

FUTURE USE

1. Considered: JULY 29, 1981 Water Right No. 1780-2
2. Name of Applicant TOWN OF NEW UNDERWOOD
3. Post Office Address Box 278 57761
4. Amount of Water Claimed 1.00 maximum acre feet -
5. Source of Water Supply 2650' FALL-RIVER-LAKOTA FORMATION
6. Water to be used for MUN acres to be irrigated -
7. County PENNINGTON about - miles - of CITY LIMITS
8. PROOF OF PUBLICATION: Received 7-29-81 Not Received -
 APPLICATION: Approved 7-29-81 Subject to DWR
 Not Approved - Action Deferred -

PRIORITY 6/3/81 Dated Received 6/3/81 Application complete-yes ☒ no - FEE N/A
 Remarks Increased cfs 660-2/649-2 - doubled their permits ltr in file.
 Corrected Application received - Period of Annual Use CONTINUOUSLY

~~WATER QUALITY~~ Received yes - no - APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes - no - Remarks -
 Disapproved - Returned -

Diversion Point -
N/A
See 31-2N-1E
 Land to be irrigated -
N/A

WELL LOG Driller - Licensed - yes - no -
 Depth FALL RIVER - LAKOTA FORMATION (2650')
 Remarks -

MAP Map No. 1534-2 Map located in Water Right X Map file _____
 Type of Map PLAT MAP Prepared by _____

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

June 25, 1981

Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1780-2

Town of New Underwood
(Applicant)

Box 278, New Underwood
(Post Office Address)

South Dakota 57761
(State)

With the following qualifications.

This Future Use Permit No. 1780-2 is approved with the stipulation that at such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.

This Future Use Permit No. 1780-2 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 (7) years.

[Handwritten signature]

Date of first receipt of application JUNE 3, 1981

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

Date of receipt of corrected application, 19

Approved JULY 29, 1981, Recorded in Book 22 Page 249

WATER RIGHT PERMIT NO. 1780-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1780-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 3, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before N/A, 19
3. The whole of said work is to be completed on or before N/A, 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is N/A, 19
5. The water appropriated shall be used for the purpose of MUNICIPAL USE - FUTURE 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 1.00 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre foot per acre per year and be limited to not more than one twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied
USED FOR MUNICIPAL PURPOSES

for irrigation on or before THIS DATE, 19; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 4TH day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By:

[Handwritten signature]
Chief Engineer, Water Rights

Certificate of Construction Issued, 19

Water License Issued, 19

Notice of Intent to Appropriate Water
(Future Use - Groundwater)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON) ss

Les Ravellette

..... of said County and State, being
duly sworn, on oath says: THE PENNINGTON COUNTY COURANT is a weekly newspaper
of general circulation, printed and published in WALL, in said County and State and has
been such newspaper during the times hereinafter mentioned; that the said PENNINGTON
COUNTY COURANT is a legal newspaper and has been in existence for more than one year
immediately preceding the first publication herein mentioned; and has more than 200 bona
fide subscribers; that I, the undersigned, am Publisher..... of said
newspaper, and in charge of the advertising department thereof, and have personal knowl-
edge of all facts stated in this affidavit; and that the advertisement headed Application
To Appropriate Water....., a printed copy of
which is hereto attached, was printed, and published in said newspaper for two
successive issues, the first publication being on the 2nd day of July
19. 81..... and the last publication on the 9th day of July
19. 81.....; that \$ 18.59..... being the full amount of the fee for publication of
the annexed notice insures solely to the benefit of the publishers of the said newspaper; that
no arrangement or understanding for a division thereof has been made with any person, and
that no part thereof has been agreed to be paid to any other person whomsoever.

Les Ravellette

Subscribed and sworn to before me this 27th day of July
19. 81.....

Sandra Senty
Notary Public, Pennington County

Received
7/29/81
BW

No. 1780-2
NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER
Pierre, South Dakota 57501
June 25, 1981

Notice is hereby given that the Town of New Underwood, South Dakota, has made application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41, 46-5-38, and Board of Rules ARSD 52:01:01-01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for a Future Use permit to appropriate for beneficial use 1.00 cubic feet of water per second of time from groundwater through the New Underwood Future Use Project, the diversion of which will be located in the Fall River-Lakota formation. Said water to be used for the purpose of water supplies for future development by the Town of New Underwood.

This Application No. 1780-2 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon 29th day of July 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNRR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist
Pub.: July 2 and 9

Water Rights Division
(605) 773-3352

August 6, 1981

Town of New Underwood
Box 278
New UNDERWOOD, SD 57761

Dear Sir:

Enclosed is your Future Use Withdrawal Permit No. 1780-2, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in this future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/bt
Enc.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415673

Pierre, March 9, 19 98

RECEIVED OF City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278
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. 1780-2 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

22 50

By _____
Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 1997

Jerry Bloom, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Bloom:

The investigation of New Underwood's water use system was conducted on September 8, 1997, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1947-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from the city, we will begin processing the Water License.

Further review of our files indicate that New Underwood holds Future Use Water Permit No. 1780-2, with a June 3, 1981 priority date. This permit reserved 1.0 cubic feet of water per second (cfs) (450 gallons per minute) for future water supply needs for the city. Water Permit No. 1947-2, approved December 4, 1985, authorized the withdrawal of 1.0 cfs from the future use area authorized by No. 1780-2. This essentially left the future use permit with no water remaining in reserve.

Mr. Gronlund's investigation found that the City's system authorized by Permit No. 1947-2 capable of diverting 0.41 cfs (186 gpm), with 0.59 cfs (264 gpm) [the unused portion] reverting back to the future use permit. ($1.0 \text{ cfs} - 0.41 \text{ cfs} = 0.59 \text{ cfs}$). Our question is whether the City wants to retain the 0.59 cfs for appropriation in the future.

If so, the 0.59 cfs remaining in Future Use Permit No. 1780-2 is subject to review by the Water Management Board pursuant to SDCL 46-5-38.1. The purpose of this review is to determine if a reasonable need exists for retaining the permit. If the City does plan to retain the future use permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

October 31, 1997

Jerry Bloom, Public Works Director

Page 2

Notice will be given of the hearing time and place at a future date. 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.

Mr. Bloom, I realize this may be confusing. If you have any questions, please contact Eric Gronlund or myself.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

City of New Underwood

*Box 278
New Underwood, SD 57761
605 - 754-6777*



November 5, 1997

Karen Schlaak
Environmental Scientist
Water Rights Program
523 East Capitol
Pierre, SD 57501-3181

Dear Karen;

We did not send figures on well #1 as the condition of this well allows us to use it as a back-up well, only.

Enclosed is the data of our main well #2 for the past three years. Since November of 1995, we have recorded periodic data and have included only November of 1994 on this report.

Thank you for your help with this process and if you have further questions, feel free to contact me.

Sincerely,

Jerry Bloom, Director of Public Works
City of New Underwood

bn

Enclosures



— an equal opportunity employer —



City of New Underwood

Box 278

New Underwood, SD 57761

605 - 754-6777

November 5, 1997

Water Management Board

RE: Retention of Future Water Use

The City of New Underwood wishes to retain the remaining 0.59 cf in future use Permit Number 1780-2.

The City has installed approximately 15,000 feet of c-900 water line to the north of well #2 to be used for future development.

There are already two homes and two dairies hooked to this line with the possibility of 15 more new homes.

For these reasons, we would like to retain the future use permit.

Sincerely,

Jerry Bloom

Jerry Bloom, Director of Public Works
City of New Underwood

bn



WELL # 2

DATE	READING	GALLONS USED	HOURS	HOURS USED
November 1994	39118000		12420	
November 1995	61768000	22650000	14479	2059
December 1995	63244000	1476000	14612	133
January 1996	64975000	1731000	14769	157
January 23 1996	66128000	1153000	14874	105
February 23 1996	67784700	1656700	15023	149
March 25 1996	69479000	1694300	15176	153
April 29 1996	71272000	1793000	15340	164
May 29 1996	72878000	1606000	15490	150
June 24 1996	74456000	1578000	15642	152
July 31 1996	78046000	3590000	16002	360
August 28 1996	80917000	2871000	16296	294
November 25 1996	86160000	5243000	16829	533
January 7 1997	88557000	2397000	17072	243
February 5 1997	90326000	1769000	17252	180
March 5 1997	92053000	1727000	17430	178
April 7 1997	94084000	2031000	17641	211
May 6 1997	95363000	1279000	17775	134
May 31 1997	96778000	1415000	17923	148
Aug 4 1997	1795000	5017000	18388	465
Sept 2 1997	3811000	1816000	18555	167
Oct 2 1997	5312000	1701000	18712	157
Nov 3 1997	7010000	1698000	18865	153

Water Rights Program - File Documentation

NAME: City of New Underwood

ADDRESS: New Underwood

DATE: 11-10-1997 **COUNTY:** Pennington **TELEPHONE:** 605 754-6777

RE: Future Use Permit No. 1780-2

COMMENTS:

Water Permit No. 1947-2 authorized: 1.00 cfs

Investigation found system capable of diverting; - 0.41 cfs

Reverting back to future use: 0.59 cfs

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1997

Jerry Bloom, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Bloom:

I am writing in regard to the review of Future Use Water Permit No. 1780-2 reserving water from the Fall River-Lakota Formation. We have received your letter requesting the retention of this permit. A copy of the **draft recommendation** is enclosed for your review.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet increases the city's flexibility when placing reserved water to beneficial use. Our draft recommendation reflects double the maximum annual water usage submitted by the city, in accordance with Water Management Board Rule 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you believe the recommended amount to remain in reserve does not adequately meet your community's future development needs, please provide additional justification for a greater amount. This draft recommendation is to provide you the opportunity to comment on our recommendation prior to publishing the notice of hearing.

If we do not receive comments from you by January 15, 1998, we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the February 25, 1998 Water Management Board meeting in Pierre.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1780-2, City of New Underwood SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1780-2, City of New Underwood, PO Box 278, New Underwood SD 57761-0278.

The Chief Engineer is recommending that Future Use Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1780-2, 2) the City of New Underwood has demonstrated a reasonable need for the water reserved by Permit No. 1780-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 1780-2 reserves for future use 142 acre-feet annually. The diversion rate of 0.59 cubic feet of water is deleted from Permit No. 1780-2

And that maintaining the effectiveness of Future Use Permit No. 1780-2 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of New Underwood SD.



JOHN HATCH, Chief Engineer
Water Right Program
January 16, 1998

NOTE: The maximum annual acre-feet of full-time pumping represented by 0.59 cubic feet of water per second (cfs) reserved by No. 1780-2 is 428 acre-feet. Assuming that the total amount pumped annually would equal 60% of 428 acre-feet, then expected developed pumping of water reserved under Permit No. 1780-2 would be about 257 acre-feet per year.

The maximum annual water usage of record by the City of New Underwood was 71 acre-feet in 1996. Doubling this annual use (142 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 0.59 cfs (257 acre-feet under Permit No. 1780-2). Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 1780-2 should be allowed to remain in effect for 142 acre-feet as outlined in the above qualifications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1780-2 to be published twice. Please publish the first notice on January 28, 1998 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of New Underwood, c/o Jerry Bloom, Public Works Director, PO Box 278, New Underwood SD 57761-0278.

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. 1780-2

TO: Water Rights Program
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. 1780-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

Jerry Bloom, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Bloom:

Future Use Permit No. 1780-2 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 (Phone #605 394-8300). 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

Instruction to Newspaper-Publish first publication of the following Notice on January 28, 1998 with 2nd publication 7 days later. The City of New Underwood is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, PO Box 278, New Underwood SD 57761-0278 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. 1780-2. This permit was approved in 1981 to reserve 1.00 cubic feet of water per second (cfs) from groundwater (Fall River-Lakota Formation) for municipal use. Water Right No. 1947-2 puts 0.41 cfs to beneficial use with 0.59 cfs remaining in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 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. 1780-2 at the the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 at 10:00 am CST.

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 16, 1998. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1780-2 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 16, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Form 8



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:

January 28, 1998

February 4, 1998

Cost of Printing One hundred seven

dollars and ten cents (\$107.10).

Patricia K. Van Patten
(Signature)

Legal Advertising Representative
(Title)

February 4, 1998
(Date Signed)

Jan. 28, Feb. 4 L6103

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278, 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. 1780-2. This permit was approved in 1981 to reserve 1.00 cubic feet of water per second (cfs) from groundwater (Fall River-Lakota Formation) for municipal use. Water Right No. 1947-2 puts 0.41 cfs to beneficial use with 0.59 cfs remaining in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) the reserved water may be developed, 2) there is a 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. 1780-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D., on February 25, 1998, at 10:00 a.m., CST.

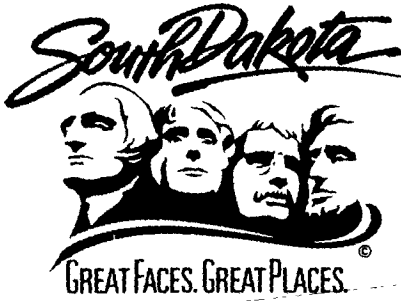
The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it 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 16, 1998. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501, (605-773-3352) and the permit 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. 1780-2 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 16, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 16, 1998.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

Jerry Bloom, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Bloom:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit No. 1780-2. The Board allowed the permit to remain in effect for 142 acre-feet of water annually and amended Permit No. 1780-2 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1780-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1780-2 is \$22.50 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.

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 1780-2

Pursuant to the Water Management Board hearing February 25, 1998, Future Use Permit No. 1780-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1780-2 reserve for future use a total of 142 acre-feet of water annually.

CERTIFICATION

I hereby certify that on February 27, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 1998, regarding Action taken by the Water management Board at the hearing on February 25, 1998, to review the following Future Use Permits, addressed as stated below:

135-3, 5003-3: Bruce Pier, Public Works Director, City of Pierre, P.O. Box 1253, Pierre, SD 57501-1253.

192-3, 3427-3: Robin Bobzien, City Engineer, City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420.

217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.

549-3: Denise Peschong, Finance Officer, City of Milbank, P.O. Box 472, Milbank, SD 57252-0472.

1218-3, 2107-3: Harlan Hoy, Water Superintendent, Municipal Utilities Department, 901 4th Ave. SW, Watertown, SD 57201-4107.

A copy of the Amendment to the Future Use Permit was sent with the following Notice:

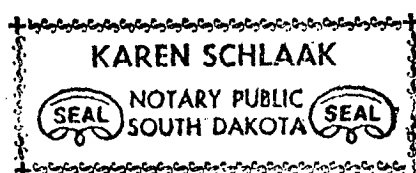
1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 1998



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

1780-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2004

Greg Hall, Public Works Director
Town of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Hall:

I am writing in regard to the seven year review of Future Use Water Permit No. 1780-2 from ground-water (Inyan Kara Formation) which is held by the Town of New Underwood. 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 town. Currently, our records show that 142 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 1998.

Please respond in writing by January 15, 2005, regarding the town's intention for the future use permit. If the town plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1780-2 will then be public noticed at the town's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



CITY OF NEW UNDERWOOD

501 A Avenue
P.O. Box 278
New Underwood, SD 57761-0278
Phone (605) 754-6777
Fax (605) 754-6227
cnuofc@gwtc.net

RECEIVED

DEC 16 2004

WATER RIGHTS
PROGRAM

Dec. 10, 2004

Karen Schlaak
Environmental Scientist
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3182

Re: City of New Underwood Future Use Water Permit No. 1780-2

The City would like to continue to retain this permit. At the present time we have hired Cetec Engineering to conduct a feasibility study on extending our rural water system to the north, south, east, and west of the City limits. If this proves to be feasible the City would need as many acre-feet as possible in reserve for future use.

Attached is the annual pumping records for the past five years. As you can see our necessary water useage continues to climb as the City grows, and if we extend the system to rural users, more water will be required.

As per your letter, we will pay for the public notice and attend the hearing necessary to renew this permit.

Thank you, in advance, for your time and consideration in this matter. If you have more questions or concerns, do not hesitate contacting me.

Sincerely,

Greg A. Hall, Dir. of Public Works
City of New Underwood

GAH/mja

WELL #1

DATE	READING	GALLONS USED
Dec 3 2001	89253000	26000
Jan 2 2002	89256000	3000
Feb 1 2002	89257000	1000
Mar 1 2002	89260000	3000
Apr 1 2002	89358000	98000
May 1 2002	89390000	32000
Jun 1 2002	89511000	121000
Jul 1 2002	89518000	7000
Aug 1 2002	89644000	126000
Sep 3 2002	89677000	33000
Oct 1 2002	89678000	1000
Nov 4 2002	89679000	1000
Dec 2 2002	89679000	0

145,000

WELL # 2

DATE	READING	GALLONS USED	HOURS	HRS USED
Dec 3 2001	94180000	1590000	27097	149
Jan 2 2002	95656000	1476000	27234	137
Feb 1 2002	97389000	1733000	27394	160
Mar 1 2002	98849000	1460000	27528	134
Apr 1 2002	170000	1321000	27648	120
May 1 2002	1766000	1596000	27793	145
Jun 3 2002	3890000	2124000	27987	194
Jul 1 2002	6563000	2673000	28239	252
Aug 1 2002	9794000	3231000	28551	312
Sep 3 2002	13073000	3279000	28871	320
Oct 1 2002	15055000	1982000	29063	192
Nov 4 2002	16982000	1927000	29246	183
Dec 2 2002	18601000	1619000	29398	152

26,011,000

+145,000

26,156,000 = 82AF

WELL #1

DATE	READING	GALLONS USED
Dec 1 2000	88531000	27000
Jan 2 2001	88557000	26000
Feb 1 2001	88558000	1000
Mar 1 2001	88559000	1000
Apr 2 2001	88760000	201000
May 2 2001	88877000	117000
Jun 1 2001	88943000	66000
Jul 2 2001	89100000	157000
Aug 1 2001	89101000	1000
Sept 4 2001	89120000	19000
Oct 1 2001	89213000	93000
Nov 1 2001	89227000	14000
Dec 3 2001	89253000	26000

749,000

WELL # 2

DATE	READING	GALLONS USED	HOURS	HRS USED
Dec 1 2000	71897000	1595000	24960	156
Jan 2 2001	73662000	1765000	25134	174
Feb 1 2001	75477000	1815000	25310	176
Mar 1 2001	76785000	1308000	25435	125
Apr 2 2001	78179000	1394000	25564	129
May 2 2001	79643000	1464000	25704	140
Jun 1 2001	81276000	1633000	25873	169
Jul 2 2001	83152000	1876000	26047	174
Aug 1 2001	85330000	2178000	26252	205
Sept 4 2001	88447000	3117000	26549	297
Oct 1 2001	90994000	2547000	26798	249
Nov 1 2001	92590000	1596000	26948	150
Dec 3 2001	94180000	1590000	27097	149

23,878,000

749,000

24,627,000 - 749,000

WELL #1

DATE	READINGS	GALLONS USED
Dec 1 1999	87963000	0
Jan 3 2000	87963000	0
Feb 1 2000	87965000	2000
Mar 1 2000	87966000	1000
Apr 3 2000	88056000	90000
May 1 2000	88056000	0
Jun 1 2000	88167000	111000
Jul 5 2000	88172000	5000
Aug 1 2000	88389000	217000
Sep 5 2000	88428000	39000
Oct 2 2000	88530000	102000
Nov 1 2000	83530000	0
Dec 1 2004	89700000	1170000
		1737000

WELL #2

Dec 1 1999	49269000	0
Jan 3 2000	50871000	1602000
Feb 1 2000	52272000	1401000
Mar 2 2000	53722000	1450000
Apr 3 2000	55420000	1698000
May 1 2000	56976000	1556000
Jun 1 2000	58697000	1721000
Jul 5 2000	61298000	2601000
Aug 1 2000	63168000	1870000
Sep 5 2000	66817000	3649000
Oct 2 2000	68629000	1812000
Nov 1 2000	70302000	1673000
Dec 1 2000	71897000	1595000
Total		22628000

1737000
24,365,000 - TSAP

WELL #1

DATE	READINGS	GALLONS USED
Dec 2 2002	89679000	0
Jan 3 2003	89679000	0
Feb 3 2003	89680000	1000
Mar 3 2003	89681000	1000
Apr 2 2003	89682000	1000
May 1 2003	89683000	1000
Jun 2 2003	89684000	1000
Jul 1 2003	89685000	1000
Aug 4 2003	89686000	1000
Sep 2 2003	89686000	0
Oct 1 2003	89687000	1000
Nov 3 2003	89688000	1000
Dec 1 2003	89689000	1000
Total		10000

WELL #2

Dec 2 2002	18601000	0
Jan 3 2003	20461000	1860000
Feb 3 2003	22169000	1708000
Mar 3 2003	23664000	1495000
Apr 2 2003	25341000	1677000
May 1 2003	27026000	1685000
Jun 2 2003	29149000	2123000
Jul 1 2003	31202000	2053000
Aug 4 2003	35078000	3876000
Sep 2 2003	38152000	3074000
Oct 1 2003	40119000	1967000
Nov 3 2003	42238000	2179000
Dec 1 2003	43777000	1479000
Total		25176000

25,176,000 = 78 AF

WELL #1

DATE	READINGS	GALLONS USED
Dec 1 2003	89689000	0
Jan 5 2004	89690000	1000
Feb 2 2004	89691000	1000
Mar 2 2004	89691000	0
Apr 5 2004	89692000	1000
May 3 2004	89693000	1000
Jun 1 2004	89694000	1000
Jul 6 2004	89695000	1000
Aug 3 2004	89696000	1000
Sep 1 2004	89697000	1000
Oct 4 2004	89698000	1000
Nov 1 2004	89699000	1000
Dec 1 2004	89700000	1000
		11000

WELL #2

Dec 1 2003	43777000	0
Jan 5 2004	45603000	1826000
Feb 2 2004	47154000	1551000
Mar 2 2004	48827000	1673000
Apr 5 2004	50588000	1761000
May 3 2004	52663000	2075000
Jun 1 2004	54864000	2201000
Jul 6 2003	57928000	3064000
Aug 3 2004	60839000	2911000
Sep 1 2004	63733000	2894000
Oct 4 2004	66047000	2314000
Nov 1 2004	67744000	1697000
Dec 1 2004	69384000	1640000
Total		25607000

$$\frac{11,000}{256,070} = 79 \text{ AP}$$

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Future Use Permit No. 1780-2, City of New Underwood

ADDRESS: COUNTY: Pennington

DATE: January 10, 2005 TELEPHONE: 605 754-6777

RE: Call to Greg Hall, Public Works Director

I contacted Mr. Hall to discuss the future use area for Permit No. 1780-2. The area for future development was never defined on the permit.

Mr. Hall stated that if they develop new water supplies it would be in Sections 29, 30 or 31, T2N, R11E.

NAME: Eric Threlkeld



**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. 1780-2, Town of New Underwood**

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. 1780-2, Town of New Underwood, PO Box 278, New Underwood SD 57761-0278.

The Chief Engineer is recommending that Future Use Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1780-2, 2) the Town of New Underwood has demonstrated a reasonable need for the water reserved by Permit No. 1780-2, 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. 1780-2 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Garland Erbele, Chief Engineer
January 10, 2005



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 11, 2005

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

Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Hall:

Future Use Permit No. 1780-2 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 Publisher of the Rapid City Journal (Phone # 605 394-8300). 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



January 11, 2005

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1780-2 to be published twice. Please publish the first notice on January 19, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Town of New Underwood, c/o Greg A Hall, Public Works Director, PO Box 278, New Underwood SD 57761-0278.

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 11, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 1780-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on January 19, 2005 with 2nd publication 7 days later. The Town of New Underwood is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the Town of New Underwood, PO Box 278, New Underwood SD 57761-0278 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. 1780-2. This permit was approved 1981 currently reserves 142 acre feet from groundwater (Fall River-Lakota Formation) for municipal use. This notice serves to define the area of future development of wells being located in Sections 29, 30 or 31, T2N-R11E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 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. 1780-2 at 10:00 am, March 2, 2005 at the Floyd Mathew Training Center, Joe Foss Building, 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 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1780-2 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 18, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

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:

January 19, 2005

January 26, 2005

Cost of Printing One hundred forty-six
dollars and eighty-eight (\$146.88)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

1/26/05
(Date Signed)

RECEIVED
JAN 28 2005
WATER RIGHTS
PROGRAM

Jan. 19, 26 L1852857

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the
Water Management Board will
review Future Use Permit No.
1780-2 held by the Town of
New Underwood, P.O. Box 278,
New Underwood, SD 57761-

0278, for progress made in the
development of the water
reserved by the Permit and
future plans for development
of the water reserved by Per-
mit No. 1780-2. This permit
was approved 1981 and cur-
rently reserves 142 acre feet
from groundwater (Fall River-
Lakota Formation) for municip-
al use. This notice serves to
define the area of future
development of wells being
located in Sections 29, 30 or 31,
T2N-R11E.

Pursuant to SDCL 46-2A-2,
the Chief Engineer of the
Water Rights Program recom-
mends that Permit No. 1780-2
REMAIN in EFFECT for 142
acre-feet annually because 1)
the reserved water may be
developed, 2) there is need for
the reserved water, 3) the pro-
posed 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. 1780-2 at 10:00 a.m. March
2, 2005, at the Floyd Matthew
Training Center, Joe Foss
Building, 523 E. Capitol,
Pierre, South Dakota.

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) can-
cel the permit for no develop-
ment or no planned future
development, or 4) take no
action after it reaches a con-
clusion based upon facts pre-
sented 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 wit-
nesses according to SDCL 1-26,
must file a written petition
with BOTH the permit owner
and the Chief Engineer by
February 18, 2005. The Chief
Engineer's address is "Water
Rights Program," Joe Foss
Building, 523 E. Capitol Ave.,
Pierre, SD 57501 (605-773-3352),
and the permit holder's mail-
ing address is given above.
The petition may be informal,
but it must include a state-
ment describing the petition-
er's interest in the future use
permit, the reasons for the
petitioner's opposition to or
support of continuing the
future use permit, and the sig-
nature 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 Fu-
ture Use Permit No. 1780-2 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 recom-

tion on this permit, to assure
access to the hearing by the
handicapped or obtain an
interpreter for the hearing
impaired may contact Eric
Grothlund, Water Rights Pro-
gram (605-773-3352), by Febru-
ary 18, 2005. The time of the
hearing will be automatically
delayed for at least 20 days
upon written request of the
permit owner or any person
who has filed a petition to
oppose or support continuance
of the Future Use Permit. The
request for a delay must be
filed with the Chief Engineer
by February 18, 2005.

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



March 3, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

Dear Mr. Hall:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit No. 1780-2. The Board allowed the permit to remain in effect for 142 acre-feet of water annually. Future Use Permit No. 1780-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1780-2 is \$22.50 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 3, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2005 regarding Notice of Review Future Use Permit Nos. 4927-3, 1780-2, 192-3 & 3427A-3, 135-3 & 5003-3, 217-3 & 1598-3, 448-3 & 2042-3, 524-3, 549-3, 1218-3 & 2107-3 addressed as stated below:

1218-3 & 2107-3
Jeff DeVille Water Superintendent
Watertown Municipal Utilities Dept
901 4th Ave SW
Watertown SD 57201

524-3
Gary Wolkow Mayor
City of DeSmet
PO Drawer 70
DeSmet SD 57231-0070

217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

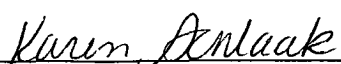
192-3 & 3427A-3
Robin Bobzien City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2004.

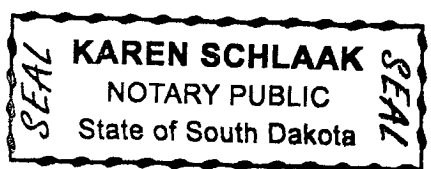

Karen Schlaak
Notary Public
My Commission expires April 1, 2007

549-3
Denise Peschong Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

448-3 & 2042-3
Randy Janssen Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

135-3 & 5003-3
Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501

1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 8, 20 05

RECEIVED OF City of New Underwood, PO Box 278, New Underwood SD 5776100178

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	22	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1780-2</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	
	22.50	

No. 001542

By

Stanley E. Eide
Chief Engineer
gm

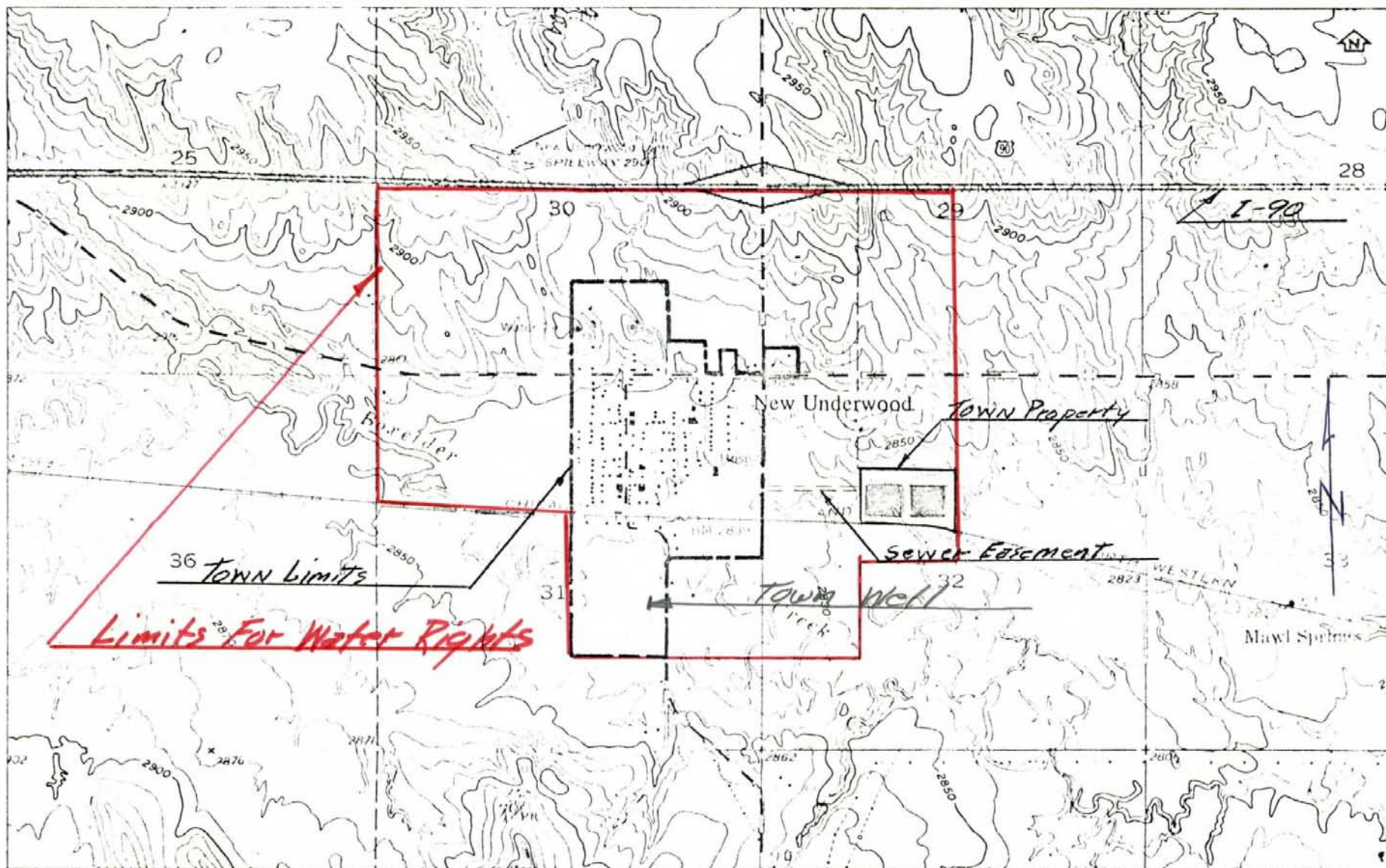


FIGURE 1

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration
TOWN OF NEW UNDERWOOD, SD
(PENNINGTON CO.)

APPROXIMATE SCALE
2000 0 2000 4000 6000 FEET

VICINITY MAP

~~Map # 1534-2~~ Appl. 1780-2



1780-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2011

City of New Underwood
Gregory Hall, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Hall:

I am writing in regard to the seven year review of Future Use Water Permit No. 1780-2 from groundwater (Fall River-Lakota Formation) which is held by the City of New Underwood. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 142 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1780-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 142 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

RECEIVED

DEC 21 2011

WATER RIGHTS
PROGRAM



CITY OF NEW UNDERWOOD

501 A Avenue
P.O. Box 278
New Underwood, SD 57761-0278
Phone (605) 754-6777
Fax (605) 754-6227
cnuofc@gwtc.net

Dec. 19, 2011

Karen Schlaak
Environmental Scientist
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3182

Re: City of New Underwood Future Use Water Permit No. 1780-2

The City would like to continue to retain this permit. The City did conduct a feasibility study on extending our rural water system to the north, south, east, and west of the City limits, and this did prove to be a viable option for the city. We are currently extending mains to the west and south of the City and have annexed an additional 347 acres to the west and north of the city, we will need as many acre-feet as possible in reserve for future use.

Attached is the annual pumping records for the past five years. As you can see our necessary water usage continues to climb as the City grows, and if we extend the system to rural users, more water will be required.

As per your letter, we will pay for the public notice and attend the hearing necessary to renew this permit.

Thank you, in advance, for your time and consideration in this matter. If you have more questions or concerns, do not hesitate contacting me.

Sincerely,

A handwritten signature in cursive script, reading "John L. Bale", is written over the typed name.

John L. Bale, Dir. of Public Works
City of New Underwood
GAH/mja

RECEIVED

DEC 21 2011

WATER RIGHTS
PROGRAM

Well #1

DATE	READINGS	GALLON USED
Jan 3 2011	41134000	1000
Feb 1 2011	41135000	1000
Mar 1 2011	41136000	1000
Apr 4 2011	41137000	1000
May 2 2011	41138000	1000
June 1 2010	41139000	1000
Jul 5 2011	41140000	1000
Aug 1 2011	41141000	1000
Sep 1 2011	41142000	1000
Oct 3 2011	41143000	1000
Nov 1 2011	41144000	1000
Dec 1 2010	41145000	1000
Total		12000

Well #2

DATE	READINGS	GALLON USED
Dec 1 2010	70374000	
Jan 3 2011	71761000	1387000
Feb 1 2011	73020000	1259000
Mar 1 2011	74464000	1444000
Apr 4 2011	76097000	1633000
May 2 2011	77674000	1577000
Jun 1 2011	79547000	1873000
Jul 5 2011	81893000	2346000
Aug 1 2011	84436000	2543000
Sep 1 2011	87178000	2742000
Oct 3 2011	89235000	2057000
Nov 1 2011	90560000	1325000
Dec 1 2011	91865000	1305000
Total		21491000

Well #1**RECEIVED****DEC 21 2011****WATER RIGHTS
PROGRAM**

DATE	READINGS	GALLON USED
Dec 1 2009	41067000	
Jan 4 2010	41123000	56000
Feb 1 2010	41124000	1000
Mar 1 2010	41125000	1000
Apr 1 2010	41126000	1000
May 3 2010	41127000	1000
Jun 1 2010	41128000	1000
Jul 1 2010	41129000	1000
Aug 2 2010	41129000	0
Sep 1 2010	41130000	1000
Oct 4 2010	41131000	1000
Nov 1 2010	41132000	1000
Dec 1 2010	41133000	1000

Total		66000
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Well #2

Dec 1 2009	48826000	
Jan 4 2010	50456000	1630000
Feb 1 2010	51843000	1387000
Mar 1 2010	53266000	1423000
Apr 1 2010	55097000	1831000
May 3 2010	56336000	1239000
Jun 1 2010	57918000	1582000
Jul 1 2010	60125000	2207000
Aug 2 2010	62525000	2400000
Sep 1 2010	65226000	2701000
Oct 4 2010	67401000	2175000
Nov 1 2010	68844000	1443000
Dec 1 2010	70374000	1530000

Total		21548000
--------------	--	-----------------

RECEIVED

DEC 21 2011

WATER RIGHTS
PROGRAM

WELL #1

DATE	READINGS	GALLONS USED
Dec 1 2008	32838000	
Jan 5 2009	33995000	1157000
Feb 2 2009	34853000	858000
Mar 2 2009	35743000	890000
Apr 1 2009	36823000	1080000
May 4 2009	37802000	979000
Jun 1 2009	38806000	1004000
Jul 1 2009	39956000	1150000
Aug 3 2009	41064000	1108000
Sept 1 2009	41065000	1000
Oct 1 2009	41066000	1000
Nov 2 2009	41067000	1000
Dec 1 2009	41067000	0
Total		8229000

WELL #2

Dec 1 2008	35374000	
Jan 5 2009	36191000	817000
Feb 2 2009	36886000	695000
Mar 2 2009	37536000	650000
Apr 1 2009	38082000	546000
May 4 2009	38826000	744000
Jun 1 2009	39615000	789000
Jul 1 2009	40224000	609000
Aug 3 2009	41676000	1452000
Sept 1 2009	43970000	2294000
Oct 1 2009	45973000	2003000
Nov 2 2009	47441000	1468000
Dec 1 2009	48826000	1385000
Total		13452000



**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. 1780-2, City of New Underwood**

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. 1780-2, City of New Underwood, PO Box 278, New Underwood SD 57761.

The Chief Engineer is recommending that Future Use Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1780-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1780-2, 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. 1780-2 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 20, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2012

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

City of New Underwood
John L Bale, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Bale:

Future Use Permit No. 1780-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8300). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2012

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1780-2 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

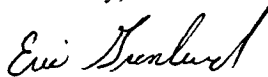
The applicant must verify to you that the notice is to be published, before you make the first publication.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of New Underwood, c/o John L Bale, Public Works Director, PO Box 278, New Underwood SD 57761.

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 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 1780-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on February 1, 2012 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, c/o John L Bale, Public Works Director, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved in 1981 and currently reserves 142 acre-feet from groundwater (Fall River-Lakota Formation) for municipal use. The area for future development of wells is located in Sections 29, 30 or 31, T2N-R11E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 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. 1780-2 at 10:00 am on March 7, 2010 at Floyd Mathew Training Center, Joe Foss Building, 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 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1780-2 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 27, 2012. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, c/o John L. Bale, Public Works Director, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved in 1981 and currently reserves 142 acre-feet from groundwater (Fall River-Lakota Formation) for municipal use. The area for future development of wells is located in Sections 29, 30 or 31, T2N-R11E.

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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. 1780-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, 1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact

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Affidavit of Publication

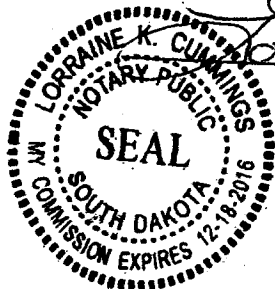
STATE OF SOUTH DAKOTA

County of Pennington

SS:

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

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



Notary public

Dec. 18, 2016

My commission expires



CITY OF NEW UNDERWOOD

501 A Avenue
P.O. Box 278
New Underwood, SD 57761-0278
Phone (605) 754-6777
Fax (605) 754-6227
cnuofc@gwtc.net

RECEIVED

FEB 17 2012

WATER RIGHTS
PROGRAM

February 15, 2012

Eric Gronlund
Natural Resources Engineer
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3182

Re: City of New Underwood Future Use Water Permit No. 1780-2

Attached is the affidavit of publication for the future use permit hearing printed in the Rapid City Journal.

Also I have enclosed the copy of the SDCL's that apply to my publishing in our legal newspaper. I published in the Rapid City Journal and The New Underwood Post both. Could you please send me or e-mail me the SDCL that says you must have the notice published in one of the designated County papers? I think there may be a conflict with the laws and would like to pursue getting this straightened out.

Thank you, in advance, for your time and help in this matter. We look forward to seeing you on the 7th. If you have more questions or concerns, do not hesitate contacting me.

Sincerely,

Meri Jo Anderson, Finance Officer
City of New Underwood

9-12-6. Designation of official newspapers. Every municipality shall designate at a meeting of its governing body an official newspaper or newspapers for the ensuing year. The newspaper shall be published in the municipality. However, if there is no newspaper published in such municipality, then a newspaper published outside of such municipality may be used if such newspaper serves such municipality.

Source: SL 1913, ch 119, § 34; RC 1919, § 6169 (83); SL 1921, ch 309; SDC 1939, § 45.0201 (22); SL 1964, ch 137; SL 1985, ch 57, § 1.

17-2-1. Notices to be published in legal newspaper--Affidavit of publication. All legal and other official notices shall be published in a legal newspaper as defined in this chapter, and the affidavit of publication shall state that such newspaper is a legal newspaper, which affidavit shall be prima facie evidence of that fact; and every affidavit of publication shall state in plain terms the fees charged thereon.

Source: SL 1887, ch 51, § 3; CL 1887, § 1431; SL 1893, ch 114, § 2; RPolC 1903, §§ 1848, 1851; RC 1919, §§ 7070, 7073; SDC 1939, § 65.0507; SL 1949, ch 445, § 5.

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, February 21, 2012 1:32 PM
To: 'cnuofc@gwtc.net'
Cc: Schlaak, Karen
Subject: Inquiry into public notice of review of city's future use permit

Tracking:	Recipient	Read
	'cnuofc@gwtc.net'	
	Schlaak, Karen	Read: 02/21/2012 1:32 PM

Meri Jo Anderson

In response to your February 15th letter, please find attached two statutes that dictate our publication of notices in water right matters. I have highlighted what I believe to be the applicable part of the statutes. For 2012, Water Rights contacted Pennington County to find out which three newspapers in Pennington County are designated as official newspapers. They informed us that the Rapid City, Wall and Hill City papers were the 2012 designated newspapers.

There is a bill (HB1230) currently before the Legislature that amends 46-2A-4 but it does not change the way the official newspaper is determined and therefore I do not believe addresses your concern. The bill was amended before the Senate Ag and Natural Resource Committee this morning.

I hope this email suffices as a response. Please let me know that you received this email.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

46-2A-4. Publication of application and recommendation of chief engineer--Time for publication and contents of notice. Except in the case of an application for a well driller license or a well pump installer license, if a recommendation is to approve or defer an application or if an applicant has filed a petition to oppose a recommendation to deny an application, the applicant shall publish notice of the application and recommendation at least once a week for two successive weeks **in one official newspaper in each county** where the water will be diverted or used or project works will be located. The official newspaper shall be selected by the chief engineer and **shall be a newspaper designated as an official newspaper pursuant to § 7-18-3**. The second publication shall be at least twenty days before the first day of the Water Management Board meeting at which the matter is noticed to be heard. No application for a permit, license, or amendment may be considered and approved by the board until proof of all required publications has been filed with the chief engineer. The notice, which shall be provided by the chief engineer to the applicable newspapers, shall include the following, as applicable:

- (1) The name and address of the applicant;
- (2) A brief description of the project, including, where applicable, the proposed place or places of use of the water or facilities, including the point of diversion, the amount of water to be used and the purpose for which the water or facility is to be used;
- (3) A brief statement describing the recommendation and the reasons for the recommendation;

(4) A statement that any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and that the petition shall be filed with the chief engineer and applicant at least ten days before the published date for hearing;

(5) A statement that a petition to oppose or support an application may be informal, but shall be in writing and shall contain the following:

(a) A statement describing the petitioner's interest in the application;

(b) The reasons for the petitioner's opposition to or support for the application; and

(c) The signature and mailing address of the petitioner or the petitioner's legal counsel;

(6) A statement telling where copies of the recommendation, application, or other information may be obtained;

(7) The time when and the place where the application will be considered by the board;

(8) A statement that the recommendation of the chief engineer is not final or binding upon the board and is subject to the approval of the board after it reaches a conclusion based on facts at the public hearing;

(9) A statement that the time of hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application and a statement that any such request by the applicant or person filing a petition shall be made at least ten days before the published date for hearing; and

(10) A statement that if the applicant does not contest the recommendation of the chief engineer and no petition to oppose the application is received, the chief engineer shall act on the application pursuant to the chief engineer's recommendation and no hearing may be held before the board, unless the chief engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.

Source: SL 1983, ch 316, § 6; SL 1986, ch 364; SL 1990, ch 355, § 3; SL 1992, ch 254, § 84; SL 2001, ch 241, § 3.

7-18-3. Designation of official newspapers for county--Publication of board proceedings and notices. At its regular meeting in January of each year the board of county commissioners **shall designate three legal newspapers printed in the county as official newspapers**. If there are not three legal newspapers within the county, then as many newspapers that are legal newspapers. The board shall publish a full and complete report of all its official proceedings at all regular and special meetings and shall publish proceedings as soon after any meeting as practicable. The board shall pay for publishing the proceedings at a rate not to exceed ninety percent of the legal line rates for weekly newspapers and not to exceed the legal line rate for daily newspapers, as provided in chapter 17-2.

All notices required by law to be published by the county auditor shall also be published in the official newspapers. If any notice includes a legal description of property outside the incorporated limits of a municipality, the notice may include a physical description of the property from the nearest incorporated municipality.

Source: SL 1874-5, ch 25, § 1; PolC 1877, ch 21, § 54; CL 1887, § 619; SL 1901, ch 97, § 1; RPolC 1903, § 859; RC 1919, § 5895; SL 1919, ch 151; SL 1921, ch 170; SDC 1939, § 12.1807; SL 1947, ch 41; SL 1957, ch 26; SL 1963, ch 47; SL 2009, ch 29, § 1.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 2012

City of New Underwood
John L Bale, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Bale:

The City of New Underwood holds Future Use Permit No. 1780-2 reserving water for future development. This future use permit is scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permit remaining in effect have been received.

This letter is to inform you that the Water Management Board will conduct its March 7, 2012 meeting by telephone conference call. The agenda for the March 7th meeting is attached.

Being this matter is not contested, DENR does not foresee questions or concerns that necessitate you traveling to Pierre on March 7th. There are a limited number of conference call lines available if you have testimony regarding the future use permit to provide to the Board. Please let me know if you want to participate and DENR will try to accommodate everyone up to the number of conference call lines available.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2012

NOTICE

City of New Underwood
John L Bale, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Bale:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit No. 1780-2. The Board allowed the permit to remain in effect for 142 acre-feet of water annually. Future Use Permit No. 1780-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1780-2 is \$75.00 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.

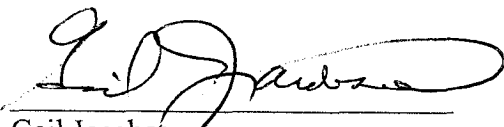
Sincerely,

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

CERTIFICATION

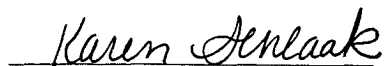
I hereby certify that on March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

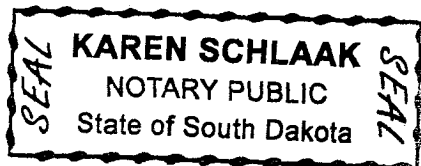
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, S Meyer, PO Box 588, Brookings SD 57006
City of Aberdeen, J Ellingson, 123 S Lincoln, Aberdeen SD 57401
City of New Underwood, J Bale, PO Box 278, New Underwood SD 57761
City of Pierre, Brad Palmer, PO Box 1253, Pierre SD 57501


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 12.


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 4, 2012

City of New Underwood
John L Bale, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Bale:

On March 8, 2012 we requested the fee for maintaining the effectiveness of Future Use Permit No. 1780-2. To date, we have not received this payment.

Please submit the \$75.00 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

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 6/12, 20 12

RECEIVED OF City of New Underwood PO Box 278 New Underwood SD 57761

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1780-2</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	
	75	00

No. **05463**

By Garland Eshel sy
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

City of New Underwood
Tim Hall, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Hall:

I am writing in regard to the seven year review of Future Use Water Permit No. 1780-2 from groundwater (Fall River – Lakota Formation) held by the City of New Underwood. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 142 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1780-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 142 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

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



CITY OF NEW UNDERWOOD

423 S. "A" Avenue

P.O. Box 278

New Underwood, SD 57761-0278

Phone (605) 754-6777 PW (605) 754-6773

Fax (605) 754-6227

cnuofc@gwtc.net

December 18, 2018

Karen Schlaak

Water Rights Program

523 East Capitol

Pierre, SD 57501-3182

Re: City of New Underwood Future Use Water Permit No. 1780-2

The City would like to continue to retain this permit. The City has extended water lines to the south and east of City limits. We are expecting to grow even more now that Ellsworth Air Force Base has been named as one of three sites for the next-generation B-21 bomber so we will need as many acre-feet as possible in reserve for future use.

Attached are the annual pumping records for the past 4 years. As you can see our water usage has increased along with the growth of the City and with further growth more water will be required.

The City acknowledges that we will pay for the public notice and will attend the hearing if needed to renew this permit once it is scheduled.

Thank you for your time and consideration in this matter. If you have any questions or concerns, please contact me at the numbers above.

Sincerely,

Timothy S. Hall, Director of Public Works

City of New Underwood

tsh/kp

RECEIVED

DEC 21 2018

WATER RIGHTS
PROGRAM

Well #1

Date	Reading	Gallons	
Aug-11	41142000		Meter Reading on 9-6-11 per John
Dec-12	42807000		
Dec-13	42819000		
Jan-15	42833000		
May-15	42901000		
Jun-15	42902000		
Aug-15	42904000		
Oct-15	43105000		
Nov-15	44228800		
Dec-15	45443000	TOTAL	2,610,000
Jan-16	46071000		
Feb-16	46072000		
Mar-16	46073000		
Apr-16	46074000		
May-16	46075000		
Jun-16	46076000		
Jul-16	46070000		
Aug-16	46078000		
Sep-16	46079000		
Oct-16	46080000		
Nov-16	46081000		
Dec-16	46082000	TOTAL	11,000
Jan-17	46083000		
Feb-17	46084000		
Mar-17	46085000		
Apr-17	46086000		
May-17	46087000		
Jun-17	46088000		
Jul-17	46089000		
Aug-17	46090000		
Sep-17			no reading
Oct-17	46092000		
Nov-17	46093000		
Dec-17	46094000	TOTAL	11,000
Jan-18	46095000		
Feb-18	46096000		
Mar-18	46097000		
Apr-18	46098000		
May-18	46099000		
Jun-18	46100000		
Jul-18	46101000		
Aug-18	46102000		
Sep-18	46103000		
Oct-18	46104000		
Nov-18	46436000		341,000 as of Nov. 30, 2018
		TOTAL	

Well #2

Date	Reading	Gallons		
Dec-12	14852000			
Dec-13	35166000	20,314,000	avg. monthly	1,693,000
Jan-15	57066000	42,214,000		
May-15	62690000	5,624,000		
Jun-15	64073400	1,383,400		
Aug-15	68382000	4,308,600		
Oct-15	71525500	3,143,500		
Nov-15	71993000	467,500		
Dec-15	71993000	0	14,927,000	avg. 1,244,000
Jan-16	72587000	594,000		
Feb-16	73700400	1,113,400		
Mar-16	75164000	1,463,600		
Apr-16	76363000	1,199,000		
May-16	78051000	1,688,000		
Jun-16	81300500	4,937,500		
Jul-16	83716300	2,415,800		
Aug-16	85560000	1,843,700		
Sep-16	86865000	1,305,000		
Oct-16	88032000	1,167,000		
Nov-16	89448000	1,416,000		
Dec-16	90969000	1,521,000	18,382,000	avg. 1,532,000
Jan-17	91839000	870,000		
Feb-17	92890000	1,051,000		
Mar-17	94189000	1,299,000		
Apr-17	95514000	1,325,000		
May-17	97100000	1,586,000		
Jun-17	99934000	2,834,000		
Jul-17	12978000	3,044,000		
Aug-17	15654000	2,676,000		
Sep-17			no reading	
Oct-17	18473700	2,819,700		
Nov-17	19815000	1,341,300		
Dec-17	20644000	829,000		avg. 1,567,000
Jan-18	22041000	1,397,000		
Feb-18	22938000	897,000		
Mar-18	23938000	1,000,000		
Apr-18	25825000	1,887,000		
May-18	27139000	1,314,000		
Jun-18	29416000	2,277,000		
Jul-18	31036000	1,620,000		
Aug-18	33095000	2,059,000		
Sep-18	34659000	1,564,000	12,618,000	519000 going to start reading this meter
Oct-18	2277000			
Nov-18	3421000	1,144,000	2,902,000	Difference without April 10,731,000 gallons
			avg. as of nov. 30, 2018	1,148,000 wet year



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1780-2, City of New Underwood**

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. 1780-2, City of New Underwood, PO Box 278, New Underwood SD 57761.

The Chief Engineer is recommending that Future Use Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1780-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1780-2, 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. 1780-2 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
January 11, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2019

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

City of New Underwood
c/o Timothy Hall, Public Works Director
PO Box 278
New Underwood SD 57761

Dear Mr. Hall:

Future Use Permit No. 1780-2 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 Rapid City Journal (605 394-8300). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publisher has been instructed to publish this notice on January 23, 2019. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 9:59 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 1780-2, City of New Underwood
Attachments: 1780-2NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on January 23, 2019.

City of New Underwood, c/o Timothy Hall, PWD, OP box 278, New Underwood SD 57761 (605 754-6777) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Instruction to Newspaper - Publish the following Notice on January 23, 2019. The City of New Underwood is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, c/o Timothy Hall, Public Works Director, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved 1981 and currently reserves 142 acre-feet from groundwater (Fall River-Lakota Aquifer) located in Sections 29, 30 or 31; T2N-R11E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 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. 1780-2 at 10:30 am on March 6, 2019 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 22, 2019. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1780-2 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 22, 2019. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 2019.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

RECEIVED

JAN 28 2019

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Jan 23 L21105215

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 1780-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, c/o Timothy Hall, Public Works Director, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved 1981 and currently

reserves 142 acre-feet from groundwater (Fall River-Lakota Aquifer) located in Sections 29, 30 or 31; T2N-R11E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 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. 1780-2 at 10:30 am on March 6, 2019 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 22, 2019. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

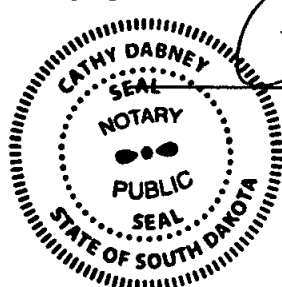
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Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 23rd day of Jan 2019 that the fees charged for the publication there of are 67 dollars and 69 cents.

Sheri Sponder

Subscribed and sworn to before me this 23rd day of January, 2019.



Cathy Dabney
Notary public

4-16-2024

My commission expires

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 22, 2019. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 2019.

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Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

(Published once at an approximate cost
of \$47.69)

IN THE _____ COURT
COUNTY OF PENNINGTON

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

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

Attorney for _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2019

NOTICE OF ENTRY OF ORDER

City of New Underwood
Tim Hall, Public Works Director
PO Box 278
New Underwood SD 57761

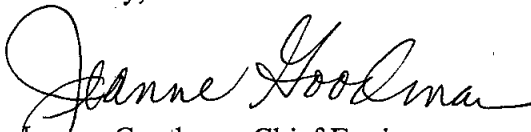
Dear Mr. Hall:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2019 to review Future Use Permit No. 1780-2. The Board allowed the permit to remain in effect for 142 acre-feet of water annually. Future Use Permit No. 1780-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1780-2 is \$75.00 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 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2019 regarding Notice of 1780-2, 192-3, 3427A-3, 217-3, 1598-3, 448-3, 2042-3, 549-3, 1218-3, 2107-3, 4927-3, 6988-3 and 6988A-3 addressed as stated below:

City of New Underwood, Tim Hall, Public Works Director, PO Box 278, New Underwood , SD 57761

City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen, SD 57401

Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588, Brookings, SD 57006-0588

City of Sioux Falls, Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls, SD 57117-7402

City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank, SD 57552

Watertown Municipal Utilities, Jeff Deville, Water Superintendent, 901 4th Ave SW, Watertown, SD 57201

Clark Rural Water System, Terry Kaufman, Manager, PO Box 162, Clark, SD 57225

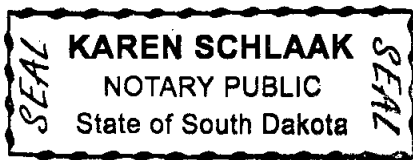
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268


Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 15

, 20 19

RECEIVED OF City of New Underwood PO Box 278 New Underwood SD 57761-0278

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1780-2</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	75 00

No. **09113**

By

Jeanne Goodman
Chief Engineer
Jm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 2, 2025

City of New Underwood
c/o Kristi Pritzkau
PO Box 278
New Underwood SD 57761

Dear Ms. Pritzkau,

I am writing regarding the seven-year review of Future Use Water Permit No. 1780-2 from the (Fall River – Lakota Formation) held by the City of New Underwood. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 142 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2018.

Please respond in writing by January 15, 2026, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1780-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 142 acre-feet remain in reserve, the fee will be \$75.00.

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

Sincerely,

Rachel Rodriguez

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



CITY OF NEW UNDERWOOD

423 S. "A" Avenue
P.O. Box 278
New Underwood, SD 57761-0278
Phone (605) 754-6777 PW (605) 754-6773
Fax (605) 754-6227
cnuofc@gwtc.net

December 10, 2025

Rachel Rodriguez
Water Rights Program - DANR
523 East Capitol
Pierre, SD 57501-3182

Re: City of New Underwood Future Use Water Permit No. 1780-2

The City would like to continue to retain this permit. The City has extended water lines to the north and east of City limits. We are expecting to grow even more now that Ellsworth Air Force Base has been named as one of three sites for the next-generation B-21 bomber so we will need as many acre-feet as possible in reserve for future use.

Attached are the annual pumping records for the past 7 years. As you can see our water usage has increased along with the growth of the City and with further growth more water will be required.

The City acknowledges that we will pay for the public notice and will attend the hearing if needed to renew this permit once it is scheduled.

Thank you for your time and consideration in this matter. If you have any questions or concerns, please contact me at the numbers above.

Sincerely,

Timothy S. Hall, Director of Public Works
City of New Underwood
tsh/kp

RECEIVED

DEC 29 2025

OFFICE OF
WATER

Well #1				
Date	Reading	Gallons		
Dec-18	46,436,000			
Jan-19	46,436,000			
Feb-19	46,437,000			
Mar-19	46,438,000			
Apr-19	46,439,000			
May-19	46,444,000			
Jun-19	46,441,000			
Jul-19	46,442,000			
Aug-19	46,443,000			
Dec-19	46,447,000		11000 Gallons used	
Jun-20	46,451,000	4,000		
Nov-20	46,453,000	2,000		
20-Dec	46,454,000	1,000		
Jan-21	46,455,000	1,000		
Feb-21	46,456,000	1,000		
Mar-21	46,457,000	1,000		
Well #1				
Date	Reading	Gallons		
Aug-21	46,462,000	5,000		
Sep-21	46,463,000	1,000		
Oct-21	46,464,000	1,000		
Nov-21	46,465,000	1,000		
Dec-21	46,466,000	1,000		
Jan-22	46,467,000	1,000		
Feb-22	46,468,000	1,000		
Mar-22	46,469,000	1,000		
Apr-22	46,470,000	1,000		
May-22	46,471,000	1,000		
Jun-22	46,472,000	1,000		
Jul-22	46,473,000	1,000		
Aug-22	46,474,000	1,000		
Sep-22	46,475,000	1,000		
Oct-22	46,478,000	3,000		
Nov-22	46,479,000	1,000		
Dec-22	46,480,000	1,000		
Ames Construction as of Jan. 2023				
Well #1				
Date	Reading	Gallons		
Feb-23				
Mar-23	46,830,000	69,000		
May-23	47,245,000	415,000		
Jun-23	47,390,000	145,000		
Jul-23	47,691,000	301,000		
Aug-23	47,921,000	230,000		
Sep-23	48,367,000	446,000		
Oct-23	48,578,000	211,000		
Nov-23	48,633,000	55,000		
Dec-24	48,640,000	7,000		
		2,160,000	Ames	
Well #1			Tim pumped into our system	
Jan-24	48,640,000	0		
Feb-24	48,643,000	3,000		
Mar-24	48,693,000	50,000		
Apr-24	48,694,000	1,000		
May-24	48,695,000	1,000		
Jun-24	48,696,000	1,000		
Jul-24	48,697,000	1,000		
Aug-24	48,698,000	1,000		
Sep-24	48,699,000	1,000		
Oct-24	48,700,000	1,000		
Nov-24	48,701,000	1,000		
Dec-24	48,702,000	1,000		
Well #1				
Jan-25	48,703,000	1,000		
Feb-25	48,704,000	1,000		
Mar-25	48,705,000	1,000		
Apr-25	48,706,000	1,000		
May-25	48,707,000	1,000		
Jun-25	48,708,000	1,000		
Jul-25	48,709,000	1,000		
Aug-25	48,710,000	1,000		
Sep-25	48,711,000	1,000		
Oct-25	48,712,000	1,000		
25-Nov	48,713,000	1,000		

RECEIVED

DEC 29 2025

OFFICE OF
WATER

City of
New Underwood

Dec-18	4,716,000	1,295,000				
Jan-19	6,156,000	1,440,000				
Well #2				Annual Gallons Used		
Date	Reading	Gallons				
Dec-12	14,852,000					
Feb-19	7,488,000	1,332,000				
Mar-19	9,043,000	1,555,000				
Apr-19	10,709,000	1,666,000				
May-19	12,294,000	1,585,000				
Jun-19	14,086,000	1,792,000				
Jul-19	16,037,000	1,951,000				
Aug-19	17,557,000	1,520,000				
Sep-19	no readings					
Oct-19	no readings					
Nov-19	21,721,000	4,164,000				
Dec-19	22,583,000	862,000		19,162,000	avg 1,474,000	
20-Nov	40,068,000	17,485,000			avg 1,589,545.46	
20-Dec	41,469,000	14,010,000				
21-Jan	42,829,000	1,360,000				
Feb-21	44,065,000	1,236,000				
Mar-21	45,334,000	1,269,000				
Well #2				Annual Gallons Used		
			Date read			
Date	Reading	Gallons				
Aug-21	54,128,000	8,794,000	8/5/2021			
Sep-21	56,199,000	2,071,000	8/31/2021			
Oct-21	58,503,000	2,304,000	10/5/2021			
Nov-21	60,239,000	1,736,000	11/9/2021			
Dec-21	61,164,000	925,000	12/1/2021	18,335,000		
Jan-22	62,587,000	1,423,000	1/3/2022			
Feb-22	64,250,000	1,663,000	1/31/2022			
Mar-22	67,025,000	2,775,000	3/1/2022			
Apr-22	68,555,000	1,530,000	5/3/2022			
May-22	69,900,000	1,400,000	6/1/2022			
Jun-22	72,300,000	2,400,000	7/7/2022			
Jul-22	74,568,000	2,268,000	8/1/2022			
Aug-22	77,423,000	2,855,000	9/1/2022			
Sep-22	79,928,000	2,505,000	10/1/2022			
Oct-22	81,355,000	1,427,000	10/31/2022			
Nov-22	82,742,000	1,387,000	12/1/2022			
Dec-22	84,214,000	1,472,000	1/1/2023			
Well #2			21,627,000 total gallons 2022			avg 1,802,250/month
Date	Reading	Gallons		annual total		avg monthly
			Date read			
Jan-23	85,577,000	1,363,000	2/1/2023			
Feb-23	86,589,000	1,012,000	3/1/2023			
Mar-23	87,570,000	981,000	3/27/2023			
Apr-23	89,283,000	1,713,000	5/8/2023			
Jun-23	90,339,000	1,056,000	5/31/2023			
Jul-23	92,004,000	1,665,000	6/30/2023			
Aug-23	94,143,000	2,139,000	7/31/2023			
Sep-23	96,868,000	2,725,000	9/5/2023			
Oct-23	97,728,000	860,000	9/28/2023			
Nov-23	100,270,000	2,542,000	10/28/2023			
Dec-23	101,957,000	1,687,000	1/10/2024	17,743,000		1,478,583
Well #2						
Jan-24	102,542,000	2,370,000	1/25/2024			
Feb-24	104,088,000	1,546,000	2/28/2024			
Mar-24	105,197,000	1,109,000	3/26/2024			
Apr-24	106,708,000	1,511,000	5/2/2024			
May-24	108,162,000	1,454,000	6/3/2024			
Jun-24	109,801,000	1,639,000	6/27/2024			
Jul-24	112,063,000	2,262,000	7/25/2024			
Aug-24	115,026,000	2,963,000	8/29/2024			
Sep-24	117,078,000	2,052,000	9/26/2024			
Oct-24	118,794,000	1,716,000	10/30/2024			
24-Nov	119,896,000	1,102,000	11/25/2024			
Dec-24	121,079,000	1,183,000	12/24/2024	20,907,000		1,742,250
Well #2						
Jan-25	122,399,000	1,320,000	1/24/2025			
Feb-25	124,058,000	1,659,000	2/26/2025			
Mar-25	125,401,000	1,343,000	3/24/2025			
Apr-25	127,035,000	1,634,000	4/28/2025			
May-25	128,547,000	1,512,000	5/27/2025			
Jun-25	130,948,000	2,401,000				
Jul-25	132,976,000	2,028,000				
Aug-25	135,151,000	2,175,000	8/27/2025			
Sep-25	136,892,000	1,741,000	9/24/2025			
Oct-25	138,314,000	1,422,000	10/23/2025			
Nov-25	139,827,000	1,513,000				



**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. 1780-2, City of New Underwood**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1780-2, City of New Underwood, PO Box 278, New Underwood SD 57761.

The Acting Chief Engineer is recommending that Future Use Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1780-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1780-2, 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. 1780-2 is subject to payment of the \$ 75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Right Program
March 9, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 9, 2026

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

City of New Underwood
c/o Timothy Hall
PO Box 278
New Underwood SD 57761

Dear Mr. Hall,

Future Use Permit No. 1780-2 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 Rapid City Journal (see online column information enclosed). For your information, a copy of the Acting 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 March 19, 2026. 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 March 19, 2026. The City of New Underwood is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved 1981 and currently reserves 142 acre-feet from the Fall River-Lakota Aquifer located in Sections 29, 30 and 31; all in T2N-R11E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1780-2 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1780-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 30, 2026.

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

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Renniel Pasia <leelegals@column.us>
Sent: Monday, March 9, 2026 11:44 AM
To: Rodriguez, Rachel; Kristi Pritzkau
Subject: Re: [EXT] 1780-2 City of New Underwood - Public Notice

Hi there,

Your notice is scheduled to be published in the The Rapid City Journal on March 19, 2026. Your Notice ID is: [S31Textrx0IW74F4vugg](#)

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

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

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

—
// Renniel



On March 9, 2026 at 11:58 AM EDT rachel.rodriguez@state.sd.us wrote:

Attached is a notice to be published on March 19, 2026.

City of New Underwood, c/o Timothy Hall, PO Box 278, New Underwood SD 57761, 605-754-6777, cnuofc@gwtc.net has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 9, 2026 11:56 AM
To: cnuofc@gwtc.net
Subject: 1780-2 City of New Underwood - Public Notice
Attachments: 1780-2 Rec.pdf; 1780-2 Ltr.pdf; 1780-2 PubNotice.pdf; RapidCityJournal Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation and information regarding the public notice for Future Use Permit 1780-2. Please see the email from the Rapid City Journal, they use an online portal called Column. If you click on the link after "Notice ID" you will be able to arrange for payment. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

City of New Underwood
PO Box 278
New Underwood South Dakota 57761

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Mar 19, 2026

NOTICE ID: S31Textrx0IW74F4vugg

NOTICE NAME: 1780-2 City of New Underwood - Public Notice

TOTAL AD COST: \$121.36

Anjana Bhadoriya

Agent

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 03/20/2026

J. R.

Notary Public

Notarized remotely online using communication technology via Proof.



JESSICA GORDON-THOMPSON
Notary Public - State of Florida

Commission # HK301856
Expires on August 17, 2026

RECEIVED

MAR 30 2026

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1780-2

Notice is given that the Water Management Board will review Future Use Permit No. 1780-2 held by the City of New Underwood, PO Box 278, New Underwood SD 57761 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. 1780-2. This permit was approved 1981 and currently reserves 142 acre-feet from the Fall River-Lakota Aquifer located in Sections 29, 30 and 31; all in T2N-R11E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 1780-2 REMAIN in EFFECT for 142 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1780-2 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call

RECEIVED

MAR 30 2026

Water Rights
Program

(605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1780-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, 1. Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 30, 2026.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

(Published March 19, 2026 for a total approximate cost of \$121.36 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-4368

RECEIVED

MAR 30 2026

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOTICE OF ENTRY OF ORDER

May 6, 2026

City of New Underwood
c/o Kristi Pritzkau
PO Box 278
New Underwood SD 57761

Dear Ms. Pritzkau,

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2026, to review Future Use Permit No. 1780-2. The Board allowed the permit to remain in effect for 142 acre-feet of water annually. Future Use Permit No. 1780-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1780-2 is \$75.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 07, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 07, 2026 involving action taken by the Water Management Board hearing on May 07, 2026:

Water Right No. 135-3 and 5003-3

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre, SD 57501

Water Right No. 217.3

Brooking Municipal Utilities
Attn: Steve Meyer, General Manager
525 Western Avenue
Brookings SD 57006

Water Right No. 549-3

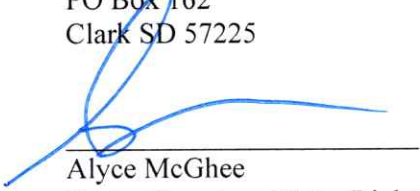
City of Milbank
c/o Cynthia Schumacher
1001 E 4th Avenue
Milbank SD 57252

Water Right No. 1780-2

City of New Underwood
c/o Kristie Pritzkau
PO Box 278
New Underwood SD 57761

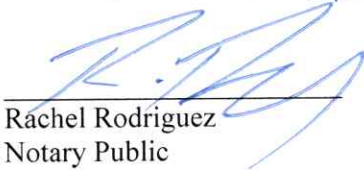
Water Right No. 4927-3

Clark Rural Water System
c/o Terry Kaufmann
PO Box 162
Clark SD 57225


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of May, 20 26.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 1780-2

Name of Applicant: City of New Underwood, c/o Timothy Hall

Date of Posting: 3/16/2026

Date of Removal: 5/7/2026

Amanda Dewell, Permitting Administrator

5/7/2026

Date

Subscribed and sworn to before me, a notary public, this 7th day of May, 2026.

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

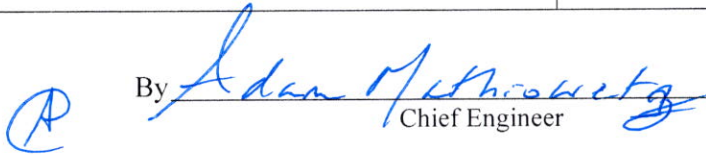
Date June 15, 2026

RECEIVED OF City of New Underwood c/o Kristi Pritzkau PO Box 278 New Underwood SD 57761

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>1780-2</u> after period of seven years.	<u>\$75.00</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>\$75.00</u>

By


Chief Engineer