

Name of Applicant: Fall River Water Users District

Address: 1 Angustora Highlands, Hot Springs SD 57747

Phone: 605 745-7648

Amount of Water Claimed: 750 acre-feet

Total Acres: NA

Source of Water Supply: Madison Formation

Water to be used for: rural water system use

County: Fall River and Custer

Type of Waste Disposal System:

Location:

PRIORITY Date Received: 5-16-05

Application/License Fee: \$35

Corrected Application Received: 6-21-05

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: Sec 32-T7S-R6E (Fall River County) Sec 36-T6S-R6E & Sec 5-T9S-R5E (Custer County)

Land to be Irrigated: NA

Depth of Well: Madison Formation

Well Driller:

Remarks:

Type of Map: plat & aerial photos

Prepared by: Allen D Foster & Kory Banert

Reviewed and the Number Assigned on: 6-27-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2560-2</u>	(office use only) Hydrologic Unit <u>10120169</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star</u>	
	<u>Custer Co. Chronicle</u>	

RECEIVED
MAY 16 2005
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.)
reserve water for future development by F.R.W.U.D.

1. Name of Applicant Fall River Water Users District Phone 605-745-7648
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1 Angustara Highlands Hot Springs State SD 57747
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 750 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply MADISON FORMATION

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) #1 Fall River Sec 32, T7S, R6E (current well site)
#2 T6S R6E Sec 36 (Schreth)
#3 T9S R5E Sec 5 (Pechet/Frost) County Fall River / Custer

5. County or counties where water will be used Fall River & Custer

6. Annual period during which water is to be used January 1 thru December 31

7. 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)

For future upgrading & Expansion of our District, we are applying in 3 different areas because of the question of which direction the regionalization will go. We are also applying for 750 A.F. for future expansion.

STATE OF SOUTH DAKOTA)
County of Fall River 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, Craig DeBor, 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 Craig A. DeBor

Subscribed and sworn to before me this 13th day of May 20 05

Maile G. Peters
Notary Public signature

my commission expires 2-1-2009

SOUTH DAKOTA
FUTURE USE PERMIT NO. 2560-2

Date of first receipt of application May 16, 2005.

Date of return to applicant for corrections, amendments or changes May 16, 2005.

Date of receipt of corrected application June 21, 2005.

The Water Management Board approved Future Use Permit No. 2560-2 on December 7, 2005 for Fall River Water Users District, c/o Craig DeBoer, 1 Angostura Highlands, Hot Springs SD 57747 subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2560-2 reserves 750 acre-feet annually from the Madison aquifer. The area to be reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County); Section 36-T6S-R6E (Custer County).
2. The water appropriated shall be used for the purpose of future water supplies for rural water system use by the district in Fall River and Custer Counties and may not exceed the amount of water needed for beneficial use.
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 May 16, 2005.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit No. 2560-2 reserves 750 acre feet of water annually from the Madison Aquifer.
2. That Future Use Permit No. 2560-2 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1 with particular attention given to the flows of Beaver Spring, Cascade Springs and Hot Springs.
4. The approval of Future Use Permit No. 2560-2 withdraws Application No. 2418A-2 from consideration.

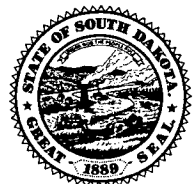
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 26 2008

date



SE 1/4 SEC. 29

1/4 CORNER

SECTION 29, T7S, R6E, BHM SECTION LINE
SECTION 32, T7S, R6E, BHM



SCALE 1" = 200'

N57°23'12"W
1539± (CALCULATED)

THIS EXHIBIT WAS PREPARED USING THE
PLAT OF LOTS 1 THROUGH 12 INCLUSIVE, VILLA
NUEVA ESTATES, A SUBDIVISION OF LOT 3, BUENA
VISTA GARDENS SUBDIVISION ADDITION NO. 1
NW 1/4, NW 1/4, SECTION 32, T7S, R6E, BHM
FALL RIVER COUNTY, SOUTH DAKOTA

PROPOSED WELL

U. S. HIGHWAY NO. 18 AND 385 RIGHT OF WAY



F M G, Inc.

2700 Scurie Road - Rapid City, SD 57702 (605) 343-4105

Surveyed By: _____	Drawn By: ADF
Date: _____	Date: January, 1999
Designed By: _____	Checked By: RAW
Date: _____	Date: January, 1999

WATER RIGHT LOCATION

NW 1/4 OF NE 1/4 OF SEC 32, T7S, R6E,
BHM, FALL RIVER COUNTY, SOUTH DAKOTA
FALL RIVER WATER USERS DISTRICT

File Number
7535.01

Figure Number

Location
NE 1/4 SEC. 32
T7S, R6E, BHM

2560-2

Field Office: HOT SPRINGS
Agency: NRCS
Assisted By: Kory Bossert

26

25

30

31

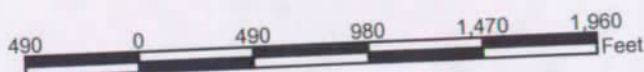
35

36

36-6s-6e



Image: DOQ Mosaic



Kory Bossert P.C.
4/28/05

2560-2



Field Office: Hot Springs
Agency: NRCS
Assisted By: Kory Bossert

Legend

 Township/Range

 sections

Image: DOQ Mosaic

5-9s-5e

475 0 475 950 1,425 1,900
Feet



Kory Bossert
4/24/05

2560-2

NOTES

RECEIPT

DATE

6/21/05

NO.

4256

RECEIVED FROM

Yall River Water Users Dist

ADDRESS

Hot Springs

FOR

FY 06 Drinking Water Fees (\$215⁰⁰)

Water Rights App
fee (35⁰⁰) future use

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	3807	
BALANCE DUE			MONEY ORDER		

BY

R Miller



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 2005

Fall River Water Users District
Craig DeBoer
1 Angustora Highlands
Hot Springs SD 57747

Dear Mr. DeBoer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for future use by the Fall River Water Users District. The application filing fee will be \$35.00.

Upon receipt of the fee, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,

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

Fall River Water Users District

1 Angostura Highlands

Hot Springs, SD 57747

Phone (605) 745-7648

Fax (605) 745-7748

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SEP 21 2005

**WATER RIGHTS
PROGRAM**

September 19, 2005

Chief Engineer

DENR

Garland Erbele

523 East Capitol

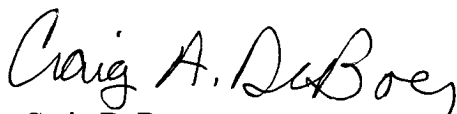
Pierre, SD 57501-3182

RE: Future Use Permit

Dear Mr. Erbele,

We are applying for 750 acre feet of water for expansion and upgrade of our existing system, servicing our North Expansion area, and possibly serving water to Fairburn and the Western portion of Fall River County, depending on the regionalization of water in the Southern Hills area. Al Foster, our system engineer with FMG Inc. has re-evaluated our current system and made some recommendations based on our current needs as well as our future needs. We have included a copy of his letter for your review. We currently have a 20-year contract with the City of Hot Springs for our water. We are in the 4th year of that contract and would like to have additional sources of water in place as we have no further guarantee of water from the City of Hot Springs when this contract expires. We also do not have any type of water use permit at this time. We have interest within our current system, as well as in surrounding areas, for additional water that we cannot supply with our current source. The idea of applying in 3 areas is that we do not know the direction of the regionalization at this time. We would like to have the opportunity to provide water to all the people of these areas. We realize the concept of regionalization and are open to cooperation with this concept.

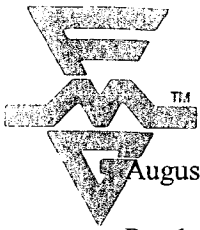
Sincerely,



Craig DeBoer

Chairman

Fall River Water Users District



FMG, INC. 3700 Sturgis Road, Rapid City, South Dakota 57702-0317 605/342-4105
FAX 605/342-4222

August 18, 2005

Randy Scott, Manager
Fall River Water Users District
1 Angostura Highlands
Hot Springs, SD 57747

**RE: WATER USE
FALL RIVER WATER USERS DISTRICT**

Dear Randy:

This letter is to provide information on existing and future water use within the District. FMG, Inc. has been retained to evaluate the existing water system and provide recommendations to support future growth.

Based on water use records you provided, water use in 2004 was just over 92,000,000 gallons or 252,000 gpd. Information you furnished regarding requests for possible service indicates that various developers are proposing or have proposed development of about 400 single family residential lots/ranchettes within the existing service area. Assuming 2.30 persons per household and 100 gpcpd, this development would increase the average daily flow by about 92,000 gpd.

FMG, Inc. completed a Preliminary Engineering Report for North Area/Fairburn-Hermosa Expansion. The report is dated July 30, 2004. If this expansion project goes forth and water service is extended to include the "Hermosa Growth Area", average daily water use would increase by an estimated 200,000 gpd. If this project is completed, there is the potential for substantial development and growth along the Highway 79 corridor.

Possible future water use is summarized as follows:

Existing Water Use	252,000 gpd	282 ac-ft
Proposed development within existing service area	92,000 gpd	103 ac-ft
<u>North Area/Fairburn-Hermosa Expansion</u>	<u>200,000 gpd</u>	<u>224 ac-ft</u>
Total	544,000 gpd	636 ac-ft

Additional development in the Highway 79 corridor, Cascade Springs area and within the existing service area could easily add another 100,000 gpd (112 ac-ft) demand to the system increasing the future use to as much as 750± ac-ft per year.

If you have any questions or need additional information please let us know.

Sincerely,

FMG, INC.

Allen D. Foster, P.E.
c: File #8436.08

WATER PERMIT APPLICATION NO. 2560-2
FALL RIVER WATER USERS DISTRICT
SEPTEMBER 26, 2005

Water Permit Application No. 2560-2 proposes to appropriate for future use 750 acre-feet of water annually from the Madison aquifer. The areas to be reserved for future water use are located in Sec. 32, T7S-R6E and Sec.5, T9S-R5E, Fall River County; and Sec.36-T6S-R6E Custer County. The water is to be reserved for future water supplies for rural water system use by the district in Fall River and Custer Counties. This application does not authorize construction of works or application of water to beneficial use.

AQUIFER: Madison aquifer (MDSN)

Aquifer Characteristics:

The Madison Limestone, locally known as the Pahasapa Limestone, is a fine to medium crystalline, cavernous limestone and dolomite. The Madison underlies approximately 981,120 acres of Fall River County and 736,640 acres of Custer County (Allen and others, 1985). The Madison aquifer contains an estimated 9,811,200 acre-feet of recoverable water in storage in Fall River County and 9,208,000 acre-feet of recoverable water in storage in Custer County (Allen and others, 1985). The Madison is laterally extensive and underlies much of the Western United States. Fall River and Custer Counties are near the south eastern limit of the Madison; in fact, the Madison probably does not exist in the extreme southeastern corner of Fall River County (Allen and others, 1985). The Madison is estimated to be around 250 feet thick in the three areas proposed by this application (Allen and others, 1985). The top of the Madison limestone is expected to be between 2100 and 2700 feet below ground surface at the sites proposed by this application (Carter and Redden, 1999). The upper portion of the Madison Limestone is karstic, therefore it contains randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution and fracturing, and is considered the Madison aquifer. The average porosity of the Madison is estimated to be 11% and the effective porosity from which recoverable water can be obtained by wells is assumed to be 5% (Rahn, 1979).

DISCUSSION:

SDCL 46-2A-10 states "A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." The beneficial use and public interest of a future use reservation for rural water system use will not be addressed in this report. The availability of water and the need for the proposed quantity of water reservation is discussed below.

Water Availability:

The availability of unappropriated water in the Madison aquifer can be evaluated by considering SDCL 46-6-3.1 which requires that "No application to appropriate groundwater may be approved if, according to the best information reasonably available,

it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

The Madison is recharged through infiltration of precipitation falling directly on the outcrop area, possibly upward leakage from the Deadwood aquifer, and from streamflow losses. The estimated average annual recharge for the Madison aquifer in South Dakota ranges from 140,000 to 400,000 acre-feet annually (Woodward Clyde, 1981). Average annual recharge from 1931-1998 is estimated to be approximately 137,000 ac-ft/yr (Carter and others, 2001).

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are a total of 139 permits/rights which appropriate water from the Madison aquifer in South Dakota (Water Rights, 2005c). In addition, there are two future use permits (1833-2 Weston Heights Home Owners, and 2086-2 The City of Rapid City) that reserve 5,358.8 acre-feet of water annually from the Madison aquifer. The majority of the water rights/permits from the aquifer are from Butte, Lawrence, Meade, Pennington and Fall River Counties. The Madison supplies water for irrigation, geothermal, industrial, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be less than 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Withdrawals from wells completed into the Madison aquifer were estimated to be 10,990.2 acre-feet annually from 1987-1996 (Carter and others, 2001).

This application proposes to withdraw 750 acre-feet of water annually from the Madison aquifer. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer indicates unappropriated water is available from the Madison aquifer.

Observation Well Data:

The Water Rights Program monitors 26 observation wells completed into the Madison aquifer in the Black Hills area (Water Rights, 2005b). Records from the observation wells indicate the potentiometric surface of the Madison aquifer fluctuates 30-40 feet per year near the recharge area in response to seasonal and climatic variations. Long-term water level declines are not apparent from any of the hydrographs. Observation well data suggest that at the existing level of development, natural influences dominate the water levels of the aquifer and the effects of pumping as yet are not obvious. Two of Water Rights' Madison aquifer observation wells (CU-91A and FR-95A) are located within four miles of two of the

areas (Sec. 5, T9S-R5E and Sec.32, T7S-R6E) this application proposes to reserve for future use. The hydrographs for the wells are shown in Figure 1 and Figure 2.

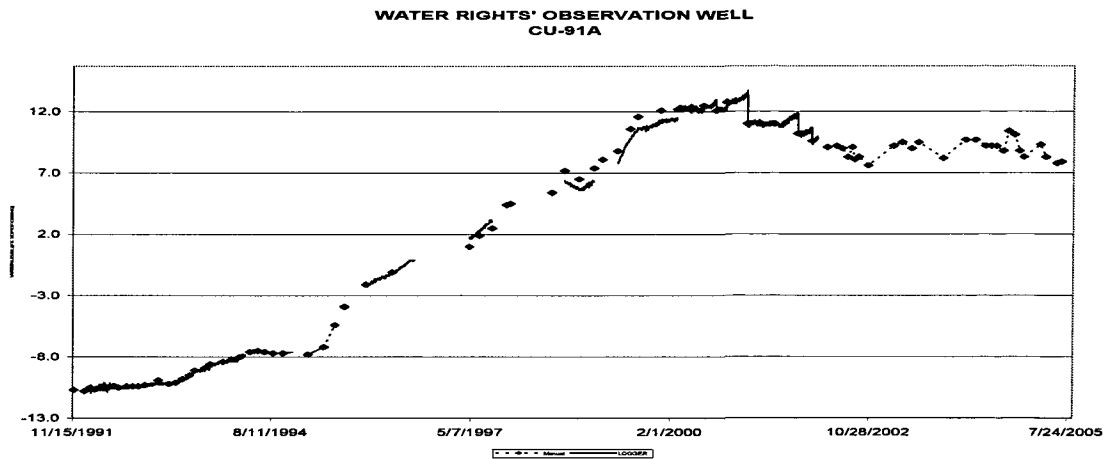


Figure 1. Hydrograph for CU-91A, located approximately three and one-half miles from Sec. 36, T6S-R6E.

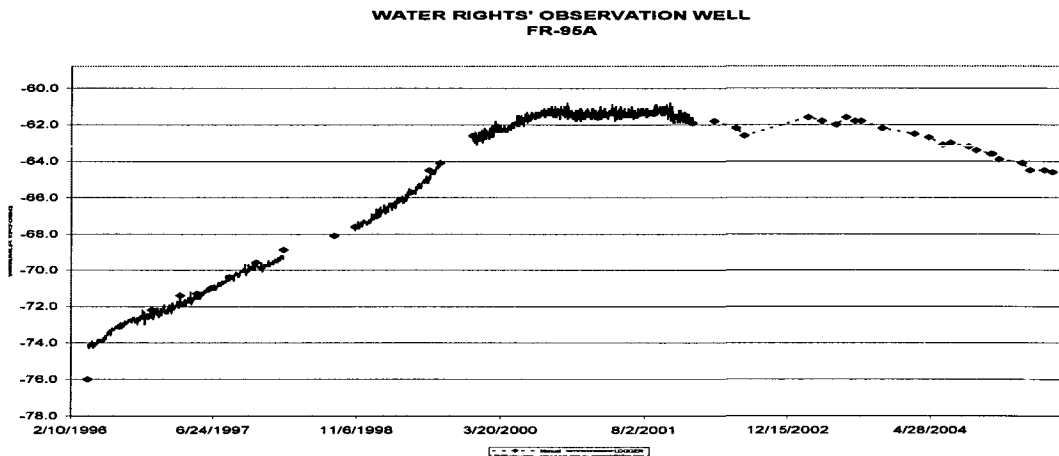


Figure 1. Hydrograph for FR-95A, located approximately three and one-half miles from Sec. 32, T7S-R6E.

The observation well data verifies that unappropriated water is available from the Madison aquifer.

Need for the Proposed Quantity of Water Reservation:

Pursuant to ARSD 74:02:01:24.01:

“Future use applications and future use permits for entities *without permits* to use water shall be limited to the amount of water actually needed to cover the uses specified in the future use application or future use permit. The board may, at its discretion, limit future use applications and future use permits for entities *with permits* to use water to two times the annual amount actually put to beneficial use.”

Water Permit No. 2418-2, was approved May 5, 1999, for Fall River Water Users District. The project involving completing a Madison aquifer well to supply a rural water system was to be completed by May 5, 2004, with water being put to beneficial use by

May 5, 2008. The Madison aquifer well that was to be used to supply the Fall River Water Users District was never constructed and the district is currently supplied water from the City of Hot Springs.

In April 2004, Fall River Water Users District applied for an extension of time for completion of construction and the application of water to beneficial use authorized by Water Permit No. 2418-2. The application for an extension (Water Permit Application No. 2418A-2) is pending. Water Permit Application No. 2418A-2 does not provide supporting evidence or justification that construction delays meet the criteria established by SDCL 46-5-26. The extension should not be approved, and Water Permit No. 2418-2 should be considered forfeited due to non-construction.

If the application for an extension (Water Permit Application No. 2418A-2) is denied or withdrawn, Water Permit No. 2418-2 should be scheduled for cancellation. Therefore, the District does not have a permit to use water and any future use reservation should be limited to the amount of water actually needed to cover the uses specified in the future use application.

The Fall River Water Users District projects that future water demands due to expansion and possible replacement of their current source would require about 750 ac-ft/yr.

DEVELOPING WATER FROM THE FUTURE USE RESERVATION:

Although a future use permit is a reservation of a definite amount of water with a specified priority date, it does not authorize construction or putting the water to beneficial use. SDCL 46-5-38.1 requires that before the holder of a future use permit initiates construction of the works to put reserved water to beneficial use, a water permit application must be approved. Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if unappropriated water is available for the proposed use, the proposed use will not unlawfully impair existing rights and the proposed use is a beneficial use and in the public interest. It may not be prudent to reserve water for future use, if it is not likely that reservation could be put to beneficial use. There are two potential concerns related to putting water reserved by this proposed future use permit to beneficial use: the affects of existing rights, and the public interest issues related to development.

Affect on Existing Rights:

The three areas this application proposes to reserve for future use are all at least three miles from existing Madison aquifer water rights/permits. It is unlikely well interference caused by development at any of the proposed sites would adversely impact existing wells supplying appropriations from the Madison aquifer.

Public Interest:

The northern site proposed by this application (Sec. 36, T6S-R6E), is located approximately two and one-half miles southeast of Beaver Creek Springs. The site proposed in Sec. 32, T7S-R6E is located about two miles southeast of Hot Springs, and

the site proposed in Sec. 5, T9S-R5E is located about two miles south of Cascade Springs.

A potential obstacle to development of the Madison aquifer concerns the possibility of affecting discharge from springs that may originate from the Madison aquifer. The water at Beaver Creek Springs, the springs in and around the City of Hot Springs, and at Cascade Springs all contain geochemical and isotopic characteristics of the Madison aquifer (Whalen, 1994). These springs are classified as Type 2 springs by Rahn and Gries (1973), meaning "The springs do not dry up and serve as points of permanent discharge from the carbonate aquifer" (Rahn and Gries, 1973). A decline of the potentiometric surface in the vicinity of the springs could decrease spring discharge.

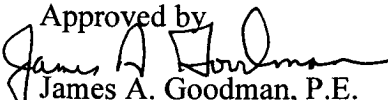
Since SD Water Law does not protect artesian head pressure as a means of diversion, well interference resulting in decreased discharge from these "artesian" springs probably could not be considered an adverse impact. However, if the base flows of Beaver Creek, Fall River, Cascade Creek or the Cheyenne River decrease as the result of well interference, surface water users (appropriative and domestic) could be affected and the issue of "public interest" as it relates to surface water use versus the groundwater use would have to be considered. The proximity of the proposed well sites to the area springs could lead to specific qualifications on any permit placing water to beneficial use to address any public interest concerns.

CONCLUSIONS:

1. Water Permit Application 2560-2 proposes to reserve for future use 750 acre-feet of water annually from the Madison aquifer.
2. The Madison aquifer is a prolific aquifer that is laterally extensive. Unappropriated water is available for this appropriation.
3. The pending Water Permit Application No. 2418A-2 requesting an extension of time for the completion of construction and the application of water to beneficial use authorized by Water Permit No. 2418-2 should not be approved.
4. Water Permit No. 2418-2 should be considered forfeited due to non-construction and a hearing for cancellation should be scheduled.
5. Before the Fall River Water Users District initiates construction of the works to put water reserved by this future use permit to beneficial use, a water permit application must be approved. Water permit applications in the areas specified by this future use application may contain specific conditions/qualifications to address any public interest concerns relating impacts of groundwater withdrawals on area springs.



Ken Buhler
Natural Resources Engineering Specialist

Approved by

James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources
- Carter, J.M., and Redden, J.A., 1999, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D, 2 sheets, scale 1:100,000
- Carter, J.M., Driscoll, D.G., Hamade, G.R., 2001, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 191-98, Water-Resources Investigations Report 00-4278, 66 p.
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-1996, Water-Resources Investigations Report 01-4119, 53 p.
- Rahn, P.H., Gries, J.P., 1973, Large Springs in the Black Hills, South Dakota and Wyoming: SD Geological Survey Report of Investigations No. 107, 46 p.
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota: U.S. Army Corps of Engineers, SDSM&T Project #2533
- Water Rights Program, 1999, Water Permit No. 2418-2, (page 7 of "Supplemental Preliminary Engineering Report for Fall River Water Users District Fall River County, South Dakota, prepared by FMG Engineering, Inc), South Dakota DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD
- Water Rights Program, 2005a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2005c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Whalen, P.J., 1994, Source Aquifers for Cascade Springs, Hot Springs and Beaver Creek Springs in the Southern Black Hills of South Dakota: South Dakota School of Mines and Technology Master of Science Thesis, Rapid City, SD, 299 p.

Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of the Interior, Bureau of Land Management



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 2560-2, Fall River Water Users District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future User Water Permit Application No. 2560-2, Fall River Water Users District, c/o Craig DeBoer, 1 Angustora Highlands, Hot Springs SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2560-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the Fall River Water Users District has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Permit No. 2560-2 reserves 750 acre feet of water annually from the Madison Aquifer.
2. That Future Use Permit No. 2560-2 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. The approval of Future Use Permit No. 2560-2 withdraws Application No. 2418A-2 from consideration.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 12, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2005

Frank Schroth
7 – 11 Ranch
Box 97
Buffalo Gap SD 57722

Dear Mr. Scroth:

Enclosed is a copy of the report, recommendation and public notice for Future Use Water Permit Application No. 2560-2 filed by Fall River Water Users District. The public notice is scheduled to be published October 25th and November 1st in the Hot Springs Star and October 26th and November 2nd in the Custer Co. Chronicle. The notice schedules a December 7th hearing in Pierre before the Water Management Board. Petitions to intervene in the hearing process must be submitted by November 25, 2005.

This information is being sent to you because of interest 7 – 11 Ranch expressed in water development in the area last spring at a meeting of the Southern Black Hills Water System.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2005

Bob Morrison
Southern Black Hills Water System
PO Box 124
Hermosa SD 57744

John Scheltens, City Engineer
City of Hot Springs
303 North River
Hot Springs SD 57747-1698

Ken Royse
Barlett and West
PO Box 1077
Bismarck ND 57501

Gentleman:

Enclosed is a copy of the report, recommendation and public notice for Future Use Water Permit Application No. 2560-2 filed by Fall River Water Users District. The public notice is scheduled to be published October 25th and November 1st in the Hot Springs Star and October 26th and November 2nd in the Custer Co. Chronicle. The notice schedules a December 7th hearing in Pierre before the Water Management Board. Petitions to intervene in the hearing process must be submitted by November 25, 2005.

This information is being sent to you because of your interest in water development in this area.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

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

Fall River Water Users Dist

Notice of Hearing

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

Oct-19, 2005; Oct-26, 2005;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 63.24.

Charles W. Najacht

Subscribed and sworn to me before this 26

of October, 2005;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006

NOTICE OF HEARING ON APPLICATION NO. 2560-2 TO APPROPRIATE WATER FOR FUTURE USE

Notice is given that Fall River Water Users District, c/o Craig DeBoer, 1 Angustura Highlands, Hot Spring SD 57747 has filed an application for a water permit to appropriate

for future use 750 acre-feet annually from the Madison aquifer. The area to be reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County); Section 36-T6S-R6E (Custer County). The water is to be reserved for future water supplies for rural water system use by the district in Fall River and Custer Counties. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2560-2 because 1) unappropriated water is available, 2) Fall River Water Users has demonstrated a reasonable need for the water reserved, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application 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 recommendation. 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 November 25, 2005. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 at 10:30 A.M. December 7, 2005 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendation is 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 based on the facts presented at the public hearing. The December 7, 2005 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 November 25, 2005.

Any hearing will be an adversary pro-

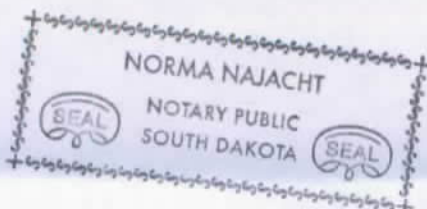
ceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing-impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 25, 2005.

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, 46-2-9, 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; 46-6-3, 46-6-3, 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 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 74:02:01:15.02 thru 74:02:01:15.05

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

#367, 10/19, 10/26



RECEIVED
OCT 28 2005
WATER RIGHTS
PROGRAM

016
**NOTICE OF HEARING ON
APPLICATION NO. 2560-2 TO
APPROPRIATE WATER FOR
FUTURE USE**

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
County of Fall River)

Brett Nachtigall of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, is a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed —

016- Notice of
Hearing

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the issue dated

October 25, 2005

and ending with the issue dated

November 1, 2005

That the full amount of the fee charged for the publication of said notice is \$ 67.95, and 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 whole amount insures to the benefit of the publishers of said newspaper.

Brett Nachtigall

Subscribed and sworn to before me

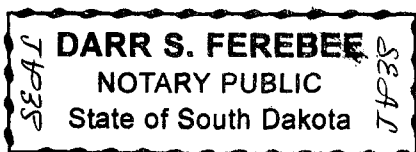
this 17 day of Nov

20 05

Darr S. Ferebee

My Commission Expires
November 24, 2010

Notary Public



Notice is given that Fall River Water Users District, % Craig DeBoer, 1 Angostura Highlands, Hot Spring SD 57747 has filed an application for a water permit to appropriate for future use 750 acre-feet annually from the Madison aquifer. The area to be reserved for future water use is located in Section 32-T7S-R6E and Section 5- T9S-R5E (Fall River County); Section 36-T6S-R6E (Custer County). The water is to be reserved for future water supplies for rural water system use by the district in Fall River and Custer Counties. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2560-2 because 1) unappropriated water is available, 2) Fall River Water Users has demonstrated a reasonable need for the water reserved, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application 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 recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 7733352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 2005. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 at 10:30 A.M. December 7, 2005 in the Matthew Training Center, Foss Building, 523 E Capital, Pierre SD. The Chief Engineer's recommendation is 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 based on the facts presented at the public hearing. The December 7, 2005 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 November 25, 2005.

Any hearing will be an adversary proceeding. Any person filing a petition must appear in person at the hearing or 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 November 25, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 25, 2005.

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, 46-2-9, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 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 74:02:01:15.02 thru 74:02:01:15.05 Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Oct. 25; Nov. 1

RECEIVED

NOV 21 2005

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 13, 2005

Fall River Water Users District
% Craig DeBoer
1 Angustora Highlands
Hot Springs SD 57747

Dear Mr. DeBoer:

Water Permit Application No. 2560-2 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Hot Springs Star printed at Hot Springs, SD (Ph # 605-745-4170), and the Custer Co Chronicle printed at Custer, SD (Ph#605-673-2217). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have 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

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

October 13, 2005

Hot Springs Star
PO Box 1000
Hot Springs SD 57747-1000

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2560-2 to Appropriate Water to be published twice. Please publish the first notice on October 25, 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 Fall River Users District, % Craig DeBoer, 1 Angustora Highlands, Hot Springs SD (Ph # 605-745-7648).

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. 2560-2

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

Date _____

We are in receipt of your letter of October 13, 2005 enclosing Notice to Appropriate Water by Application No. 2560-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 2005

Custer Co Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2560-2

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

Date _____

We are in receipt of your letter of October 13, 2005 enclosing Notice to Appropriate Water by Application No. 2560-2 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 October 25, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2560-2 to Appropriate Water for Future Use

Notice is given that Fall River Water Users District, % Craig DeBoer, 1 Angustora Highlands, Hot Spring SD 57747 has filed an application for a water permit to appropriate for future use 750 acre-feet annually from the Madison aquifer. The area to be reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County); Section 36-T6S-R6E (Custer County). The water is to be reserved for future water supplies for rural water system use by the district in Fall River and Custer Counties. This application does not authorized construction of works or application of water to beneficial use.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2008

Fall River Water Users District
c/o Craig DeBoer
1 Angostura Highlands
Hot Springs SD 57747

Dear Mr. DeBoer:

Enclosed is Future Use Permit No. 2560-2, as approved by the Water Management Board.

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

Sincerely,

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

enclosure

2560-2

McMath, Genny

From: Miller, Kay
Sent: Wednesday, February 21, 2007 9:54 AM
To: DENR ALL DENR
Subject: Address Change

Fall River Water Users District moved the first of February. Their new address is

Fall River Water Users District
PO Box 321
27600 W Oral Road
Oral SD 57766

Phone: 424-7648
Fax: 424-7748

Kay Miller

RECEIVED
DEC 17 2007
WATER RIGHTS
PROGRAM

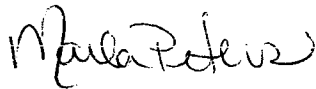
**Fall River Water Users District
PO Box 321
Oral, SD 57766
Phone: 424-7648
Fax: 424-7748**

December 12, 2007

Dear Vendors,

We are writing this letter to inform you that Randy Scott is no longer employed at Fall River Water Users District. Please remove his name from our account with you. Please retain or add John Gillaspie and Marla Peters. Thank you for your attention to this matter.

Sincerely,



Marla Peters
Interim Manager
Fall River Water Users District

Water Rights Program - File Documentation

NAME: Fall River Water Users District

ADDRESS: Oral SD

DATE: 3-16-16 **COUNTY:** Fall River

RE: Water Remaining in Future Use Permit No. 2560-2

COMMENTS:

Future Use Permit No. 2560-2 authorized 750 acre-feet Priority date: 5-16-05

Permit No. 2615-2 authorized 400 acre-feet Priority date: 5-16-05

Future Use Permit No. 2560-2 350 acre-feet remaining

Permit No. 2629-2 authorized 350 acre-feet Priority date: 5-16-05

authorized 374 acre-feet Priority date: 3-5-08

Future Use Permit No. 2560-2 -0- remaining

Water Right No. 2615-3 licensed for 42 acre-feet Priority date of 5-16-05
400 AF – 42 AF = 358 AF reverting back to future use

Water Right No. 2629-2 licensed for 350 acre-feet Priority date of 5-16-05
licensed for 174 acre-feet Priority date of 3-5-08

Future Use Permit No. 2560-2 358 acre-feet remaining

Future Use Permit No. 2560-2 should be scheduled for the 7 year review by the Water Management Board.

Karen Schlaak

Karen Schlaak
Water Rights Program



2560-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 4, 2016

Fall River Water Users District
c/o Keith Neugebauer, District Mgr
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

I am writing in regard to the seven year review of Future Use Water Permit No. 2560-2 from the Madison Formation held by the Water Users District. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the district. As stated in our letter dated March 23, 2016, our records show that 358 acre-feet reverted back to the future use permit that was issued in 2005.

Please respond in writing by May 1, 2016 regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit; including an estimate of future needs.

Permit No. 2560-2 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. 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 358 acre-feet remain in reserve, the fee will be \$85.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



FALL RIVER WATER USERS DISTRICT

PO BOX 321
ORAL SD 57766
(605)424-7648
keith.frwud@goldenwest.net

RECEIVED

APR 27 2016

**WATER RIGHTS
PROGRAM**

December 16, 2014

Department of Environment
And Natural Resources
c/o Eric Gronlund
Joe Foss Building
523 East Capitol
Pierre SD 57501-3182

Dear Mr. Gronlund,

I am writing in response to the seven year review of our Future Use Water Permit No. 2560-2 from the Madison Formation held by the Fall River Water Users District. The district is requesting to retain the future use permit of 358 acre-feet annually to supply the current and projected needs of the District. We currently own a parcel of land in Section 32, Township 7 South, Range 6 East in Fall River County with future plans of developing a well on that property.

The demand for the months of July, August, and September in 2013 (our most recent drought year) averaged 53.88 acre-feet per month. The current production rates and water licenses 2615-1 and 2629-2 total .79 cubic feet of water per second or 47.16 acre-feet a month from our existing wells and would leave 6.72 acre-feet a month to be purchased from the district's back up supply (the City of Hot Springs). The Town of Buffalo Gap also has a meter and uses the District as a back-up source for water. They didn't purchase any water in 2013 but would add an additional 2.75 acre-feet if they began purchasing water. Since 2013 we have added approximately 30 new meters throughout the system and are pursuing an expansion in Custer County to be completed this summer that will add an additional 12 meters for a total additional 8.28 acre-feet per month demand. The district's estimated peak demand is currently 71.63 acre-feet per month. We anticipate the peak demand per month to grow and exceed the 76.99 acre-feet per month allocated by our future use permits and water licenses by 2020.

With continued growth of the District and cycles of drought it is necessary we pursue development of additional and sustainable sources of drinking water in the region. We appreciate your attention to this matter and if you have any questions or need any further information please contact Keith Neugebauer.

Thank you,

Keith Neugebauer
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2560-2, Fall River Water Users District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2560-2, Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766.

The Chief Engineer is recommending that Future Use Permit No. 2560-3 REMAIN in EFFECT for 358 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2560-2, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 2560-2, 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. 2560-2 is subject to payment of the \$85.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Jeanne Goodman, Chief Engineer
May 31, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 31, 2016

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

Fall River Water Users District
c/o Keith Neugebauer, District Manager
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

Future Use Permit No. 2560-2 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 as well as one daily paper. The notice of this review has been sent to the Publishers of the Hot Springs Star (605 745-4170), Custer County Chronicle (605 673-2217) and the Rapid City Journal (605 394-8300). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 7 or 8, 2016. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:33 AM
To: hsstar@lee.net
Subject: 2560-2, Fall River Water Users District
Attachments: 2560-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 7, 2016.

Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:35 AM
To: custerchronicle@gwtc.net
Subject: 2560-2, Fall River Water Users District
Attachments: 2560-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2016.

Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:36 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2560-2, Fall River Water Users District
Attachments: 2560-2.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2016.

Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

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

Instruction to Newspaper-Publish the following Notice on June 7, 2016. Fall River Water Users District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 2560-2

Notice is given that the Water Management Board will review Future Use Permit No. 2560-2 held by Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 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. 2560-2. This permit was approved 2005 currently reserves 358 acre feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). The water is to provide future supplies for the rural water system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2560-2 REMAIN in EFFECT for 358 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. 2560-2 at 2:00 pm (CST) July 6, 2016 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 June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2560-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit

owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 27, 2016.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

June 8
L20994702

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 2560-2**

Notice is given that the Water Management Board will review Future Use Permit No. 2560-2 held by Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 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. 2560-2. This permit was approved 2005 currently reserves 358 acre feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). The water is to provide future supplies for the rural water system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2560-2 REMAIN in EFFECT for 358 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. 2560-2 at 2:00 pm (CST) July 6, 2016 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 June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2560-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

JUL - 5 2016

WATER RIGHTS
PROGRAM

Carina Tyler being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each Day for 1 successive day, the first publication there of being on the 8 day of June 2016 that the fees charged for the publication there of are 95 dollars and 39 cents.

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

Notary public

DUSTIN RICE



My commission expires 7/1/20

owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 27, 2016.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 20, 2016.

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

(Published once at the total approximate
cost of \$95.39).

COURT
COUNTY OF PENNINGTON

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

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

Attorney for _____

3019 1113L 7

Affidavit of Publication

State of South Dakota

JUN 27 2016

County of Custer

WATER RIGHTS PROGRAM

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

Dept. of Environment & Natural Resources

Notice of Hearing - Review Future

Use Water Permit No 2560-2

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

June 22, 2016; _____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 39.99.

Charles W. Najacht

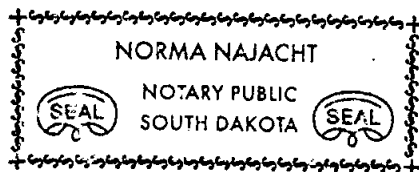
Subscribed and sworn to me before this 22nd

of June, 2016;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2018



NOTICE OF HEARING

TO REVIEW FUTURE USE WATER PERMIT NO. 2560-2

Notice is given that the Water Management Board will review Future Use Permit No. 2560-2 held by Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 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. 2560-2. This permit was approved 2005 currently reserves 358 acre feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E; (Fall River County) and Section 36-T6S-R6E (Custer County). The water is to provide future supplies for the rural water system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2560-2 REMAIN in EFFECT for 358 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. 2560-2 at 2:00 pm (CST) July 6, 2016 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 June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this

permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 27, 2016.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 20, 2016. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$39.99.

6/22

RECEIVED

JUN 13 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Fall River) SS

I, Brett Nachtigall

certify that the attached printed Notice was taken

from the Hot Springs Star

printed and published in Hot Springs

County of Fall River and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 7, 2016

Cost of Printing _____

Brett Nachtigall
(Signature)

Publisher
(Title)

6-8-16
(Date Signed)

163

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 2560-2

Notice is given that the Water Management Board will review Future Use Permit No. 2560-2 held by Fall River Water Users District, c/o Keith Neugebauer, Manager, PO Box 321, Oral SD 57766 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. 2560-2. This permit was approved 2005 currently reserves 358 acre feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). The water is to provide future supplies for the rural water system.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 27, 2016.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 20, 2016. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$41.47.

Jun. 7



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 12, 2016

NOTICE OF ENTRY OF ORDER

Fall River Water Users District
c/o Keith Neugebauer, District Manager
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2016 to review Future Use Permit No. 2560-2. The Board allowed the permit to remain in effect for 358 acre-feet of water annually. Future Use Permit No. 2560-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2560-2 is \$85.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on July 12, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 12, 2016 regarding future use permits addressed as stated below:

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

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

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

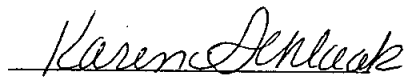
Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

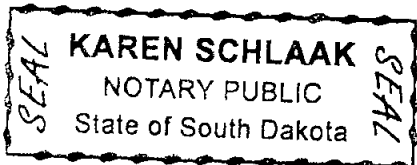
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559

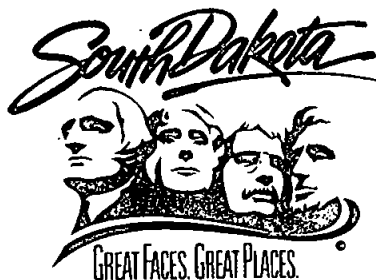

Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 2016.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

September 13, 2016

Fall River Water Users District
c/o Keith Neugebauer, District Manager
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

On July 12, 2016 we requested the fee for maintaining the effectiveness of Future Use Permit No. 2560-2. To date, we have not received this payment.

This is a reminder to submit the \$85.00 fee as soon as possible. If you have questions, please contact Eric Gronlund or me.

Sincerely,

A handwritten signature in cursive script that reads '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 10/14, 20 16

RECEIVED OF Fall River Water Users Dist 27600 W Oral Rd Oral SD 57766

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	85	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2560-2</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	85 00

No. **07934**

By Jane Goodman
Chief Engineer



Paid

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 29, 2023

Fall River Water Users District
c/o Keith Neugebauer, Manager
PO Box 321
Oral SD 57766

Dear Mr. Neugebauer:

I am writing in regard to the seven-year review of Future Use Water Permit Nos. 2560-2, 2560A-2 and 2560B-2 from the Madison Formation held by Fall River Water Users District. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. These permits reserve water for future water supply needs for the district. Currently, our records show that 358 acre-feet remain in reserve under the future use permits last reviewed in 2016.

Please respond in writing by May 1, 2023, regarding the district's intention for the future use permits. If the district plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits 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 358 acre-feet remain in reserve, the fee will be \$85.00.

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

Sincerely,

Karen Schlaak

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 7, 2023

Fall River Water Users District
c/o Keith Neugebauer, Manager
PO Box 321
Oral Sd 57766

Dear Mr. Neugebauer,

On March 29, 2023, we notified you that Future Use Water Permit Nos. 2560-2, 2560A-2, and 2560B-2 held by Fall River Water Users District was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

These future use permits were last reviewed in 2016. By state law, these permits are subject to review every seven years. Enclosed is a copy of the March 29th letter. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The Water Management Board will not schedule Permit Nos. 2560-2, 2560A-2, and 2560B-2 for review until the above information has been submitted.

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

Sincerely,

Rachel Rodriguez
Rachel Rodriguez
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 11, 2023

Fall River Water User District
c/o Keith Neugebauer, Manager
27600 W. Oral Road
Oral SD 57766

Dear Mr. Neugebauer:

On March 29, 2023 and June 7, 2023, DANR notified you that Future Use Water Permit Nos. 2560-2, 2560A-2, and 2560B-2 held by Fall River Water Users District was to be scheduled for review by the Water Management Board and requested the districts intentions regarding the permit. To date, we have not received a response from you.

Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 was obtained on November 5, 2007 and reserves the Madison groundwater (aquifer) for future development by the district. Currently our records show that 358 acre-feet of water remains in reserve under this permit.

By state law, future use permits are subject to review every seven years. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs. If the entire 358 acre-feet remains in reserve, the fee will be \$85.00.

This is the third time a response has been requested. If the district has no intention of developing this water source, the permit will be scheduled for cancellation. Please respond by July 25, 2023. If you have any questions, please contact Ron Duvall or me.

Sincerely,

Rachel Rodriguez

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



FALL RIVER WATER USERS DISTRICT

PO BOX 321
ORAL SD 57766
(605)424-7648
keith.frwud@goldenwest.net

June 30, 2023

Department of Agriculture
And Natural Resources
c/o Karen Schlaak
Joe Foss Building
523 E. Capitol Ave
Pierre SD 57501-3182

RECEIVED

JUL 19 2023

OFFICE OF
WATER

Dear Mrs. Schlaak,

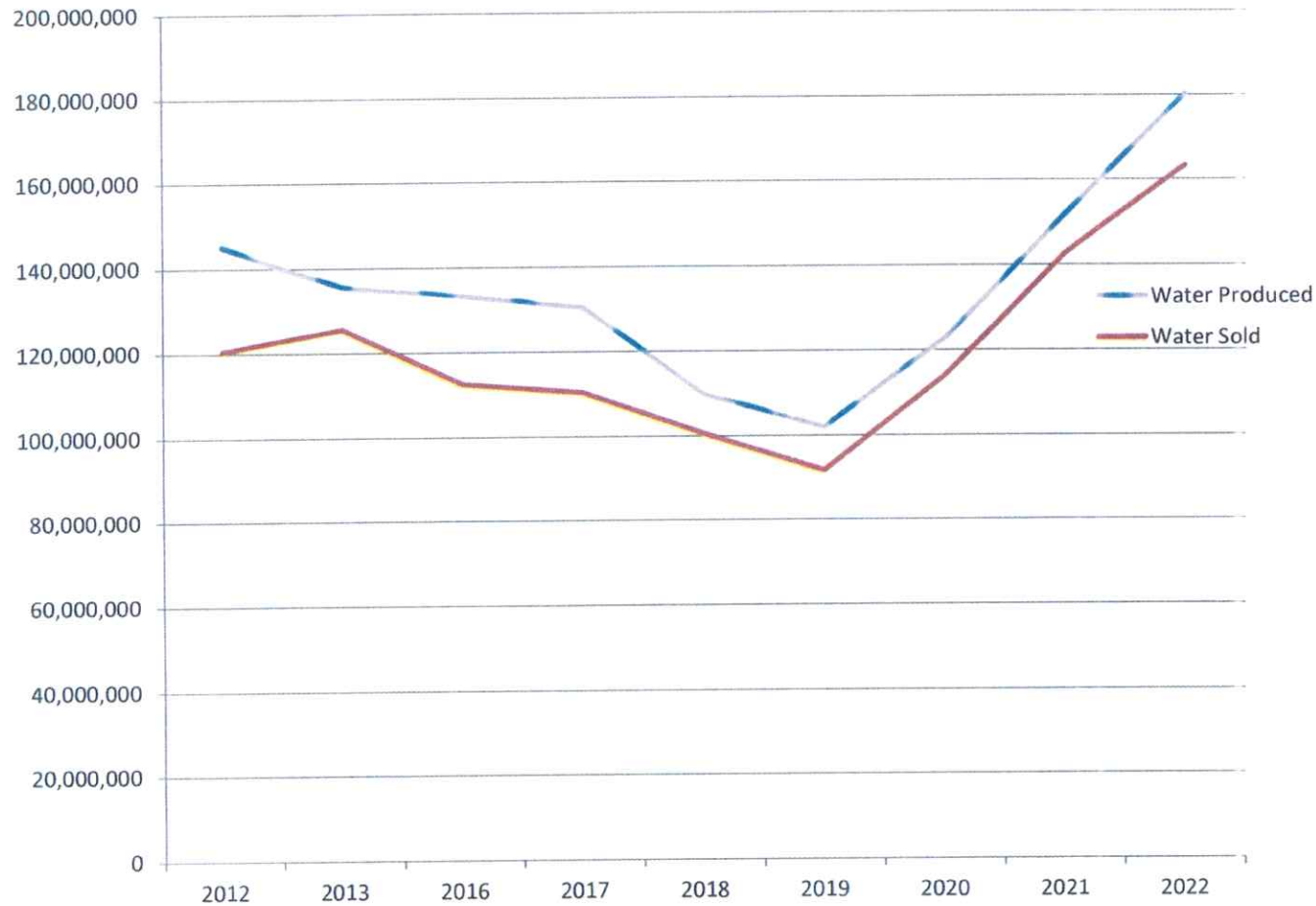
The Fall River Water Users District is writing regarding retaining the Future Use Water Permit Nos. 2560-2, 2560A-2, and 2560B-2 from the Madison Formation. The district wishes to retain the permits at the current level of 358 acre-feet of water in reserve as the current demands of the district already exceed the well supply we have. Last year the district purchased 300-acre feet of water from the City of Hot Springs, and we pumped about 65-acre feet from the Maddison. Most of the water the district pumped from the Maddison was under water permit # 2629-2. In 2022 the average daily demand for the district was a record of 493,000 gallons per day compared to the previous 10-year average of 330,000 gallons per day. According to the most recent facility plan prepared by DGR Engineering the estimated daily demand in ten years is anticipated to be close to 600 gallons per day or 672 acre ft annually. If the service area of the district grows or the Town of Buffalo Gap begins to purchase water the annual demands for potable water could be even higher than currently projected. I have included a chart of the previous annual water usage trends and some pages of our most recent facility plan that pertain to projected demands. If you have any questions or need more information, please let me know.

Sincerely,

Keith Neugebauer,
Manager
605 424-7648
keith.frwud@goldenwest.net

Water Usage Trends

	2012	2013	2016	2017	2018	2019	2020	2021	2022
Water Produced	144,654,150	135,272,800	133,077,300	130,300,377	109,642,500	101,757,000	122,558,191	151,461,000	180,072,000
Water Sold	120,447,737	125,484,594	112,359,056	110,225,610	100,434,454	91,609,880	113,675,926	142,455,000	163,051,000
Water loss	16.73%	7.24%	15.57%	15.41%	8.40%	9.97%	7.25%	6.30%	10.44%
Precipitation/Oel	13.3"	21.1"	14.3"	16.5"	22.7"	20.67"	11.42"	14.4"	10.3"



INTRODUCTION

BACKGROUND INFORMATION

The Fall River Water Users District (FRWUD) is a public water supply system providing service to rural and municipal connections in Fall River County and Custer County, South Dakota. The original system started in the year 2000 after the Fall River Water Users Association was disbanded. The original system consisted of three water storage tanks, two booster stations and approximately 272 miles of pipe serving approximately 140 users.

The system completed the Buffalo Gap expansion in 2010 that added 50 miles of pipe to their distribution system, added individual users and provided an emergency connection to the town of Buffalo Gap. Over the past decade, FRWUD has continually experienced steady growth in demands and new users, and today serves over 500 residential users and pasture taps with reliable, quality water.

FRWUD originally purchased 100% of their water supply from the City of Hot Springs under a 20-year contract that expired in 2020. The contract is now being renewed with 5-year extensions, and FRWUD is actively looking for redundant water sources to provide resiliency to their water supply and also to prepare for the possibility that Hot Springs may not renew the water purchase agreement. The system's peak day demands were also starting to exceed the contract limits of the original Hot Springs water purchase agreement.

FRWUD has drilled 2 Madison Aquifer wells to secure their own water source. The first well (O'Brian No. 2) had very low capacity and has also developed water quality issues over time, and is not used on a regular basis today. The 2nd well (Fall River South Well) was drilled near the connection to Hot Springs, and originally produced 400 gpm of quality water. This well has been used extensively since it was completed in 2013, but over time, the production capacity has dropped to less than 200 gpm.

A 3rd Madison well was drilled in 2020 near the town of Fairburn and appears to have a capacity of 400 to 500 gpm. The well is approximately 20 miles from the FRWUD's primary distribution system. This study identifies the improvements necessary to finish the Fairburn well and deliver the water to the heart of the distribution system.

SCOPE OF REPORT

FRWUD has authorized the preparation of this report to address the needs for improvements to the water source and distribution system. This plan will address the technical and financial feasibility of various improvements. The scope of the report is as follows:

- Review existing data including water sold to determine average day demand and peak day demand.
- Provide a brief analysis of water sources, treatment, and system storage.
- Review the existing water source and distribution system for deficiencies and prepare alternatives with cost estimates to address necessary improvements.
- Document the findings of the study in a report to be submitted to SD DANR that meets the requirements of the State Water Plan and Drinking Water State Revolving Fund.

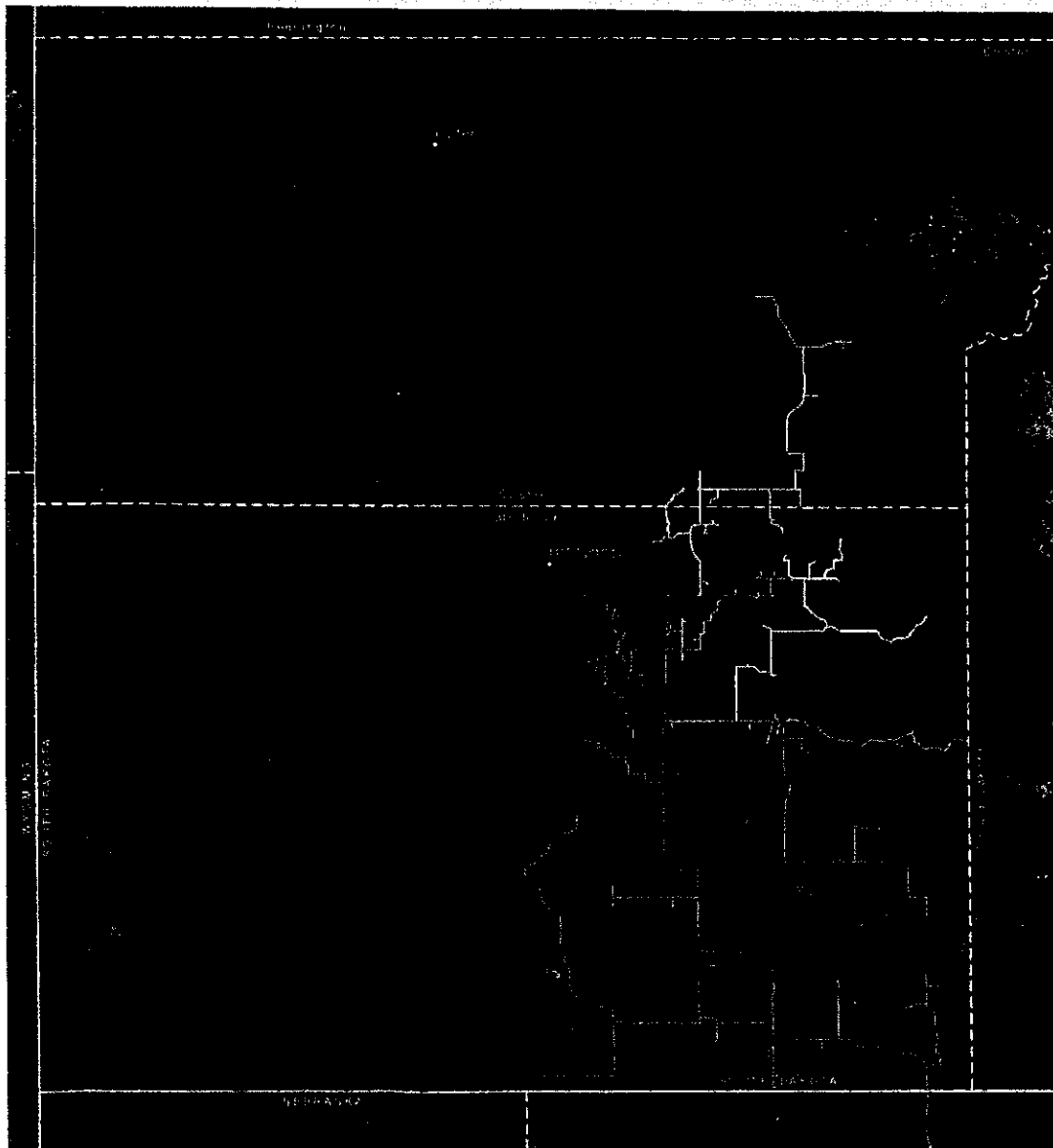
REVISION SUMMARY

FRWUD previously submitted a Preliminary Engineering Report titled "Fairburn Well Preliminary Engineering Report, Fall River Water Users District, January 2022". Since the time that report was submitted, modifications to report have been made to address minor changes in the in the project scope, update cost estimates, and include the environmental consultation letters. This Facility Plan report provides update to the "Development of Alternatives", "Evaluation of Alternatives", and "Selected Plan, Description and Implementation Arrangement" sections.

COMMUNITY INFORMATION

LOCATION

The service area figure, below, shows the current boundaries of the FRWUD's current service area. The system is bounded on the east by Oglala Lakota County, to the south by the State of Nebraska. There are currently unserved areas north and west of the current service area.



FRWUD Service Area

Community Information

FRWUD provides water service to rural customers in Custer and Fall River Counties. FRWUD provides individual water service to the towns of Oral and Smithwick. FRWUD also provides bulk water service to the town of Oelrichs and an emergency backup connection to the town of Buffalo Gap.

POPULATION STATISTICS

There is an overall trend toward fewer farm enterprises and consequently fewer farm families in the area. However, there is a corresponding trend toward maintaining rural homes as acreages for non-farm residences and dense single-family housing developments. Within the FRWUD service territory, there is also a significant need of water for livestock production. The irrigation practices in the area provide for row crops and give ranchers the ability to build feed lots. These feed lots add to the typical water demands that result from the range carrying capacity for cow /calf pairs within the service territory.

FRWUD provides water service to over 90% of the rural residents within their service area. Currently the system serves 294 residential services and 54 homes served under 3 different bulk meter connections. The project will serve an additional 6 homes along the pipeline route, for an estimated total of 354 households served. The balance of the water service connections are for pastures or other livestock only sites.

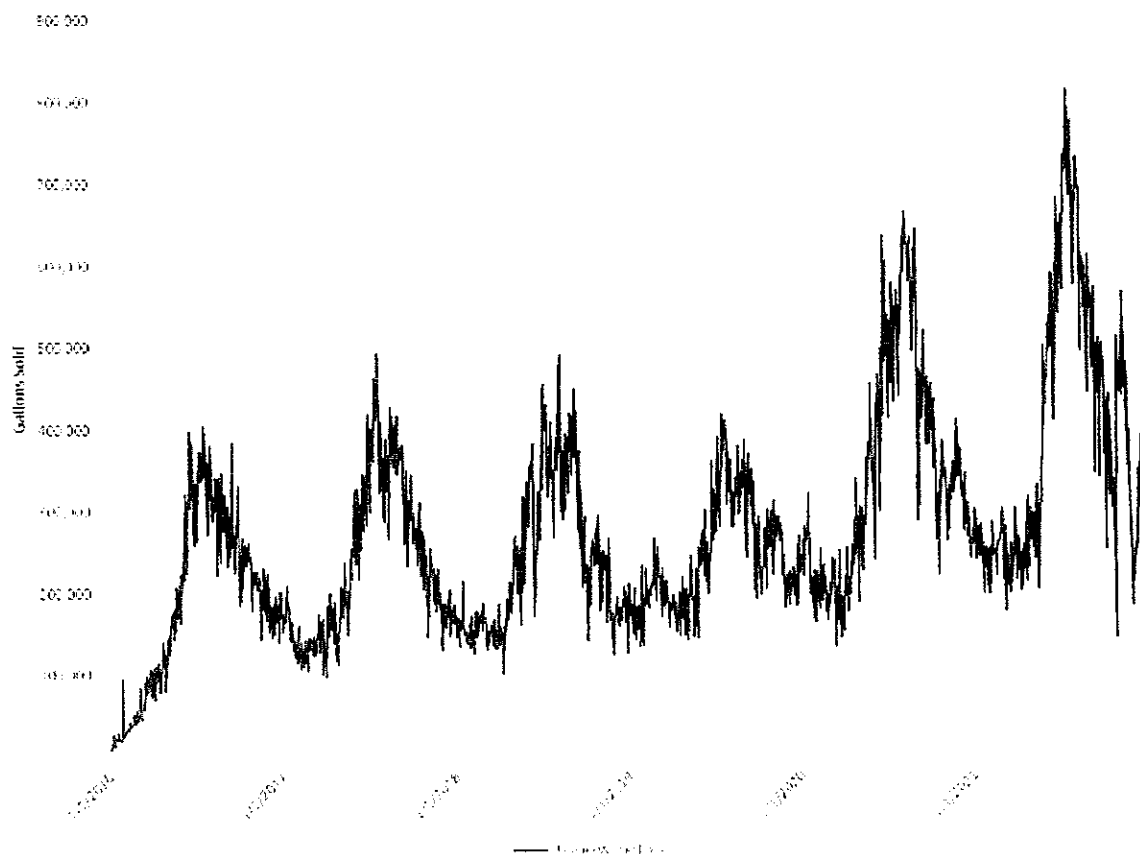
The 2019 American Community Survey listed the average population of owner-occupied units at 2.26 people per household in Fall River County, which equates to a population of approximately 800 people for the 354 households. FRWUD also serves 100% of the 130 residents of the town of Oelrichs. Combined, the estimated FRWUD service population estimate is approximately 930 people. It is anticipated that the population of FRWUD's service territory will either maintain or increase their population based on recent population trends in the region.

Existing and Future Conditions

EXISTING AND FUTURE CONDITIONS

EXISTING WATER USAGE

Water sales for the System were reviewed from January 2016 to date. The 2016 data coincided with the implementation of the system's cellular meter reading system. This water usage information is available for every water user in the system, which is a very valuable tool in determining average day demand and peak day demand. The system demand can then be used to determine water supply, storage and distribution capacity requirements. Daily water usage data are shown in the Water Production Figure and has been adjusted for average system water loss to display estimate peak day water supply requirements. FRWUD has an average annual water loss of 12%. Based on recent historic records, FRWUD water use is approximately 400,000 gpd on an average day and 800,000 gpd on a peak day.

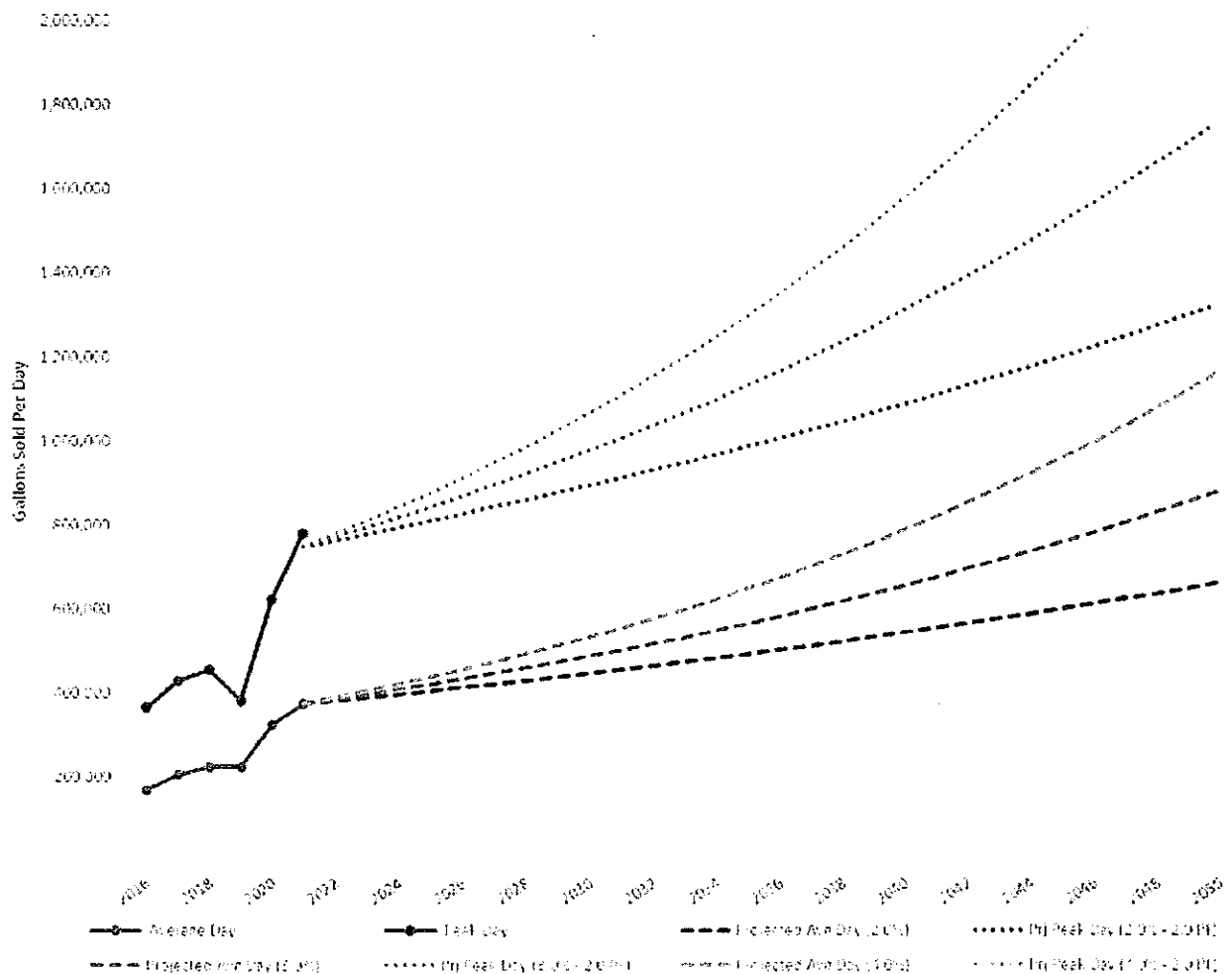


Water Production

Existing and Future Conditions

FORECASTS OF WATER USAGE

An analysis of the historical water usage data was conducted to project future demands. Over the last 6 years, FRWUD water usage has increased significantly. This growth has been a combination of increased water usage by existing customers plus the steady addition of new customers. The system routinely adds 10-15 customers per year, which increases the total customer base by 2-3% annually. For planning purposes future demands shown within the Projected Water Sales/Usage were estimated based on 2%, 3%, and 4% annual growth to provide a range of estimated future demands.



Water Sales/Usage Projection

Existing and Future Conditions

WATER SOURCE

FRWUD currently uses a combination of water purchased from Hot Springs and one Madison well.

Hot Springs

The District renewed their water purchase with Hot Springs on January 1, 2022 under the following terms:

- 500,000 gpd @ 75% of Standard Rate
 - 200,000 gpd to be used during off peak hours.
- 150,000 gpd @ 100% of Standard Rate (500,000 to 650,000 gpd)
- Usage over 650,000 gpd @ 150% of Standard Rate

The current contract term is 5 years (December 31, 2025) and will automatically renew unless one of the parties provides a 2-year notice of the intent not to renew.

Wells

The District owns several wells, but only actively uses the Fall River South Madison Well for water supply, with the balance of the water supply coming from Hot Springs. The Fall River South Madison Well initially produced 400 gpm in 2009 but fell off to 225 gpm by the 2015. An extensive well rehabilitation effort was performed at the end of 2015, which increased the capacity to approximately 275 gpm. The well capacity has continued to decline over the past 6 years, and during the summer of 2021, only produced 175 gpm, or 250,000 gpd in 24 hours.

The South Madison Well is in nearly constant use, and pump test data indicates that a recharge source that was present during the 2009 pump testing was no longer present during the 2015 rehabilitation efforts. It is possible that allowing the well to rest for an extended period would allow the aquifer to recharge and may improve the well capacity.

Existing and Future Conditions

The District owns two other wells. The O'Brian Madison Well No 2 only produces 20-50 gpm and the South Shore Well produces approximately 50 gpm, however, neither of these wells are used due to elevated arsenic levels above the EPA's primary MCL of 0.01 ppm.

Firm Capacity

FRWUD only has 1 active well. If the Hot Springs connection is out of service, the only firm capacity available to the system is their South Madison Well water source, which can currently only provide 250,000 gallons per day. Therefore, the firm capacity is 30% of 820,000 gallon peak day if the Hot Springs connection is unavailable. Source improvements should be considered.

It should also be noted that while the Hot Springs contract doesn't limit the total daily water purchase volume, the contract outlines an increasing penalty rate for water purchase over 500,000 gallons per day and another higher tiered penalty rate for water purchased 650,000 gallons per day. Providing 100% of the peak day capacity from Hot Springs would also require a 24 hour flow rate of 570 gpm, which is pushing the upper velocity limits of the 8" water main that transmits water from Hot Springs to the FRWUD distribution system.

WATER TREATMENT

The City of Hot Springs treats the contracted water before it is delivered to the system. FRWUD adds chlorine for disinfection of their well water sources. The two wells with high arsenic could be treated, but treatment is not considered economically feasible due to the high treatment cost compared to the limited capacity of the O'Brien Madison Well and the South Shore Well. Water treatment will not be discussed any further in this report because of the economic limitations of any treatment option.

WATER DISTRIBUTION

Low Residual Distribution Pressure & Delivery Deficiencies

Southeast GSR Service Area

The FRWUD distribution system consists of approximately 369 miles of pipeline range from 1.5" through 12" watermains. Due to continued system growth, the available capacity to fully supply



**DEPARTMENT of AGRICULTURE
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523 E. CAPITOL AVE
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**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 2560-2, 2560A-2, and 2560B-2**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Nos. 2560-2, 2560A-2, and 2560B-2, Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Road, Oral SD 57766.

The Chief Engineer is recommending that Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 REMAIN in EFFECT for 358 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 2560-2, 2560A-2, and 2560B-2, 2) the Fall River Water Users District has demonstrated a reasonable need for the water reserved by Permit Nos. 2560-2, 2560A-2, and 2560B-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 Nos. 2560-2, 2560A-2, and 2560B-2 is subject to payment of the \$ 85.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Eric Gronlund, Chief Engineer
August 15, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 15, 2023

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

Fall River Water Users District
c/o Keith Neugebauer, Manager
27600 W. Oral Road
Oral SD 57766

Dear Mr. Neugebauer:

Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-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 Fall River County Herald-Star (605-745-3930), the Custer County Chronicle (605-673-2217) and the Rapid City Journal (see attachment for contact number). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on August 23, 2023. 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 August 23 or 24, 2023. The Fall River Water Users District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2560-2, 2560A-2, and 2560B-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 held by the Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 2560-2, 2560A-2 and 2560B-2. Permit No. 2560-2 was approved 2005 and currently reserves 358 acre-feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County) for future for rural water system use. Permit Nos. 2560A-2 and 2560B-2 expanded the future use area to include the SW 1/4 SW 1/4 Section 1-T7S-R6E and SE 1/4 SW 1/4 Section 29-T7S-R6E (Fall River County). The permits were last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2560-2, 2560A-2 and 2560B-2 REMAIN in EFFECT for 358 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 on October 4, 2023 at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by September 5, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 5, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 5, 2023.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 5, 2023. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

Fall River

From: Rodriguez, Rachel
Sent: Tuesday, August 15, 2023 12:12 PM
To: news.frcherald@gmail.com
Subject: FW: 2560-2, 2560A-2 and 2560B-2 Fall River Water Users District - Public Notice
Attachments: 2560-2, 2560A-2_2560B-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2023.

Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766, (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 15, 2023 12:13 PM
To: custernews@gwtc.net
Subject: 2560-2, 2560A-2 and 2560B-2 Fall River Water Users District - Public Notice
Attachments: 2560-2, 2560A-2_2560B-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2023.

Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766, (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 15, 2023 12:15 PM
To: RCY Legals
Subject: 2560-2, 2560A-2 and 2560B-2 Fall River Water Users District - Public Notice
Attachments: 2560-2, 2560A-2_2560B-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on August 24, 2023.

Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766, (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: RCY Legals <legals@rapidcityjournal.com>
Sent: Wednesday, August 16, 2023 12:32 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 2560-2, 2560A-2 and 2560B-2 Fall River Water Users District - Public Notice
Attachments: AdProof 59390.pdf

Rachel

This notice is attached for review & confirmation
It is scheduled to publish as requested, Aug. 24, 2023
Legal No: 59390
Cost: \$140.52 Once you let me know if the notice is okay I will call Keith for payment.

An affidavit of publication will be mailed to you from the Times of Northwest Indiana office, after the last day of publication of your legal notice. Please allow 7 to 10 days to receive your affidavit. **We do not keep copies of affidavits. Affidavits are original notarized copies and if lost or misplaced we have to re-create the affidavit. You will need to notify us within 60 days if you don't receive your affidavit.**

Thank you

Shawn Killinger
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legals@rapidcityjournal.com Rapid City Journal
legals.chadron@lee.net Chadron Record



From: Rodriguez, Rachel [mailto:Rachel.Rodriguez@state.sd.us]
Sent: Tuesday, August 15, 2023 11:15 AM
To: RCY Legals <legals@rapidcityjournal.com>
Subject: 2560-2, 2560A-2 and 2560B-2 Fall River Water Users District - Public Notice

This Message Is From an External Sender

This message came from outside your organization.

Attached is a notice to be published on August 24, 2023.

Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766, (605 424-7648) has been notified to contact you to authorize publication and arrange for payment.

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

*** Proof of Publication ***

STATE OF INDIANA)

County of Lake)

SS:

RECEIVED

SEP 11 2023

OFFICE OF
WATER

S.D. DANR - GROUND WATER

523 E CAPITOL AVE

PIERRE SD 57501

ORDER NUMBER 59390

I, Robin Nelson, being
duly sworn, upon his/her oath says: That he/she is now and was at all
time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a
corporation of Rapid City, South Dakota, a legal and daily newspaper
printed and published in Rapid City, in said County of Pennington, and
has full and personal knowledge of all the facts herein stated as
follows: that said newspaper is and at all of the times herein
mentioned has been a legal and daily newspaper with a bonafide paid
circulation of at least Two Hundred copies daily, and has been printed
and published for at least one year prior to the first date of the
published notice.

This affidavit is a true and corrected copy of notice which appeared in
said newspaper on the following dates:

8/24/23

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 08/24/2023

TOTAL AD COST: 140.52

FILED ON: 8/31/2023

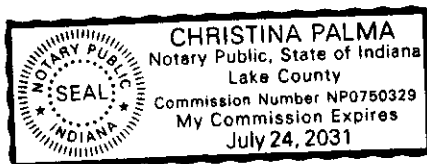
Subscribed and sworn to before me this 31 day of

August, 2023.

Christina Palma Notary Public

My commission expires

_____, 20____



**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NOS. 2560-2, 2560A-2,
and 2560B-2**

RECEIVED

SEP 11 2023

OFFICE OF
WATER

Notice is given that the Water Management Board will review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 held by the Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 2560-2, 2560A-2 and 2560B-2. Permit No. 2560-2 was approved 2005 and currently reserves 358 acre-feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County) for future for rural water system use. Permit Nos. 2560A-2 and 2560B-2 expanded the future use area to include the SW 1/4 SW 1/4 Section 1-T7S-R6E and SE 1/4 SW 1/4 Section 29-T7S-R6E (Fall River County). The permits were last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2560-2, 2560A-2 and 2560B-2 REMAIN in EFFECT for 358 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 on October 4, 2023 at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

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

RECEIVED

SEP 11 2023

OFFICE OF
WATER

owner must be filed by September 5, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 5, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 5, 2023.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 5, 2023. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

(Published August 24, 2023 for a total approximate cost of \$140.52 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 59390

RECEIVED

SEP 05 2023

OFFICE OF
WATER

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

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

Fall River Water Users
Notice of Hearing

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

Aug 23, 2023; _____;

_____; _____;

_____; _____;

_____; _____;

_____; _____;

the full amount of the fees for the publication of the annexed notice is \$ 68.48.

J. L.

Subscribed and sworn to me before this 23rd

of August, 2023;

Jeanne Fuerstenberg

NOTARY PUBLIC

MY COMMISSION EXPIRES:

11-30-2027



NOTICE OF HEARING

TO REVIEW FUTURE USE
WATER PERMIT NOS. 2560-2,
2560A-2, AND 2560B-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 held by the Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 2560-2, 2560A-2 and 2560B-2. Permit No. 2560-2 was approved 2005 and currently reserves 358 acre-feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County) for future for rural water system use. Permit Nos. 2560A-2 and 2560B-2 expanded the future use area to include the SW 1/4 SW 1/4 Section 1-T7S-R6E and SE 1/4 SW 1/4 Section 29-T7S-R6E (Fall River County). The permits were last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2560-2, 2560A-2 and 2560B-2 REMAIN in EFFECT for 358 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 on October 4, 2023 at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by September 5, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 5, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 5, 2023.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is September 5, 2023. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of \$568.48 and may be viewed free of charge at www.sdpublicnotices.com.

8/23

RECEIVED

AUG 28 2023

OFFICE OF
WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of FALL RIVER) SS

I, SHERYL GRIMES

certify that the attached printed Notice was taken

from the FALL RIVER CO.

HERALD STAR

printed and published in HOT SPRINGS, S.D.

County of FALL RIVER and

state of South Dakota. The notice was published

in the newspaper on the following date:

THURSDAY, AUG. 24, 2023

Cost of Printing \$ 81.03

Sheryl Grimes
(Signature)

PRODUCTION MANAGER
(Title)

8/24/23
(Date Signed)

Notice of Hearing

TO REVIEW FUTURE USE WATER PERMIT NOS. 2560-2, 2560A-2, and 2560B-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 held by the Fall River Water Users District, Keith Neugebauer, Manager, 27600 W Oral Rd, Oral, SD 57766 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 2560-2, 2560A-2 and 2560B-2. Permit No. 2560-2 was approved 2005 and currently reserves 358 acre-feet from the Madison Aquifer located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County) for future for rural water system use. Permit Nos. 2560A-2 and 2560B-2 expanded the future use area to include the SW 1/4 SW 1/4 Section 1-T7S-R6E and SE 1/4 SW 1/4 Section 29-T7S-R6E (Fall River County). The permits were last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2560-2, 2560A-2 and 2560B-2 REMAIN in EFFECT for 358 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2560-2, 2560A-2 and 2560B-2 on October 4, 2023 at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by September 5, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-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, ~~and~~ and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 5, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 5, 2023.

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later than two business days prior to the meeting in order to ensure accommodations are available.

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Published: Aug. 24, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 5, 2023

NOTICE OF ENTRY OF ORDER

Fall River Water Users District
Keith Neugebauer, Manager
27600 W Oral Road
Oral SD 57766

Dear Mr. Neugebauer:

I am writing in response to action taken by the Water Management Board at the hearing on October 4, 2023 to review Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2. The Board allowed the permit to remain in effect for 358 acre-feet of water annually. Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 are subject to another review in seven years.

The fee of \$85.00 for maintaining the effectiveness of Future Use Permit Nos. 2560-2, 2560A-2, and 2560B-2 was received on July 28, 2023. Thank you for your prompt payment.

Sincerely,

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

CERTIFICATION

I hereby certify that on October 5, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated October 5, 2023 involving action taken by the Water Management Board hearing on August 4, 2023:

City of Volga, c/o Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

City of Elk Point, c/o Erika Hammitt, Finance Officer, PO Box 280, Elk Point SD 57025

Fall River Water Users District, c/o Keith Neugebauer, Manager, 27600 W Oral Road, Oral SD 57766



Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5 day of October, 20 23.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 28, 2023

RECEIVED OF Fall River Water User District c/o Keith Neugebauer, Manager, 27600 W Oral Road Oral SD 57766

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. <u>2560-2, 2560A-2, 2560B-2</u> to Appropriate Water for Future use	<u>\$85.00</u>
Fee to retain Future Use Permit No. _____ after period of seven years.	\$_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$_____
Fee for Filing Transfer Form _____	\$_____
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>\$85.00</u>

By

Eric Gronlund

Chief Engineer

vm



**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.: 2560-2, 2560A-2 and 2560B-2

Name of Applicant: Fall River Water Users District

Date of Posting: 8/22/2023

Date of Removal: 10/5/2023



Ron Duvall, Engineer III

10/5/2023

Date

Subscribed and sworn to before me, a notary public, this 5 day of October, 2023.



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029
(SEAL)

