

WATER PERMIT NO. 2481-2

Name of Applicant: West River Water Development District

Address: PO Box 407, Murdo SD 57559 Phone: 605 669-2931

Amount of Water Claimed: 10 cfs (4,485 acre-feet) Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system use County: Stanley

Type of Waste Disposal System:

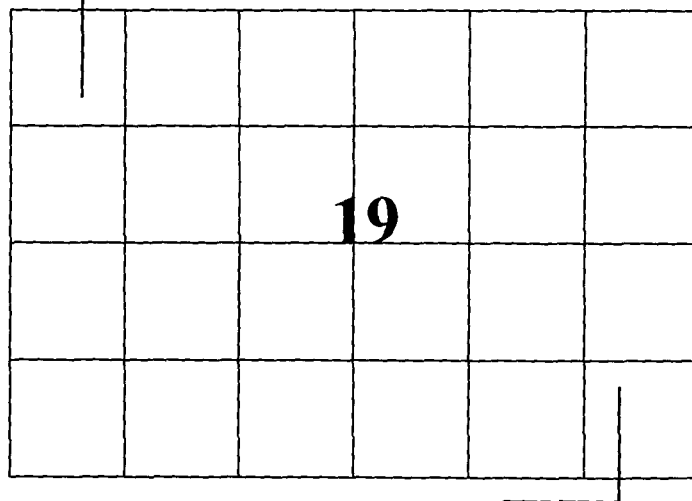
Location:

PRIORITY Date Received: 3-28-2002 Fee: \$1,125

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Place to beneficial use water authorized by Future Use Permit No. 1442-2

Diversion Point: SW ¼ NE ¼ Sec 19-T111N-R79W



Land to be Irrigated: NA

Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: plat

Prepared by: Bruce Jennings, PE

Reviewed and the Number Assigned on: 3-28-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2481-2**

Date of first receipt of application March 28, 2002.

The Water Management Board approved Water Permit No. 2481-2 on July 10, 2002 for West River Water Development District, Mike Kurl, Manager, PO Box 407, Murdo SD 57559 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2481-2 authorizes construction and placing to beneficial use water reserved by Future Use Permit No. 1442-2. This permit appropriates 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW ¼ NE ¼ Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

Water Permit No. 2284-2, held by the district was approved July 7, 1993 and authorized 10.0 cfs (4,485 acre-feet of water annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the District obtained Permit No. 2481-2.

2. The water appropriated shall be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mni Wiconi project via the Ogalala Sioux Rural Water Supply System. The West River and Lyman-Jones rural water systems will serve communities and rural hook-ups in portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman Counties.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is September 2, 1976 (established by Future Use Permit No. 1442-2).
5. All construction is to be completed on or before July 10, 2007.
6. Water is to be put to beneficial use on or before July 10, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

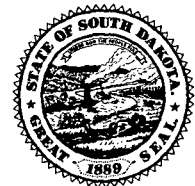
1. The West River Water Development District shall report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River for use in the West River and Lyman-Jones Rural Water Systems.
2. Permit No. 2481-2 authorizes a total annual diversion of 4,485 acre feet of water from the Missouri River.
3. Permit No. 2284-2 is cancelled with the approval of Permit No. 2481-2.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 31 2002

date



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 2481-2 Hydrologic Unit 10140101
Basin Missouri River
Newspaper see attached sheet

RECEIVED
MAR 28 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant West River Water Development District Phone 605-669-2931
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 523 Murdo State SD 57559-0407
407 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 10 cfs *CFS or 4,485 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NE1/4 Section 19, T111N,R79W (area known locally as Echo Point)
County Stanley
- County or counties where water will be used Stanley, Haakon, Jackson, Pennington, Jones, Mellette, Lyman
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water Permit No. 2284-2 authorized construction and placement to beneficial use water reserved by Future Use Permit No. 1442-2. Construction of works authorized by Water Permit No. 2284-2 was not completed by July 7, 1998 which necessitates this application to ensure valid water rights are in place for the West River RWS & Lyman-Jones RWS portion of the Mini Wiconi Project.

STATE OF SOUTH DAKOTA)

County of Jones SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Mike Kurle, Manager, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Mike Kurle

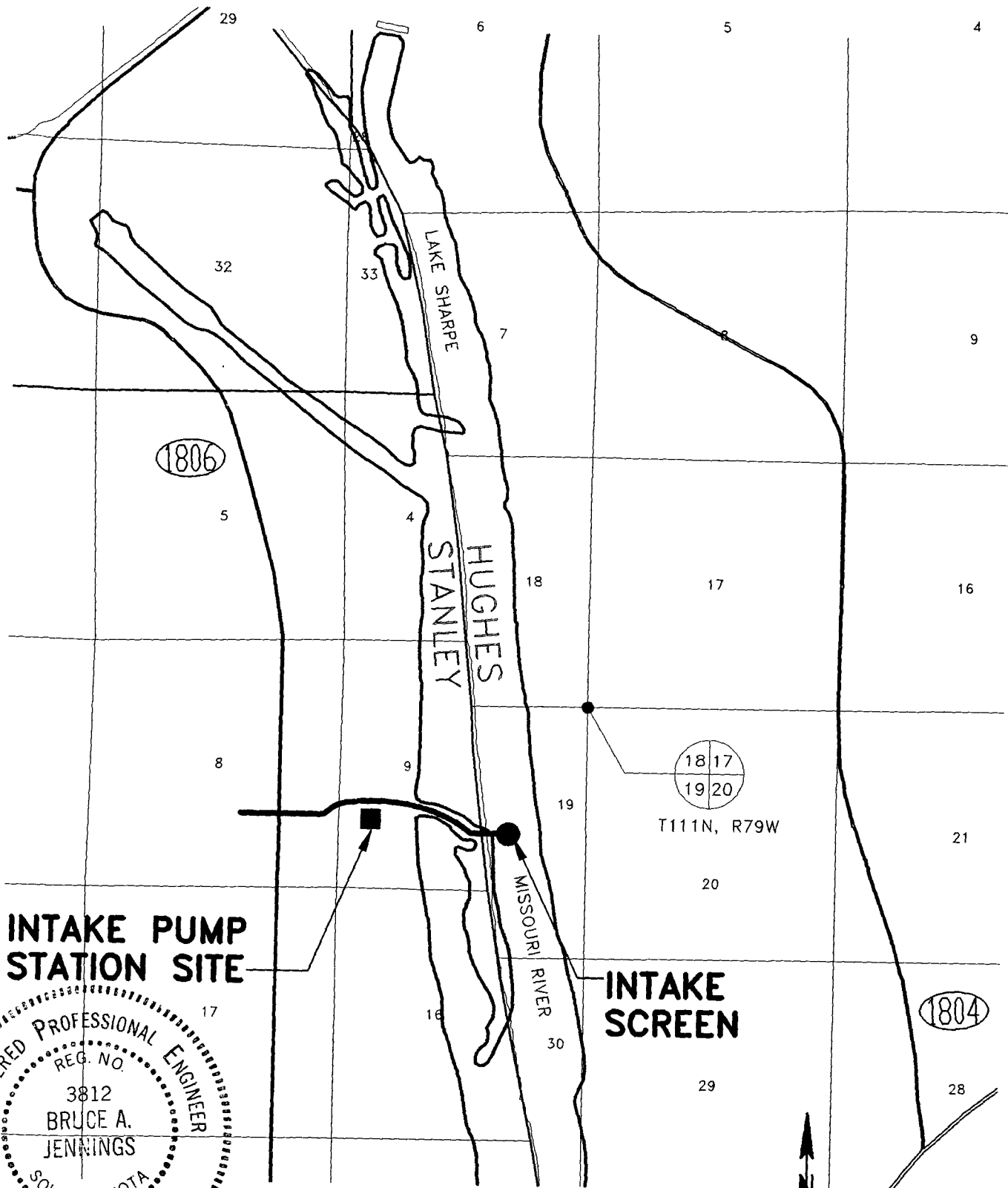
Subscribed and sworn to before me this 27th day of March 20 02

NOTARY PUBLIC
SOUTH DAKOTA

My commission expires Sept. 25, 2003.

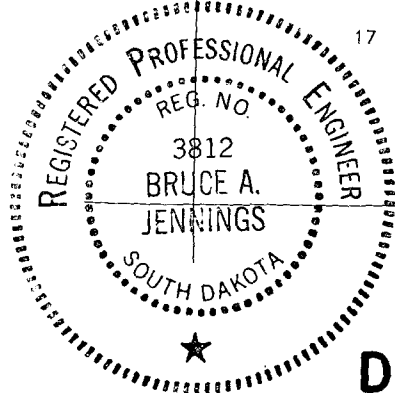
Barbara Lust

Notary Public signature

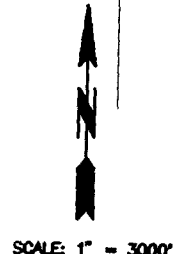


**INTAKE PUMP
STATION SITE**

**INTAKE
SCREEN**



DIVERSION LOCATION



IDGR DeWild Grant Reckert
and Associates Company
Consulting Engineers
Rock Rapids, Iowa

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME
OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.
SIGNATURE: *Bruce A. Jennings* REG. NO. 3812
BRUCE JENNINGS
DATE: DECEMBER 5, 1995

**WEST RIVER WATER
DEVELOPMENT DISTRICT**

P:\05\025\001\WML\CORE\WATERUSE
2481-2

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417129

Pierre, March 28, 20 02

RECEIVED OF West River Water Development Dist., Box 523, Murdo, SD 57559
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	1,125 00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50 00
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	1,125 00

By Darland Ebele
Chief Engineer
gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2002

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

RECEIVED

MAR 28 2002

WATER RIGHTS
PROGRAM

Dear Mr. Kurle:

I contacted you recently to discuss Water Permit No. 2284-2, held by the District. This permit was issued in 1993 and construction was to be completed by January 7, 1998.

Water Permit No. 2284-2 authorized construction and beneficial use of water reserved by the District's future use permit from the Missouri River. Specifically, the permit authorizes the diversion of 10.0 cubic feet of water per second with a total volume of 4,485 acre feet of water annually. The water is to be used to serve the West River Rural Water System and Lyman-Jones Rural Water System portion of the Mni Wiconi Project.

State law requires that construction necessary to put the water to beneficial use be completed within five years of approval of the permit. It also provides for the reinstatement of the permit within a three year period following the end of the five year construction time frame. In the District's case, the sheer magnitude of the project has delayed completion of construction beyond the five year construction period and three year time frame for reinstatement. This raises the potential that in the future the legal status of the permit could be questioned. To secure a valid permit, the District needs to apply for a new permit to ensure the legal right to divert water for the West River and Lyman-Jones components of the Mni Wiconi Project.

I have enclosed a partially completed water right permit application form for you to use. If the application is correct, please sign it in the presence of a notary public. The application fee is \$1175 for this quantity of water and is to be filed with the application. This application will also need to be public noticed in the seven counties served by the project. This notice will occur in conjunction with the required seven year review of the District's existing future use permit.

Please do not hesitate to contact me if you have any questions on the application. We want to work with you to make sure the District has a valid water permit in place.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 2481-2
West River Water Development District
April 16, 2002

Application No. 2481-2, proposes to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. Future Use Permit No. 1442-2, priority date of September 2, 1976, reserved 10,000 acre-feet of water (ac-ft) annually from the Missouri River for diversion from the west riverbank between Oahe Dam and the mouth of the Cheyenne River. Application No. 2481-2 proposes to place to beneficial use 10.0 cubic feet of water per second (cfs) (4,485 ac-ft annually) from the Missouri River. The diversion point is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point). The water will be used to serve the West River Rural Water System and the Lyman-Jones Rural Water System portions of the Mni Wiconi Project.

Discussion

The Mni Wiconi Rural Water Supply Project was authorized by Public Law 100-516 on October 24, 1988. The project has the potential for serving five separate service areas, three Indian reservations and two rural areas outside the reservations. The portion of the Mni Wiconi Project that this application proposes to supply water to, is the areas served by the West River and Lyman-Jones Rural Water Systems. The West River and Lyman-Jones Rural Water Systems will serve portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette, and Lyman Counties. Communities served by these systems include: Belvidere, Kadoka, Midland, Philip, Quinn, Wall, Draper, Kennebec, Murdo, Presho, Reliance, Vivian, and White River. In addition, rural hook-ups throughout the counties will provide domestic use water for households and livestock.

Water Permit No. 2284-2, held by the district was approved July 3, 1993, and authorized 10.0 cfs (4,485 ac-ft annually). The magnitude of the project has delayed completion of construction within the time frame authorized by the permit. For this reason, the district has filed this application.

If this application is approved, the future use permit held by the district should be decreased by 4,485 ac-ft annually. The original future use permit was for 10,000 ac-ft annually. The future use permit should reflect that there remains 5,515 ac-ft annually.

Water Source – Missouri River

The source of water is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available.

Review Existing Water Rights

Downstream of this project, along the boundary of Stanley and Hughes Counties, there are 58 water rights/permits appropriating 268.8 cfs from the Missouri River. Downstream of Stanley and Hughes Counties there are also numerous water rights/permits that divert water from the Missouri River. Because there is ample water in the Missouri River, Application No. 2481-2 is unlikely to cause adverse effects on downstream water rights/permits. There have been no water use complaints reported on the Missouri River.

Conclusions

1. Application No. 2481-2, proposes to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. Application No. 2481-2 proposes to place to beneficial use 10.0 cubic feet of water per second (cfs) (4,485 ac-ft annually) from the Missouri River.
2. The water will be used to serve the West River Rural Water System and the Lyman-Jones Rural Water System portions of the Mni Wiconi Project.
3. The source of water is the Missouri River. Because there is ample water in the Missouri River, Application No. 2481-2 is unlikely to cause adverse effects on downstream water rights/permits.
4. The priority date for this project will be September 2, 1976, as reserved by Future Use Permit No. 1442-2.
5. If this application is approved, the future use permit held by the district should be decreased by 4,485 ac-ft annually. The original future use permit was for 10,000 ac-ft annually. The future use permit should reflect that their remains 5, 515 ac-ft annually.
6. If Application No. 2481-2 is approved, it should contain the following qualification:
The West River Water Development District should report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River for use in the West River and Lyman-Jones Rural Water Systems.

Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer
Reviewed by:

Lynn Beck

Lynn Beck
Natural Resources Engineering Specialist

References

Water Rights Program files 2002, DENR-Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD 57501.

Oglala Sioux Rural Water Supply System, West River Rural Water Supply System, Lyman-Jones Rural Water Supply System, Rosebud Rural Water Supply System and Lower Brule Rural Water Supply System, April 1993. Final Engineering Report Mni Wiconi Rural Water Supply Project.

Area of Water Permit Application No. 2481-2

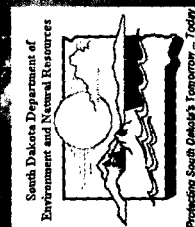
Proposed Diversion Point

Missouri River

Scale

Stacy J Johnson 4-11-02

Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program





**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 WATER PERMIT
APPLICATION NO. 2481-2, West River Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2481-2, West River Water Development District, c/o Mike Kurle, Manager, PO Box 407, Murdo SD 57559-0407.

The Chief Engineer is recommending APPROVAL of Application No. 2481-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The West River Water Development District shall report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River for use in the West River and Lyman-Jones Rural Water Systems.
2. Permit No. 2481-2 authorizes a total annual diversion of 4,485 acre feet of water from the Missouri River.
3. Permit No. 2284-2 is cancelled with the approval of Permit No. 2481-2.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 17, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 20, 2002

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

Dear Mr. Kurle:

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

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

ATTENTION: Legal Public Notice

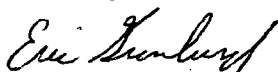
Enclosed is a Notice of Hearing on Application No. 2481-2 to Appropriate Water to be published twice. Please publish the first notice on May 30, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is West River Water Development District, %Mike Kurle, PO Box 407, Murdo, SD 57559-0407 (Ph # 605-669-2931).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2481-2

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

Date _____

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Kadoka Press
PO Box 309
Kadoka, SD 57543-0309

ATTENTION: Legal Public Notice

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Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Murdo Coyote
PO Box 465
Murdo, SD 57559-0465

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Natural Resources Engineer
605 773-3352

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Joe Foss Building
Pierre SD 57501-3181

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Lyman Co. Herald
PO Box 518
Presho, SD 57568

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605 773-3352

enclosures

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Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

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and NATURAL RESOURCES

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

May 20, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2481-2 to Appropriate Water to be published twice. Please publish the first notice on May 29, 2002 with the second publication 7 days later.

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

May 20, 2002

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

ATTENTION: Legal Public Notice

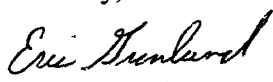
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The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is West River Water Development District, %Mike Kurle, PO Box 407, Murdo, SD 57559-0407 (Ph # 605-669-2931).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 2481-2

Date _____

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2002

Capital Journal
PO Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

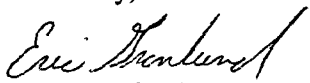
Enclosed is a Notice of Hearing on Application No. 2481-2 to Appropriate Water to be published twice. Please publish the first notice on May 29, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is West River Water Development District, %Mike Kurle, PO Box 407, Murdo, SD 57559-0407 (Ph # 605-669-2931).

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 2481-2

Date _____

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

Name

Newspaper

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

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

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

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

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

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

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

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

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

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

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

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

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

Publisher's Affidavit of Publication

Notice of Application
Review Future Use Perm

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)SS

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

Notice of Application

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

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 29 day of May A.D. 2002

and that the succeeding publications were severally

Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002
Wednesday, the _____ day of _____	A.D., 2002

and the last publication on Wednesday, the 5 day of June 2002 that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 108.40 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Lucy Halverson
Renelle Utke

Notary Public

Subscribed and sworn to before me this 7th day of June, 2002

My Commission expires _____, 200

RENELLE UTKE
NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
September 20, 2007

Notice is given that West River Water Development District, Mike Kurlle, Manager, PO Box 407, Murdo SD 57559 has filed Application No.2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No.1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19- T111N-R 79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

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

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

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

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

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

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

Notice is given that West River Water Development District, Mike Kurle, Manager, P.O. Box 407, Murdo, SD 57559 has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW 1/4 NE 1/4 Section 19-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

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

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

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

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

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1442-2 REMAIN in EFFECT for 5, 515 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed

use will be a beneficial use and 4) it is in the public interest.

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

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

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

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact

Eric Gronlund by June 28, 2002, at the above Water Rights Program address to request copies of information pertaining to this application or future use review, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Steven M. Pirner
Secretary
Department of Environment
and Natural Resources



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

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

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

<u>May 29</u>	<u>20 02</u>	<u>20</u>
<u>June 5</u>	<u>20 02</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>

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

Signed: Laura P. Waack

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

May L. Baker

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

RECEIVED

JUN 06 2002

WATER RIGHTS
PROGRAM

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:

May 29, 2002

June 5, 2002

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

Patricia K. Van Patten
(Signature)

Legal Advertising Representative
(Title)

June 5, 2002
(Date Signed)

RECEIVED

JUN 06 2002

WATER RIGHTS
PROGRAM

May 29, June 5 L1144072

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

Notice is given that West River Water Development District, Mike Kurl, Manager, P.O. Box 407, Murdo, SD 57559, has filed Application No. 2481-2 for a water permit to construct and place to beneficial use water reserved by Future Use Permit No. 1442-2. This application proposes to appropriate 10.0 cubic feet of water per second (cfs) (4,485 acre-feet of water annually) from a Missouri River diversion point located in the SW¼ NE¼ Section 19, T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point).

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

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

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

Notice is also given that Future Use Permit No. 1442-2 held by West River Water Development District will also be reviewed for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved. The permit was approved November, 1976 and currently reserves 5,515 acre-feet of water from the Missouri River along the west riverbank between the Oahe Dam and the mouth of the Cheyenne River. This notice also serves to extend the reach of the future use area to the riverbank three miles downstream of Oahe Dam to a point located in the SW¼ NE¼ Section 19, T111N-R79W known as Echo Point. The future use permit reserves water for rural water system users.

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

Any person interested in opposing or supporting this application or the review of Future Use Permit No. 1442-2 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building,

ing, 523 E. Capitol, Pierre, SD 57501, (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application or the future use review, the petitioner's reasons for opposing or supporting the application or future use review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 31 2002

West River Water Development District
Mike Kurle, Manager
PO Box 407
Murdo, SD 57559

Dear Mr. Kurle:

Enclosed is Water Permit No. 2481-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



2481-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 10 2017

2481-2
2644-2

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

Dear Mr. Fitzgerald:

Enclosed is Water License No. 2644-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 2481-2 were incorporated into Water License No. 2644-2.