

WATER PERMIT NO. 2560A-2

Name of Applicant: **Fall River Water Users District**

Address: **PO Box 321, Oral SD 57766** Phone: **605 424-7648**

Amount of Water Claimed: **no add'l** Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **rural water system use** County: **Fall River and Custer Counties**

Type of Waste Disposal System:

Location: **6 miles northeast of Hot Springs**

PRIORITY Date Received: **4-12-07** Application/License Fee: **\$50**

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

Remarks: **Increasing the future use area for Future Use Permit No. 2560A-2**

Diversion Point: **SW ¼ SW ¼ Sec 1 –T7S-R6E**

Land to be Irrigated: **NA**

Depth of Well: **2750 feet deep**

Well Driller:

Remarks:

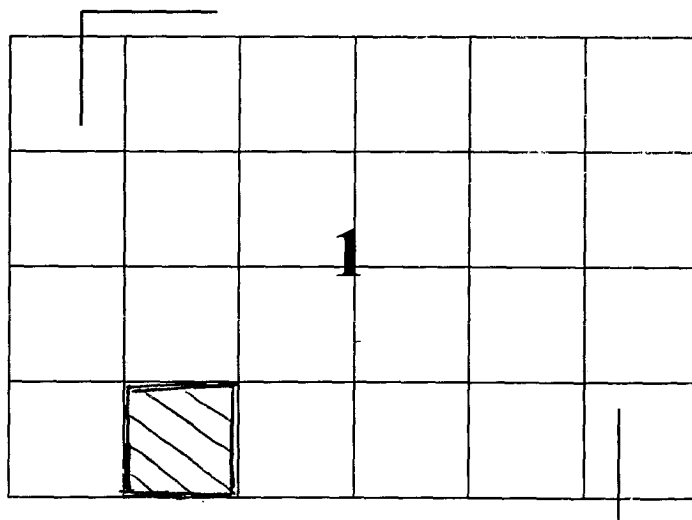
Type of Map: **aerial**

Prepared by: **Kory Barnt, NRCS**

Reviewed and the Number Assigned on: **4-16-07**

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>2560A-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Hot Springs Star PO Box 10057747</u>
	<u>Custer Co Chronicle PO Box 561 57730</u>

RECEIVED
APR 12 2007
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. 2560-2

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Adding SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 1, T7S, R6E, Black Hills Meridian, Fall River
County, South Dakota, to Future Use Permit #2560-2

1. Name of Applicant Fall River Water Users District Phone (605) 424-7648
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address PO Box 321 Oral State SD 57766
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed No Additional Water Requested
*CFS or **GPM ***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 SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 12-T104N-R53W) _____
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 1, T7S, R6E, Black Hills Meridian
County Fall River

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

6. Annual period during which water is to be used All Year

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)

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 A. DeBoer, 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. DeBoer

Subscribed and sworn to before me this 11 day of April 20 07

M. J. Peters
Notary Public signature

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 2560A-2**

Date of first receipt of application April 12, 2007.

The Water Management Board approved Future Use Permit No. 2560A-2 on July 11, 2007 for Fall River Water Users District, c/o Craig A DeBoer, PO Box 321, Oral SD 57766 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 2560A-2 expands the future use area authorized by Future Use Permit No. 2560-2. Future Use Permit No. 2560-2 reserves 750 acre-feet annually from the Madison Aquifer. The area reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). This permit authorizes including the SW 1/4 SW 1/4 Section 1-T7S-R6E (Fall River County) to the future use area.
2. The water appropriated shall be used for the purpose of future water supplies for rural water system use by this 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 (established by Permit No. 2560-2).
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 Nos. 2560-2 and 2560A-2, combined, reserve 750 acre feet of water annually from the Madison Aquifer.
2. That Future Use Permit Nos. 2560-2 and 2560A-2 are approved with the stipulation that this Permit is subject to review by the Water Management Board 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 flows of Beaver Spring, Cascade Springs and Hot Springs.

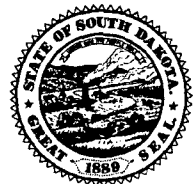
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 06 2007

date





Section 1
T7s R 6e
Scale = 1:10,000

Map from
Hot Springs NRCS
King Bount D.C.
3/27/07



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/13, 20 07

RECEIVED OF FALL RIVER WATER USERS DIST 1 ANGOSTURA HIGHLANDS HOT SPRINGS SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. <u>2560A-2</u> to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	50 00

No.

03032

By *Michael Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 8, 2007

Charles W. Pettee, Chief
Water Rights Branch
National Parks Service
1201 Oakridge Drive, Suite 250
Fort Collins CO 80525-5596

Peter Fahmy
Water Rights Branch
National Parks Service
1201 Oakridge Drive, Suite 250
Fort Collins CO 80525-5596

Gentleman:

Please find enclosed a copy of the reports, recommendations and public notice for two applications filed by Fall River Water User District in the southern Black Hills of South Dakota. The notice is set to be published in the Hot Springs Star and Custer County Chronicle the week of June 11 and June 18, 2007 scheduling a July 11, 2007 hearing before the Water Management Board in Milbank SD.

This information is being sent to keep the National Park Service informed of water permitting issues near Wind Cave National Park.

Sincerely,

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

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 2560A-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 Application No. 2560A-2, Fall River Water Users District, c/o Craig A. DeBoer, PO Box 321, Oral SD 57766.

The Chief Engineer is recommending APPROVAL of Application No. 2560A-2 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Permit Nos. 2560-2 and 2560A-2, combined, reserve 750 acre feet of water annually from the Madison Aquifer.
2. That Future Use Permit Nos. 2560-2 and 2560A-2 are approved with the stipulation that this Permit is subject to review by the Water Management Board 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 flows of Beaver Spring, Cascade Springs and Hot Springs.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 7, 2007

APPLICATION NO. 2560A-2
FALL RIVER WATER USERS DISTRICT
MAY 30, 2007

Application No. 2560A-2 proposes to expand the future use area that was authorized by Future Use Permit No. 2560-2. Future Use Permit No. 2560-2 reserves 750 acre-feet annually from the Madison aquifer for rural water system use. The areas currently reserved for future water use are located in Section 32, T7S-R6E and Section 5, T9S-R5E (Fall River County) and Section 36, T6S-R6E (Custer County). This application proposes to include the SW¹/₄ SW¹/₄ Section 1, T7S-R6E (Fall River County) to the future use area. This application does not authorize construction of works or the application of water to beneficial use.

A future use permit can be considered a reservation of water with emphasis on the source aquifer over that of a specific location. In approval of Future Use Permit No. 2560-2, it was determined that the criteria established by SDCL 46-2A-10 were met, namely unappropriated water was available, the water was needed, and the use is a beneficial use and in the public interest (Water Rights, 2005). The Water Management Board has allowed expansion of future use areas with the retention of the original priority dates in the past. Amending Future Use Permit No. 2560-2 to expand the future use area is not a substantive change to the permit. This and any other amendments to Future Use Permit No. 2560-2 should retain the original 2005 priority date and the original permit's qualifications.

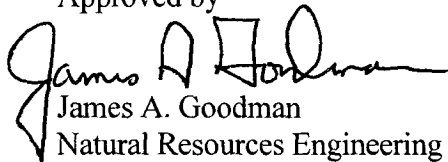
Conclusions:

1. Application No. 2560A-2 does not propose any additional appropriation from the Madison aquifer.
2. Application No. 2560A-2 should contain the same qualifications as Future Use Permit No. 2560-2.



Ken Buhler
Natural Resources Engineering Specialist

Approved by



James A. Goodman
Natural Resources Engineering Director

Reference:

Water Rights Program, 2005, Future Use Permit No. 2560-2: South Dakota DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD

RECEIVED

JUN 20 2007

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Fall River)

I, Brett Nachtigall

certify that the attached printed Notice was
taken

from the Dept. of Environment

& Natural Resources

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 two dates:

June 12, 2007

June 19, 2007

Cost of Printing 91.16

Brett Nachtigall
(Signature)

Publisher
(Title)

June 14, 2007
(Date Signed)

274

**NOTICE OF HEARING ON
APPLICATION NO. 2560A-2
TO AMEND FUTURE USE AREA
AND APPLICATION NO. 2615-2 TO
PLACE RESERVED WATER TO
BENEFICIAL USE**

Notice is given that Fall River Water Users District, c/o Craig A DeBoer, PO Box 321, Oral SD 57766 has filed an application to expand the future use area authorized by Future Use Permit No. 2560-2. Future Use Permit No. 2560-2 reserves 750 acre-feet annually from the Madison Aquifer. The area reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). This application proposes to include the SW 1/4 SW 1/4 Section 1-T7S-R6E (Fall River County) to the future use area. 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. 2560A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 2615-2 proposes to construct and place to beneficial use 0.67 cubic feet of water per second (400 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 2750 feet deep) located in SW 1/4 SW 1/4 Section 1-T7S-R6E. This water was appropriated and reserved by Future Use Permit No. 2560-2 and 2560A-2. The water is for rural water system use by the district in Fall River and Custer Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2615-2 for a 20-year term because 1) the proposed diversion can be developed with out unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2007. The petition may be informal, but must include a state-

ment describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at the Community Room, Milbank Visitors Center, 1001 E 4th Ave, Milbank SD at 9:30 a.m. on July 11, 2007. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The July 11, 2007 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 July 2, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 2, 2007, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since these applications do 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 July 2, 2007.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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

June 12, 19

RECEIVED

JUN 29 2007

WATER RIGHTS
PROGRAM

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 District
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 2 successive week(s), on which said newspaper was regularly published, to wit:

June 13, 2007; June 20, 2007;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 77.98.

Charles W. Najacht

Subscribed and sworn to me before this 20

of June, 2007;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2007

NOTICE OF HEARING ON APPLICATION NO. 2560A-2 TO AMEND FUTURE USE AREA AND APPLICATION NO. 2615-2 TO PLACE RESERVED WATER TO BENEFICIAL USE

Notice is given that Fall River Water Users District, c/o Craig A DeBoer, PO Box 321, Oral SD 57766 has filed an application to expand the future use area authorized by Future Use Permit No. 2560-2. Future Use Permit No. 2560-2 reserves 750 acre-feet annually from the Madison Aquifer. The area reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). This application proposes to include the SW 1/4 SW 1/4 Section 1-T7S-R6E (Fall River County) to the future use area. 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. 2560A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 2615-2 proposes to construct and place to beneficial use 0.67 cubic feet of water per second (400 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 2750 feet deep) located in SW 1/4 SW 1/4 Section 1-T7S-R6E. This water was appropriated and reserved by Future Use Permit No. 2560-2 and 2560A-2. The water is for rural water system use by the district in Fall River and Custer Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2615-2 for a 20-year term because 1) the proposed diversion can be developed with out unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2007. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

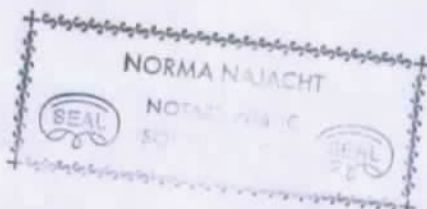
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#172, 6/13, 6/20





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2007

Hot Springs Star
PO Box 1000
Hot Springs SD 57747

ATTENTION: Legal Public Notice

Enclosed are Notices on Application Nos. 2615-2 & 2560A-2 to Appropriate Water to be published twice. Please publish the first notice on June 12, 2007 with the second publication 7 days later. The text of the notices can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notices are to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publications.** The APPLICANT is Fall River Water Users District, Craig DeBoer, PO Box 321, Oral SD 57766 (Ph # 605-424-7648).

Please send the Water Rights Program the first publications immediately. The publications are checked for accuracy so any corrections can be made in the second publications. You may use the form below or fax a copy of the first publications. 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 publications, **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. 2615-2 & 2560A-2

Date _____

We are in receipt of your letter of June 7, 2007 enclosing Notice to Appropriate Water by Application Nos. 2615-2 & 2560A-2 which were first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2007

Custer County Chronicle
PO Box 561
Custer SD 57730

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2615-2 & 2560A-2

Date _____

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

We are in receipt of your letter of June 7, 2007 enclosing Notice to Appropriate Water by Application Nos. 2615-2 & 2560A-2 which were 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

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

June 7, 2007

FALL RIVER WATER USERS DISTRICT
PO BOX 321
ORAL SD 57766

Dear Mr. DeBoer:

Water Permit Application Nos. 2615-2 and 2560A-2 for rural water use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publishers of the following papers:

Hot Springs Star	Custer Co Chronicle
Hot Springs SD	Custer SD
(605) 745-4170	(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 recommendations of the Chief Engineer and reports 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on June 13, 2007 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Hearing on Application No. 2560A-2 To Amend Future Use Area
and Application No. 2615-2 to Place Reserved Water to Beneficial Use

Notice is given that Fall River Water Users District, c/o Craig A DeBoer, PO Box 321, Oral SD 57766 has filed an application to expand the future use area authorized by Future Use Permit No. 2560-2. Future Use Permit No. 2560-2 reserves 750 acre-feet annually from the Madison Aquifer. The area reserved for future water use is located in Section 32-T7S-R6E and Section 5-T9S-R5E (Fall River County) and Section 36-T6S-R6E (Custer County). This application proposes to include the SW 1/4 SW 1/4 Section 1-T7S-R6E (Fall River County) to the future use area. 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. 2560A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 2615-2 proposes to construct and place to beneficial use 0.67 cubic feet of water per second (400 acre-feet annually) from one well to be completed into the Madison Aquifer (approximately 2750 feet deep) located in SW 1/4 SW 1/4 Section 1-T7S-R6E. This water was appropriated and reserved by Future Use Permit No. 2560-2 and 2560A-2. The water is for rural water system use by the district in Fall River and Custer Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2615-2 for a 20-year term because 1) the proposed diversion can be developed with out unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2007. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at the Community Room, Milbank Visitors Center, 1001 E 4th Ave, Milbank SD at 9:30 a.m. on July 11, 2007. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The July 11, 2007 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 July 2, 2007.

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

(continued)

the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 2, 2007, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since these applications do 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 July 2, 2007.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 06 2007

Fall River Water Users District
c/o Craig A DeBoer
PO Box 321
Oral SD 57766

Dear Mr. DeBoer:

Enclosed is Future Use Water Permit No. 2560A-2 and Water Permit No. 2615-2. Water Permit No. 2560A-2 expands the future use area authorized by Future Use Permit No. 2560-2 which reserved 750 acre-feet annually from the Madison Aquifer. Water Permit No. 2615-2 authorizes placing to beneficial use 400 acre-feet of water which was appropriated and reserved by Future Use Permit Nos. 2560-2 and 2560A-2.

For your information, 350 acre-feet of water remains in reserve as authorized by Nos. 2560-2 and 2560A-2.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed for Water Permit No. 2560-2. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

Sincerely,

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

enclosures

2560A-2

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WATER RIGHTS
PROGRAM

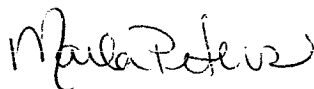
**Fall River Water Users District
PO Box 321
Oral, SD 57766
Phone: 424-7648
Fax: 424-7748**

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