meet with any legal requirements regarding the existing permit and the water development district option of exercising the permit for future water use.

Sincerely,


Van A. Lindquist
Administrative Manager



Department of Water & Natural Resources

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

February 24, 1988

1443-2

Van A. Lindquist, Administrative Manager
West Dakota Water Development District
PO Box 1721
Rapid City, SD 57709

Dear Mr. Lindquist.

I am writing in response to your letter dated February 22, 1988 which requests an extension of the response time regarding the District's intentions on Future Use Permit No. 1443-2.

We need to receive the District's intentions on Permit No. 1443-3 by March 25, 1988. This should allow sufficient time to relay the decision made at your March 16, 1988 meeting. Please contact us, if you have any questions.

Very truly yours,

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

John Hatch, Chief Engineer
Water Rights Division
605 773-3352

WEST DAKOTA WATER DEVELOPMENT DISTRICT

PHONE (605) 394-2685

P.O. BOX 1721

RAPID CITY, S.D. 57709

March 17, 1988

John Hatch, Chief Engineer
Water Rights Division
Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Mr. Hatch:

At the March 16, 1988 meeting of West Dakota Water Development District, the Board of Directors took action to formally request the renewal of Future Use Permit No. 1443-2. The permit fee will be mailed under separate cover.

If you have any questions, please contact me at 394-2685.

Sincerely,

A handwritten signature in cursive script that reads "Van A. Lindquist".

Van A. Lindquist
Administrative Manager



Department of Water & Natural Resources

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

March 18, 1988

Van A. Lindquist, Administrative Manager
West Dakota Water Development District (WDWDD)
PO Box 1721
Rapid City SD 57709

Dear Mr. Lindquist:

I am writing in response to your letter dated March 17, 1988 stating that the WDWDD is interested in renewal of Future Use Permit No. 1443-3.

No permit fee is required for the review of Permit No. 1443-3. Enclosed is a copy of a letter dated January 22, 1987 which states that no fee will be charged if the permit is allowed to remain in effect. As stated in the letter, the Board will consider amending the permit to add the qualification that the permit be subject to review every seven years.

Notice will be given when the permit is scheduled for review by the Board. The WDWDD will be responsible only for publication costs.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive.

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

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

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

April 5, 1988

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

Van Lindquist, Administrative Manager
West Dakota Water Development District
PO Box 1721
Rapid City SD 57709

Dear Mr. Lindquist:

Future Use Permit No. 1443-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Rapid City Journal printed at Rapid City and the Capital Journal printed at Pierre SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,



RON DUVAL
Natural Resources Engineer
605 773-3352

enclosures

**Department of
Water & Natural Resources**

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

April 5, 1988

Rapid City Journal
PO Box 450
Rapid City SD 57709

Dear Sir:

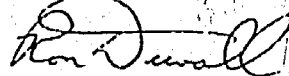
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1443-2 to be published twice. Please publish the first notice on or before April 11, 1988 with the second publication 7 days later.

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 Dakota Water Development District, PO Box 1721, Rapid City SD 57709.

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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____

Form 3 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Mary K. Garness hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City 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 Rapid City

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

April 11, 1988

April 18, 1988

Mary K. Garness
(Signature)

Bookkeeper
(Title)

April 18, 1988
(Date Signed)

Cost of Printing: Ran 9 8/16 inch legal advertising
in the Rapid City Journal on April 11 & 18 @ \$4.20
per inch = \$79.80

Ran public notice of hearing
West Dakota Water Development District L185

WNR-808-7/79
Proof of Publication

April 11, 1988
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT

Permit No. 1443-2
Notice is hereby given that the
Water Management Board will
review Future Use Permit No.
1443-2 held by the West Dakota
Water Development District, P.O.
Box 1721, Rapid City, SD 57709 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.
1443-2. This permit was approved
November 14, 1976 to reserve 10,000
acre feet of water annually for
future use from the Oahe Reservoir
for diversion from the Oahe Reservoir
to the Cheyenne River for the purpose of
providing future supplies for
municipal, industrial, commercial
and rural water system use.

Pursuant to SDCL 44-1A-2, the
Chief Engineer of the Water Rights
Division recommends that Permit
No. 1443-2 REVENUE 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. 1443-2 in
Room 314, Joe Foss Building, 421
East Capitol, Pierre, SD on May 11,
1988 at 10:30 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 per-
mit by adding qualifications, 3) can-
cel the permit for no develop-
ment or no planned future develop-
ment, or 4) take no action after the

hearing. Any interested person who
may be affected by the Board's de-
cision and who intends to partici-
pate in the hearing before the Board and
present evidence or cross examine
witnesses according to SDCL 3-34,
must file a written petition with
BOTH the Applicant and the Chief
Engineer by April 29, 1988. The peti-
tion may be informal, but it must
include a statement describing the
petitioner's interest in the future
use permit, the reasons for the 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 obtained.

The permit owner need not file a
petition. The hearing to review Future
Use Permit No. 1443-2 will be conducted
pursuant to the provisions of SDCL
44-1-14, 44-5-34, 44-5-38, 44-5-39,
44-5-40, 44-5-41, 44-5-42, 44-5-43,
44-5-44, 44-5-45, 44-5-46, 44-5-47,
44-5-48, 44-5-49, 44-5-50, 44-5-51,
44-5-52, 44-5-53, 44-5-54, 44-5-55,
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44-16-31, 44-16-32

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

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

April 5, 1988

Capitol Journal
Box 878
Pierre SD 57501

Dear Sir:

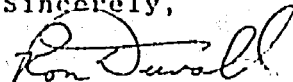
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1443-2 to be published twice. Please publish the first notice on or before April 11, 1988 with the second publication 7 days later.

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 Dakota Water Development District, PO Box 1721, Rapid City SD 57709.

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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____

Public notices

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 1443-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, PO Box 1721, Rapid City, SD 57709 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. 1443-2. This permit was approved November 18, 1978 to reserve 10,000 acre feet of water annually for future use from the Oahe Reservoir for diversion from the Oahe Reservoir West riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1443-2 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. 1443-2 in Room 216, Joe Foss Building, 523 East Capitol, Pierre, SD on May 11, 1988 at 10:30 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 April 29, 1988. The petition may be informal, but it must include a statement describing the petitioner's intent 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. 1443-2 will be conducted pursuant to the provisions of SDCL 46-1-1, 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 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 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 Engineer by April 29, 1988.

PROOF OF

STATE OF SOUTH DAKOTA)
County Hughes) ss.

Peggy Warner

certify that the annexed printed copy of Notice of Intent

Water was taken from the Capital

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

city of Pierre

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

April 11, 1988
April 12, 1988

Peggy Warner
(Signature)

Legal Ad. Represe
(Title)

4/19/88
(Date Signed)

Cost of Printing:

116 lines @ .44
total cost



Instruction to Newspaper-Publish, first publication of the following Notice on or before April 11, 1988 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, PO Box 1721, Rapid City SD 57709 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. 1443-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water annually for future use from the Oahe Reservoir for diversion from the Oahe Reservoir West riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1443-2 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. 1443-2 in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD on May 11, 1988 at 10:30 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 29, 1988. 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. 1443-2 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.

(continued)

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 29, 1988.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1443-2, West Dakota Water Development District

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. 1443-2, West Dakota Water Development District, PO Box 1721, Rapid City SD.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the West Dakota Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 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. 1443-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.


JOHN HATCH, Chief Engineer
April 1, 1988



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

May 13, 1988

NOTICE

Van A. Lindquist, Administrative Manager
West Dakota Water Development District
PO Box 1721
Rapid City, SD 57709

Dear Mr. Lindquist:

This notice is in response to action taken by the Water Management Board at the hearing on May 11, 1988 to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect and amended Permit No. 1443-2 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit file. Future Use Permit No. 1443-2 is again subject to review in 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. 1443-2

WEST DAKOTA WATER DEVELOPMENT DISTRICT

Pursuant to the May 11, 1988 Water Management Board hearing, Future Use Permit No. 1443-2 was allowed to remain in effect and amended by adding the following qualification:

1. Future Use Permit No. 1443-2 So reserve water remains in effect with the stipulation that the Permit is subject to review every seven years to determine if a reasonable need exists for the reserved water.

CERTIFICATION

I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice on Amendment to Future Use Permit No. 1443-2 addressed as follows:

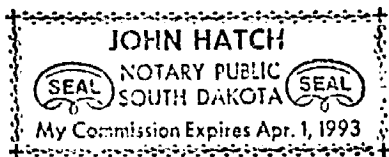
Van A. Lindquist, Administrative Manager
West Dakota Water Development District
PO Box 1721
Rapid City, SD 57709

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



John Hatch
Notary Public



1443-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 1995

Van A. Lindquist, Manager /
West Dakota Water Development District
PO Box 1633
1602 Mt. View Rd, Suite 104
Rapid City SD 57709-9633

Dear Mr. Lindquist:

I am writing in regard to the seven year review of Future Use Water Permit No. 1443-2 which is held by the West Dakota Water Development District. Currently, our records show that 10,000 acre-feet remain in reserve under this future use permit which was issued in 1976 from the Oahe Reservoir.

Permit No. 1443-2 will be scheduled for review by the Water Management Board in May, 1995 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 respond in writing by March 10, 1995, regarding the West Dakota Water Development District 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.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Environmental Scientist
Water Rights Division
605 773-3352

West Dakota Water Development District

1602 Mt. View Road, Suite 104 • P.O. Box 9633 • Rapid City, South Dakota 57709-9633

March 20, 1995



Karen Schlaak
Environmental Scientist
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. Schlaak:

RE: Future Use Water Permit No. 1443-2

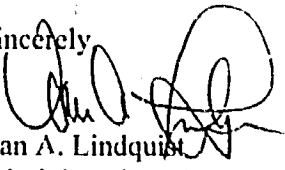
Please be advised that the West Dakota Water Development District would like to retain the above referenced future use permit of Missouri River water.

This permit for 10,000 acre-feet in reserve from the Oahe Reservoir was transferred by the State to the West Dakota Water Development District and will insure that the area of western South Dakota has a dependable water source for future growth. The reasonable need outlined in the original permit to the Black Hills Conservancy Sub-District would still be valid today regarding future use/need of water in western South Dakota.

The growth of South Dakota has centered on two locations: the first being the I-25 corridor and specifically the Sioux Falls area in eastern South Dakota; and the second being the Black Hills area of South Dakota. The counties of Butte, Custer, Lawrence, Meade, and Pennington each have shown growth in the decade of the 1980's that exceeds the growth rate of the State. This growth has continued and been accelerated by the gaming activity in Lawrence County. For growth to continue a reliable source of water will be needed.

Please advise the Board of Directors of the West Dakota Water Development District of the steps that they will need to take in the water permitting process.

Sincerely,


Van A. Lindquist
Administrative Manager

Phone (605) 394-2655 • Fax (605) 394-2684



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

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

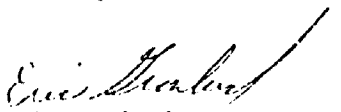
Van A. Lindquist, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

Future Use Permit No. 1443-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD (Phone #394-8300). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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

May 31, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1443-2 to be published twice. Please publish the first notice on June 7, 1995 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 Dakota Water Development District, PO Box 9633, Rapid City SD 57709-9633.

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
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

Instruction to Newspaper-Publish first publication of the following Notice on June 7, 1995 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2, West Dakota Water Development District, PO Box 9633, Rapid City SD 57709-9633 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. 1443-2. This permit was approved November 18, 1976 to reserve 10,000 acre feet of water annually from the Missouri River (Oahe Reservoir) from the Oahe Reservoir west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 at the Ramkota Inn, Tanglewood Room, 1901 9th Ave SW, Hwy 212 W, Watertown SD on July 6, 1995 at 9:30 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 26, 1995. 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 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. 1443-2 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, (605 773-3352) by June 26, 1995. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 26, 1995. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

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:

June 7, 1995

June 14, 1995

Cost of Printing: 10.75 inch @ 5.31 per inch

2 insertions \$109.66

Helena M. Bauer
(Signature)

Bookkeeper

(Title)

June 15, 1995

(Date Signed)



JUNE 7, 1995 1995

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2, West Dakota Water Development District, P.O. Box 1433, Rapid City, SD 57705-1433 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. 1443-2. This permit was approved November 18, 1974 to reserve 10,000 acre feet of water annually from the Missouri River (Oahe Reservoir) from the Oahe Reservoir west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 at the Dakota Inn, Tanglexwood Room, 1901 9th Ave. SW, Hwy. 212 W. Watertown, S.D., on July 6, 1995 at 9:30 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 modifications, 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 1-24, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 1995. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 573 E. Capitol Ave., Pierre, SD 57501, (605) 773-3332, 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. 1443-2 will be conducted pursuant to the provisions of SDCL 45-1-14, 45-2, 45-29, 45-2-11, 45-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-24.

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, interested may contact Erik Grönlund, Water Rights Division, (605) 773-3332, by June 24, 1995. The time of the hearing will be automatically delayed for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 1995.

Nellie H. Myers
Secretary
Department of Environment
and Natural Resources

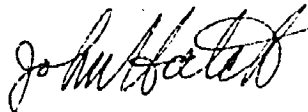
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1443-2, West Dakota Water Development District**

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. 1443-2, West Dakota Water Development District, PO Box 9633, Rapid City SD 57709-9633.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the West Dakota Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 1443-2 reserve for future use a total of 10,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 1443-2 is subject to payment of the \$227.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the District.



JOHN HATCH, Chief Engineer
May 30, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1995

NOTICE

Van A. Lindquist
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 1995 to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect and amended Permit No. 1443-2 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1443-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1443-2 is \$227.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 1443-2

Pursuant to the July 6, 1995 Water Management Board hearing, Future Use Permit No. 1443-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1443-2 reserve for future use a total of 10,000 acre-feet annually

CERTIFICATION

I hereby certify that on July 12, 1995, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 1995, along with the "Amendment" for Future Use Permits, regarding action taken by the Water Management Board at the hearing on July 6, 1995, to review Future Use Permit Nos. 1443-2, 449-3, 3981-3, 3981A-3, 4673-3, 4771-3 and 5155-3, addressed as stated below:

F.U. Permit #1443-2

Van A. Lindquist
West Dakota Water Dev. Dist.
P.O. Box 9633
Rapid City, SD 57709-9633

F.U. Permit #'s 449-3, 3981-3 & 3981A-3

Lyle D. Johnson, Water/Wastewater Mgr.
Utilities Department
224 West 9th St.
Sioux Falls, SD 57102

F.U. Permit #4673-3

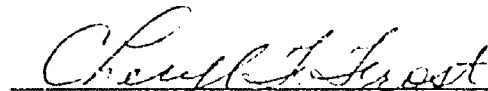
Dawn Glover, Finance Officer
City of Elk Point
P.O. Box 280
Elk Point, SD 57025-0280

F.U. Permit #4771-3

Katheryn Tieszen, Finance Officer
City of Marion
P.O. Box 94
Marion, SD 57043

F.U. Permit #5155-3

Dennis Larson
Lincoln County Rural Water System
P.O. Box 36
Harrisburg, SD 57032

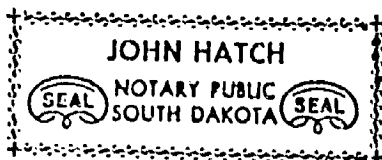


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES)

SS

Sworn to, before me, this 17th day of July, 1995


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

1443-2
414557

Pierre, _____ July 19 _____ 19 95

RECEIVED OF West Dakota Water Development Dist, PO Box 1721, Rapid City, SD 57709
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 _____	227	50
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>1443-2</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 Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	227 50

By John W. Hatch
Chief Engineer



1443-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2002

Van A Lindquist, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

I am writing in regard to the seven year review of Future Use Water Permit No. 1443-2 from Missouri River which is held by the West Dakota 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 10,000 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 1995.

Please respond in writing by May 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. 1443-2 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2002

Van A Lindquist, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

On March 27, 2002, we notified you that Future Use Water Permit No. 1443-2 held by West Dakota Water Development District was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the district in 1976 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the March 27th letter. 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.

The Water Management Board will not schedule Permit No. 1443-2 for review until the above information has been submitted.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



December 2, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Van A Lindquist, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

On March 27 and July 2, 2002 we notified you that Future Use Water Permit No. 1443-2 held by West Dakota Water Development District was to be scheduled for review by the Water Management Board. This permit reserves water for future water supply needs for the district. Currently, our records show that 10,000 acre-feet of water from the Missouri River remains in reserve under this future use permit that was issued in 1976 and last reviewed in 1995.

By law, all future use permits are to be reviewed by the Water Management Board every seven years and shall be subject to cancellation if the board determines that the permit holder cannot demonstrate a reasonable need for the future use permit.

Please respond in writing by January 15, 2003, 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.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

West Dakota Water Development District

1602 Mt. View Road, Suite 104 • P.O. Box 9633 • Rapid City, South Dakota 57709-9633

January 14, 2003

Transmitted via FAX

Ms. Karen Schlaak
Environmental Scientist
Water Rights Program
Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

JAN 15 2003

WATER RIGHTS
PROGRAM

RE: Future Use Water Permit No. 1443-2

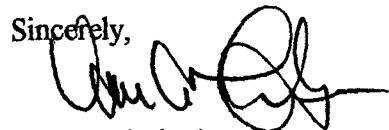
Dear Ms. Schlaak:

The West Dakota Water Development District has discussed this matter and would like to retain the above-referenced Future Use Water Permit. The Water Development District has maintained this permit since 1976, and it was renewed in 1995. The permit is for future use of Missouri River water in the amount of 10,000 acre-feet on an annual basis. We would request that this permit remain in effect for the following reasons:

- There is a reasonable chance that this water would be need in the future for municipal, commercial, industrial, and/or rural water system use.
- Preliminary information from the Black Hills Water Management Study reveals that areas of the Black Hills could be hydrologically challenge by the Year 2030.
- For this reason, there is a need to reserve this water for future use.
- The proposed use is within the framework of beneficial use and is in the public interest.

If there are any questions regarding the intent of the West Dakota Water Development District to retain this future use permit, please contact me.

Sincerely,



Van A. Lindquist
Administrative 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. 1443-2, West Dakota 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. 1443-2, West Dakota Water Development District, PO Box 9633, Rapid City SD 57709-9633.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT for 10,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 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. 1443-2 is subject to payment of the \$227.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
January 22, 2003



January 22, 2003

**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 NEWSPAPERS RIGHT AWAY.**

West Dakota Water Development District
Van A. Lindquist, Manager
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

Future Use Permit No. 1443-2 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 and used. The notice of this review has been sent to the Publisher of the Rapid City Journal (605 394-8300) and the Capitol Journal (605 224-7301). 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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on January 29, 2003 with 2nd publication 7 days later. West River Water Development District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Van Lindquist, Manager, PO Box 9633, Rapid City SD 57709-9633 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. 1443-2. This permit was approved in 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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.

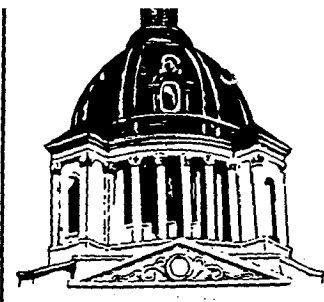
The Water Management Board will conduct the hearing to review Future Use Permit No. 1443-2 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 5, 2003 at 10:00 am.

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 February 21, 2003. 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. 1443-2 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 February 21, 2003. 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 February 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



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 Hearing - Water Permit No. 1443-2

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>Jan. 29</u>	<u>20 03</u>	<u>20</u>
<u>Feb. 5</u>	<u>20 03</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: \$ 66.64.

Signed: Laura P. Waack

subscribed and sworn to before me this 6 day of February 2003

Margie Baker

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

RECEIVED
FEB - 7 2003
WATER RIGHTS
PROGRAM

No. 5126 2tdly 1/29, 2/5

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1443-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Van Lindquist, Manager, P.O. Box 9633, Rapid

City, SD 57709-9633 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. 1443-2. This permit was approved in 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 14432 REMAIN in EFFECT for 10,000 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. 1443-2 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 5, 2003 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 Feb. 21, 2003. 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. 1443-2 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 Feb. 21, 2003. 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 Feb. 21, 2003.

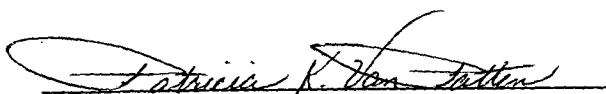
Steven M. Pirner, Secretary
Department of Environment and
Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Pennington)I, Patricia K. Van Pattencertify that the attached printed Notice was
takenfrom the Rapid City Journalprinted and published in Rapid CityCounty of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 29, 2003February 5, 2003Cost of Printing One hundred forty-one
dollars and forty-four cents (\$141.44)
(Signature)Legal Advertising Representative
(Title)2/5/03
(Date Signed)

RECEIVED

FEB - 6 2003

WATER RIGHTS
PROGRAM

Jan. 29, Feb. 5, L1309938

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Van Lindquist, Manager, P.O. Box 9633, Rapid City, SD 57709-9633, 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. 1443-2. This permit was approved in 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1443-2 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD, on March 5, 2003, at 10:00 a.m.

The Chief Engineer's recommendations are not final or binding upon the Board. 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 February 21, 2003. 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. 1443-2 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

Any person wishing a copy of the Chief Engineer's recommendations, further information or 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 February 21, 2003. 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 February 21, 2003.

Steven M. Birner, 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

March 7, 2003

NOTICE

Van A Lindquist, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Lindquist:

I am writing in response to action taken by the Water Management Board at the hearing on March 5, 2003 to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect for 10,000 acre-feet of water annually. Future Use Permit No. 1443-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1443-2 is \$227.50 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

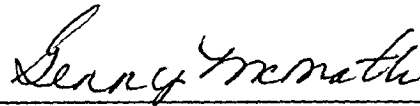
CERTIFICATION

I hereby certify that on March 7, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 2003, regarding Review of Future Use Permit #'s 5219-3, 1443-2, and 5862-3, addressed:

5219-3
Jeff Fossum Water Superintendent
City of Canton
210 N Dakota
Canton SD 57013

1443-2
Van A Lindquist Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

5862-3
Jeff DeVille, Water Superintendent
Watertown Municipal Utilities Dept.
901 4th Ave SW
Watertown SD 57201-4107



Genny Mc Math
Environmental Scientist

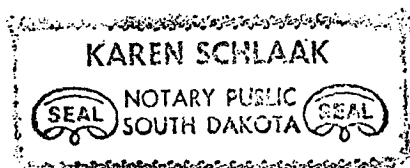
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2003.



Karen Schlaak
Notary Public

my commission expires 4/1/07



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 21, 20 03

RECEIVED OF West Dakota Water Development District, PO Box 9633, Rapid City SD 57709

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	227	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1443-2</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	
	227.50	

No.

000688

By

Darland Eibele
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2009

Blaise Emerson, Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Emerson:

I am writing in regard to the seven year review of Future Use Water Permit No. 1443-2 from the Missouri River which is held by West Dakota 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 10,000 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2003.

Please respond in writing by January 15, 2010, 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. 1443-2 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 (\$895 for 10,000 acre-feet).

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak

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

West Dakota Water Development District

1602 Mt. View Road, Suite 104 · P.O. Box 9633 · Rapid City, South Dakota 57709-9633

RECEIVED

DEC 21 2009

WATER RIGHTS
PROGRAM

December 18, 2009

Ms Karen Schlaak
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501-3182

Dear Ms Schlaak:

In response to your letter of December 1, 2009, the West Dakota Water Development District Board of Directors has discussed this matter and would like to retain the above reference Future Water Use Permit. We would request that this permit remain in effect for the following reasons:

- There is a reasonable chance that this water would be needed in the future for either urban and/or rural usage.
- Alternative water sources to this area are needed as western South Dakota and the Black Hills as the region continues to grow and existing water supplies are limited.

If you have any questions or need further information, please contact me.

Sincerely,



Blaise Emerson
Administrative Manager

Cc: File



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1443-2, West Dakota 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. 1443-2, West Dakota Water Development District, c/o Blaise Emerson, PO Box 9633, Rapid City SD 57709.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT for 10,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 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. 1443-2 is subject to payment of the \$895.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
January 26, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2010

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

Blaise Emerson, Administrative Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Emerson:

Future Use Permit No. 1443-2 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 Capital Journal, Pierre SD 605 224-7301 and the Rapid City Journal, Rapid City SD 605 394-8300.

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS 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

Form 8

RECEIVED

FEB 11 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K Van Patten

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:

February 3, 2010

February 10, 2010

Cost of Printing One hundred sixty

dollars and eight cents (\$160.08)

Patricia K Van Patten
(Signature)

Legal Advertising Rep.
(Title)

02/10/10
(Date Signed)

Feb. 3, 10

L20433998

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, c/o Blaise Emerson, P.O. Box 9633, Rapid City SD 57709, 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. 1443-2. This permit was approved 1976 currently reserves 10,000 acre feet from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 at 10:00 a.m., March 10, 2010, in the 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 March 1, 2010. 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. 1443-2 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 March 1, 2010. 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 March 1, 2010.

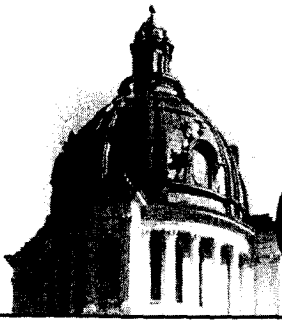
Steven M. Pirner, Secretary
Department of Environment
and Natural Resources.

(Published twice at the total approximate cost of \$160.08.)

RECEIVED

FEB 18 2010

WATER RIGHTS
PROGRAM



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Jackie Odom 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 Hearing - Water Permit #1443-2

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>February 3</u>	20 <u>10</u>	_____	20 _____
<u>February 10</u>	20 <u>10</u>	_____	20 _____
_____	20 _____	_____	20 _____
_____	20 _____	_____	20 _____
_____	20 _____	_____	20 _____

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: \$ 87.52.

Signed: Jackie Odom

subscribed and sworn to before me this 17 day of February 20 10

May Libake

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 20 15.

800 Public Notice

present or to be represented by a lawyer. These and other due process

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, to

further information on this permit, to assure access to the hearing by the handicapped, or

Published twice at the total approximate cost of \$87.82.

Published twice
at the total ap-
proximate cost of
\$87.82.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2010

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 February 3, 2010 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.

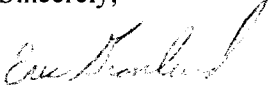
The applicant must verify to you that the notice is to be published, before you make the first publication.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is West Dakota Water Development District, c/o Blaise Emerson, PO Box 9633, Rapid City SD 57709-9633.

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 January 26, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 1443-2 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
denr.sd.gov

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1442-2 to be published twice. Please publish the first notice on February 3, 2010 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 West Dakota Water Development District, c/o Blaise Emerson, PO Box 9633, Rapid City SD 57709-9633.

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 January 26, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 1443-2 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
denr.sd.gov

March 11, 2010

NOTICE

Blaise Emerson, Administrative Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Emerson:

I am writing in response to action taken by the Water Management Board at the hearing on March 11, 2010 to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect for 10,000 acre-feet of water annually. Future Use Permit No. 1443-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1443-2 is \$895.00 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,

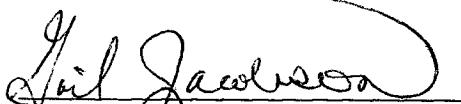
Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on March 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding future use review addressed as stated below:

Jeff Fossum, Water Supt. City of Canton, 210 N Lincoln, Canton SD 57013 5219-3

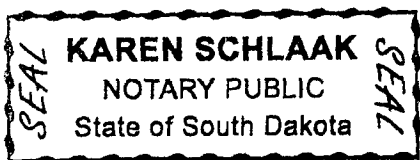
Blaise Emerson, Admin manager, West Dakota Water Dev Dist, PO Box 9633, Rapid City SD 57709-9633 1443-2


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


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
denr.sd.gov

May 12, 2010

Blaise Emerson, Administrative Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

Dear Mr. Emerson:

On March 11, 2010 we requested the fee for maintaining the effectiveness of Future Use Permit No. 1443-2. To date, we have not received this payment.

Please submit the \$895.00 fee as soon as possible to avoid jeopardizing the district's future use permit. If you have any questions, please contact this office.

Sincerely,

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

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

Date 5/18, 20 10

RECEIVED OF West Dakota Water Dev Dist PO Box 9633 Rapid City SD 57709

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	895 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1443-2</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	895 00

No. **04556**

By *Leland Erbe*
Chief Engineer

WEST DAKOTA
WATER
Development District

Is relocating effective July 6, 2010

Please update your records

525 University Loop, Suite 102
Rapid City, South Dakota 57701

Phone: 605-394-2685

Fax: 605-394-6140(new)

New Email:

Blaise Emerson - bemerson@tie.net

Denise Livingston - dlivingston@tie.net

Lola Lincoln - llincoln@tie.net



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 14, 2016

West Dakota Water Development District
Jeanette Deurloo
PO Box 6365
Rapid City SD 57709-6365

Dear Ms. Deurloo:

I am writing in regard to the seven year review of Future Use Water Permit No. 1443-2 from the Missouri River held by West Dakota 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 10,000 acre-feet of water remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2010.

Please respond in writing by January 16, 2017 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. 1443-2 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 10,000 acre-feet remain in reserve, the fee will be \$895.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



**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. 1443-2, West Dakota 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. 1443-2, West Dakota Water Development District, c/o Leon H Ewert, Administrative Manager, PO Box 6365, Rapid City SD 57709-6365.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT for 10,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the District has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 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. 1443-2 is subject to payment of the \$895.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the District after the Board hearing.

Jeanne Goodman, Chief Engineer
January 18, 2017

RECEIVED
JAN 17 2017
WATER RIGHTS
PROGRAM

January 12, 2017

Ms Karen Schlaak
Water Rights Program
535 East Capitol Avenue
Pierre, SD 57501-3182

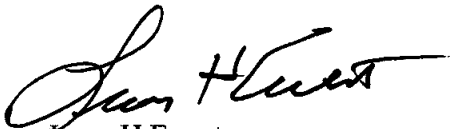
Dear Ms Schlaak:

In response to your letter of December 14, 2016, the West Dakota Water Development District Board of Directors has discussed this matter and would like to retain the above reference Future Water Use Permit. We would request that this permit remain in effect for the following reasons:

- There is a reasonable chance that this water would be needed in the future for either urban and/or rural usage.
- Alternative water sources to this area are needed as western South Dakota and the Black Hills as the region continues to grow and existing water supplies are limited

If you have any questions or need further information, please contact me.
Minutes of meeting authorizing this are available if needed.

Sincerely,



Leon H Ewert
Administrative Manager

**NOTICE OF HEARING TO RE-
VIEW FUTURE USE WATER
PERMIT NO. 1443-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Leon H. Ewert, Administrative Manager, PO Box 6365, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 at 11:00 am on March 1, 2017 at 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 February 20, 2017. 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. 1443-2 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 February 20, 2017. 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 February 20, 2017.

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

Affidavit of Publication

JAN 30 2017

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

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 Week for 1 successive Week the first publication there of being on the 26 day of Jan. 2017 that the fees charged for the publication there of are 94 dollars and 82 cents.

Subscribed and sworn to before me this 27 day of January, 2017.

Notary public

DUSTIN RICE



2/1/20
My commission expires

RECEIVED

FEB - 8 2017

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SSI, Marylinn Baker
certify that the attached printed Notice was taken
from the Capital Journalprinted and published in Pierre
County of Hughes and
state of South Dakota. The notice was published
in the newspaper on the following date:January 26, 2017
Cost of Printing \$41.52Marylinn Baker
(Signature)Bookkeeper
(Title)2-6-17
(Date Signed)

PUBLIC NOTICE

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. 1443-2 at 11:00 am on March 1, 2017 at 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 February 20, 2017. 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. 1443-2 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 A R S D 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 February 20, 2017. 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 February 20, 2017.

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 February 6, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$41.52.

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.

1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Leon H. Ewert, Administrative Manager, P.O. Box 6365, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 acre-feet annually because 1) the reserved water may be developed 2) there is need for



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 18, 2017

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

West River Water Development District
Leon H Ewert, Administrative Manager
PO Box 6365
Rapid City SD 57709

605 394-2685

Dear Mr. Ewert:

Future Use Permit No. 1443-2 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 the county where water will be diverted or used. Notice of this review has been sent to the Capital Journal, Pierre SD (605 224-7301) and the Rapid City Journal (605 394-8300). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE 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 January 26, 2017. 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, January 18, 2017 11:48 AM
To: legals@capjournal.com
Subject: 1443-2, West River Water Development District
Attachments: 1443-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2017.

West River Water Development District, Leon H Ewert, PO Box 6365, Rapid City SD 57709 (605 394-2685) 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, January 18, 2017 11:49 AM
To: RCY Legals (legals@rapidcityjournal.com)
Cc: Carina.tyler@rapidcityjournal.com
Subject: 1443-2, West River Water Development District
Attachments: 1443-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2017.

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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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by West Dakota Water Development District, c/o Leon H Ewert, Administrative Manager, PO Box 6365, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre feet of water from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purposes of providing future supplies for municipal, industrial, commercial and rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 at 11:00 am on March 1, 2017 at 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 February 20, 2017. 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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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 February 20, 2017. 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 February 20, 2017.

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Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 2, 2017

NOTICE OF ENTRY OF ORDER

West Dakota Water Development District
Leon H Ewert, Administrative Manager
PO Box 6365
Rapid City SD 57709

Dear Mr. Ewert:

I am writing in response to action taken by the Water Management Board at the hearing on March 1, 2017 to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect for 10,000 acre-feet of water annually. Future Use Permit No. 1443-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1443-2 is \$895.00 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,

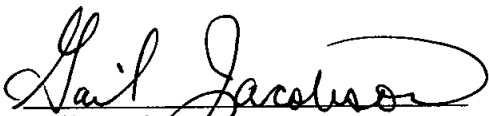
Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on March 2, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 2, 2017 regarding Future Use Permit Fees addressed as stated below:

Permit No. 1443-2 - West ^{Dakota}River Water Dev. Dist., Leon H Ewert, PO Box 6365, Rapid City SD 57709

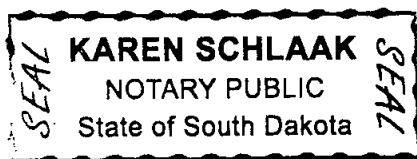
Permit No. 5219-3 - City of Canton, J Fossum, 210 N Dakota, Canton SD 57013
Myron Adams, PE/LS, JSA Engineers, 6810 S Lyncrest Ave # 101, Sioux Falls SD 57108


Gail Jacobson
Secretary Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of March, 2017.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27, 20 17

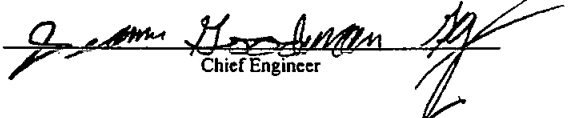
RECEIVED OF West Dakota Water Dev PO Box 6563 Rapid City SD 57709

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	895 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. <u>1443-2</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. _____	805 00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL

No. **08209**

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 5, 2024

West Dakota WDD
c/o Daniel Mulally
402 Saint Joseph St., Suite 6
Rapid City SD 57709

Dear Mr. Mulally:

I am writing in regard to the seven-year review of Future Use Water Permit No. 1443-2 from the Missouri River held by the West Dakota 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 10,000 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2017.

Please respond in writing by January 31, 2024 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. 1443-2 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 10,000 acre-feet remain in reserve, the fee will be \$895.00.

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

Sincerely,

Rachel Rodriguez

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

January 9, 2024

Rachel Rodriguez
South Dakota DANR
Water Rights Program
535 East Capitol Avenue
Pierre, SD 57501-3182

RECEIVED

JAN 22 2024

OFFICE OF
WATER

Re: Future Use Permit: 1443-2

Dear Ms. Rodriguez:

In response to your letter of January 5, 2024, the West Dakota Water Development District Board of Directors has discussed this matter and would like to retain the above reference Future Water Use Permit. We would request that this permit remain in effect for the following reasons:

- There is a reasonable chance that this water would be needed in the future for either urban and/or rural usage.
- Alternative water sources to this area are needed as western South Dakota and the Black Hills as the region continues to grow and existing water supplies are limited.
- The Board has commissioned studies by the South Dakota School of Mines and Banner Associates to conduct an assessment of the water needs of Western South Dakota.
- Supported the creation of Western Dakota Regional Water System. The organization is actively working to bring Missouri River water to western South Dakota.

If you have any questions or need further information, please contact me.
Minutes of the meeting authorizing this are available if needed.

Sincerely,



Dan Mulally
Program Administrator

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 1:18 PM
To: RCY Legals
Subject: 1443-2 West Dakota WDD -Public Notice
Attachments: 1443-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 10, 2024.

West Dakota Water Development District, 402 Saint Joseph Street, Suite 6, Rapid City SD 57709, 605-394-2685 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 1:17 PM
To: legals@capjournal.com
Subject: 1443-2 West Dakota WDD
Attachments: 1443-2 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 10, 2024.

West Dakota Water Development District, 402 Saint Joseph Street, Suite 6, Rapid City SD 57709, 605-394-2685 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 31, 2024 7:59 AM
To: WdWdd0@outlook.com
Subject: 1443-2 West Dakota WDD -Public Notice
Attachments: 1443-2 Rec.pdf; 1443-2 Ltr.pdf; 1443-2 PubNotice.pdf; [EXT] New Invoice via Column; column_invoice_jQTSR8Ra7FzaeNLwhG9A.pdf; RE: [EXT] 1443-2 West Dakota WDD - Public Notice

Good afternoon,

Attached is a copy of the chief engineer's recommendation, and information regarding the public notice for your future use water permit. Please see attached email for the Rapid City Journal which requires prepayment. As stated in the letter, **please contact the paper(s) as soon as possible to authorize publication and arrange for payment.** This information is also being mailed to you today.

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1443-2 West Dakota 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. 1443-2 West Dakota Water Development District, c/o Daniel Mulally, 402 Saint Joseph St., Suite 6, Rapid City SD 57709.

The Chief Engineer is recommending that Future Use Permit No. 1443-2 REMAIN in EFFECT for 10,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1443-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1443-2, 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. 1443-2 is subject to payment of the \$ 895.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Eric Gronlund, Chief Engineer
January 29, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 29, 2024

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

West Dakota WDD
c/o Daniel Mulally
402 Saint Joseph St., Suite 6
Rapid City SD 57709

Dear Mr. Mulally:

Future Use Permit No. 1443-2 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 Capital Journal in Pierre SD (605-224-7301) and the Rapid City Journal in Rapid City SD (requires prepayment – see attached contact information). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

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

enclosures

Instruction to Newspaper - Publish the following Notice on February 10, 2024. The West Dakota Water Development District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1443-2

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, 402 Saint Joseph Street, Suite 6, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre-feet from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial, and rural water system use. The permit was last reviewed in 2017.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 on March 6, 2024, 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 February 20, 2024.

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. 1443-2 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 February 20, 2024.

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 February 20, 2024.

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 February 20, 2024. 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 _____.

*** Proof of Publication ***

STATE OF INDIANA)

County of Lake)

SS:

RECEIVED

FEB 23 2024

OFFICE OF
WATER

S.D. DANR - GROUND WATER

523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 63672

I, Robin Nelson, 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 on the following dates:

2/10/24
[Signature]

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 02/10/2024

TOTAL AD COST: 114.24

FILED ON: 2/12/2024

Subscribed and sworn to before me this 12 day of
February, 20 24.

Christina Palma Notary Public

My commission expires

_____, 20____



***** Proof of Publication *****

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 1443-2**

RECEIVED

FEB 23 2024

**OFFICE OF
WATER**

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, 402 Saint Joseph Street, Suite 6, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre-feet from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial, and rural water system use. The permit was last reviewed in 2017.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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 Duval 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. 1443-2 on March 6, 2024, 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 February 20, 2024.

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

***** Proof of Publication *****

RECEIVED

FEB 23 2024

**OFFICE OF
WATER**

and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1443-2 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 February 20, 2024.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is February 20, 2024. 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 February 10, 2024 for a total approximate cost of \$114.24 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 63672

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Laquansay Nickson Watkins, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within 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 PN FUTURE USE WATER PERMIT NO. 14432 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 1 successive week(s) to wit:

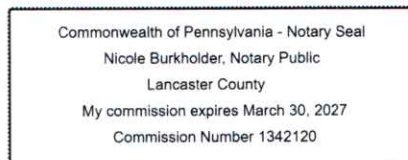
Feb. 10, 2024

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of 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 whomesoever; that the fees charged for the publication thereof are: 90.17

(Signed) Laquansay Watkins

VERIFICATION

State of Pennsylvania
County of Lancaster



Subscribed in my presence and sworn to before me on this: 02/12/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT NO.
1443-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1443-2 held by the West Dakota Water Development District, 402 Saint Joseph Street, Suite 6, Rapid City SD 57709 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. 1443-2. This permit was approved 1976 and currently reserves 10,000 acre-feet from the Missouri River (Oahe Reservoir) on the west riverbank between the Oahe Dam and the mouth of the Cheyenne River for the purpose of providing future supplies for municipal, industrial, commercial, and rural water system use. The permit was last reviewed in 2017.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1443-2 REMAIN in EFFECT for 10,000 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. 1443-2 on March 6, 2024, 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.

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Published Feb 10, 2024 at the total approximate cost of \$90.17 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2024

NOTICE OF ENTRY OF ORDER

West Dakota Water Development District
c/o Daniel Mulally
402 Saint Joseph Street, Suite 6
Rapid City SD 57709

Dear Mr. Mulally,

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2024, to review Future Use Permit No. 1443-2. The Board allowed the permit to remain in effect for 10,000 acre-feet of water annually. Future Use Permit No. 1443-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1443-2 is \$895.00 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 Eric Gronlund if you have any questions.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 2, 2024

RECEIVED OF West Dakota Water Development District 402 Saint Joseph Street, Suite 6 Rapid City SD 57709

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. _____ after period of seven years.	<u>\$895.00</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>\$895.00</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.: 1443-2

Name of Applicant: West River Water Development District, Dan Mulally

Date of Posting: 2/6/2024

Date of Removal: 3/7/2024

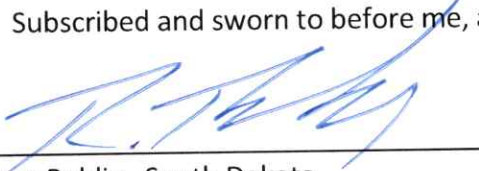


Ron Duvall, Engineer III

4/2/2024

Date

Subscribed and sworn to before me, a notary public, this 2nd day of April, 2024.



Notary Public - South Dakota
My commission expires **Rachel Rodriguez**
My Commission Expires
May 16, 2029



(SEAL)