

WATER PERMIT NO. 2644-2

Name of Applicant: **West River Water Development District**

Address: **PO Box 407, Murdo SD 57559**

Phone: **605 669-2931**

Amount of Water Claimed: **no additional**

Total Acres: **NA**

Source of Water Supply: **Missouri River**

Water to be used for: **rural water system use**

County: **Stanley**

Type of Waste Disposal System: **NA**

Location:

PRIORITY

Date Received: **12-16-09**

Application/License Fee: **\$300**

Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks: **Add the communities of Ft. Pierre and Interior to West River/Lyman –Jones RWS**

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

Land to be Irrigated: **NA**

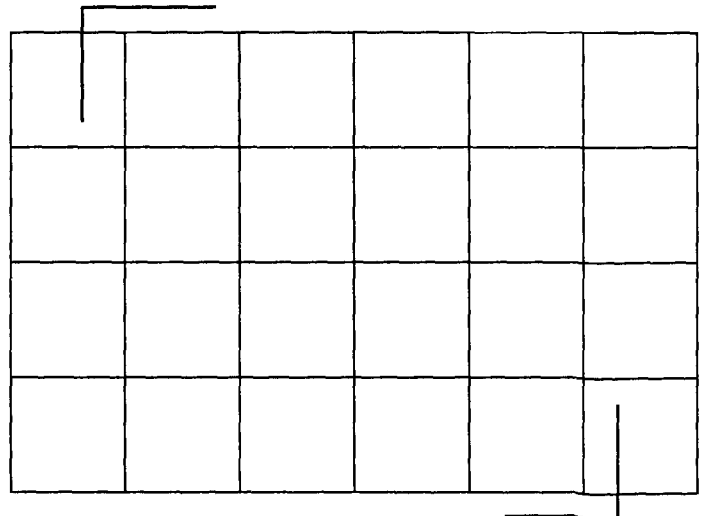
Depth of Well: **NA**

Well Driller: **NA**

Remarks:

Type of Map: **plat**

Prepared by: **Bruce Jennings, PE**



Reviewed and the Number Assigned on: **12-17-09**

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>2644-2</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>7 papers-</u>	

RECEIVED
DEC 16 2009
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:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

1. Name of Applicant West River Water Development District Phone 605-669-2931
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 407 Murdo State SD 57559
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM No Additional ***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 Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Stanley
SW 1/4 NE 1/4 Section 19, T 111N, R 79W (area known as Echo Point)
5. County or counties where water will be used Stanley and Jackson
6. Annual period during which water is to be used January 1 - 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)
Add the communities of Ft. Pierre and Interior to West River/Lyman-Jones Rural Water System.

STATE OF SOUTH DAKOTA)
County of Jones SS

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

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

Applicant's signature John Fitzgerald

Subscribed and sworn to before me this 15 day of December 20 09

MY COMMISSION EXPIRES
11-19-2014

Amy Kittelson
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2644-2**

Date of first receipt of application December 16, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2644-2 to West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2644-2 authorizes connecting the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). No additional water appropriation is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying the communities of Ft. Pierre and Interior 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 of approval of Permit No. 2644-2 is January 18, 2010.
5. The date from which applicant may claim right is December 16, 2009.
6. One-fifth of the construction is to be completed on or before July 18, 2012.
7. All construction is to be completed on or before January 18, 2015.
8. Water is to be put to beneficial use on or before January 18, 2019.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 20 2010

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

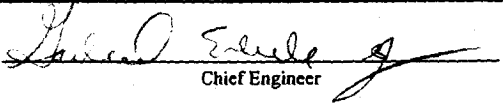
Date 12/18, 20 09

RECEIVED OF West River Water Dev Dist PO Box 407 Murdo SD 57559

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

Fee for Application for Permit No. <u>2644-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2644-2</u>	200	00
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	300 00

No. 04206

By 
Chief Engineer

**WATER RIGHTS
PROGRAM**



P:10510251001 MWL_C00011 W003012E

2481-2

Schlaak, Karen

From: Gronlund, Eric
Sent: Thursday, December 17, 2009 8:10 AM
To: 'Jake Fitzgerald'
Cc: 'Amy Kittelson'; Schlaak, Karen
Subject: RE: Water Permit

Jake & Amy:

The Water Rights Program received the application but the application filing fee did not accompany it. DENR will begin processing the application but we can not public notice until the \$300 filing fee is submitted.

Eric

-----Original Message-----

From: Gronlund, Eric
Sent: Tuesday, December 15, 2009 2:47 PM
To: 'Jake Fitzgerald'
Cc: Amy Kittelson; Schlaak, Karen
Subject: RE: Water Permit

Jake and Amy:

The application looks fine. The total filing fee for this type of application will be \$300. While I realize that the two communities being added are in Stanley and Jackson County, it is likely that the application will need to be advertised in all counties served by WR/LJ. I'll research this a little bit more. This would mean WR/LJ may have the expense of the publication notice in 7 instead of 2 county newspapers.

Technically, DENR has 60 days to review a new application and then there is an approximate one month publication process. However, this is a pretty straight forward application that DENR is committed to processing quickly. I believe that if no one petitions to intervene in response to the public notice, the permit can be in place in about 45 days from when the complete application is received. This provides DENR approximately 2 weeks to process the application for the purpose of making a recommendation and the month long publication process. DENR will advertise in a manner that if no one petitions in opposition, the application is approved based on the Chief Engineer's recommendation. However, if a petition in opposition is received the next actual Board meeting is March 10th and there is a provision in law that a petitioner may request a one time delay of that hearing and other legal requirements that could delay the matter until May or June.

Bottom line is DENR should be able to get the permit in place in 45 days if no one opposes it otherwise WR/LJ and Ft Pierre could be looking at 5 to 6 months (or even longer if the decision is appealed to the courts).

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

-----Original Message-----

From: Jake Fitzgerald [mailto:jfitzgerald@wrlj.com]
Sent: Tuesday, December 15, 2009 1:24 PM
To: Gronlund, Eric
Cc: Amy Kittelson

12/17/2009

Subject: Water Permit

Eric:

WR/LJ and the City of Ft. Pierre finally came to terms on a water purchase agreement yesterday. I know you've contacted Amy regarding the required permit needed in order for us to serve Ft. Pierre. At present, Ft. Pierre's anticipated usages will not result in WR/LJ exceeding the 4,485 acre feet allocation in our current permit. Attached is the application I plan on sending out today. In addition to Ft. Pierre, Amy and I noticed that formal application for Interior was never done. You'll see that we've added Interior also.

I hope I've included all the information needed on the application. If I haven't, would you please let me know.

Ft. Pierre has asked us for an approximate turn-on date. Do you have an approximate timeline on this particular application?

Thank you for your assistance on this. Please let me know if you need more information or have any questions.

Thanks, Jake

--

Jake Fitzgerald
General Manager
West River/Lyman-Jones RWS
PO Box 407
Murdo, SD 57559
605-669-2931
jfitzgerald@wrlj.com



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2644-2, West River Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2644-2, West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559.

The Chief Engineer is recommending APPROVAL of Application No. 2644-2 because 1) the proposed connection of two separate water distribution systems will not unlawfully impair existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 21, 2009

WATER PERMIT APPLICATION NO. 2644-2
WEST RIVER WATER DEVELOPMENT DISTRICT
December 17, 2009

Water Permit Application No. 2644-2 requests authorization to connect the city of Fort Pierre and Town of Interior to the West River / Lyman-Jones rural water system. Pursuant to ARSD 74:02:01:03.01, a new water permit is required to connect a separate water distribution system to the water distribution system authorized by Water Permit No. 2481-2.

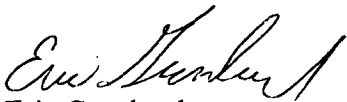
West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). This permit held by the District supplies water for the West River / Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

The rural water system serves communities and rural hook-ups in portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman Counties. Existing communities authorized to be served include: Belvidere, Kadoka, Midland, Philip, Quinn, Wall, Draper, Kennebec, Murdo, Presho, Reliance, Vivian and White River. In addition, rural hook-ups throughout the counties provide water for domestic use of water for households and livestock. Fort Pierre and Interior will be additional communities authorized for service.

Water Source

The water source for this application is the Missouri River downstream of the Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed, as part of a six reservoir Pick-Sloan project for the Missouri River the six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft. Randall and Gavins Point. These dams are operated as a system providing storage and water releases for the Congressionally authorized purposes of which public water supply is included. Water availability is not a concern when using the Missouri River as a source.

Approval of this application will result in the rural water system diverting more water that it currently diverts. However, the existing permit provides until July 10, 2011 for the water to be put to full beneficial use. In addition, the water for Fort Pierre and Interior can be supplied under the existing authorized diversion rate of 10 cubic feet of water permit second and annual volume of 4,485 acre feet of water. Since the application does not increase the current appropriation, approval of this permit will not increase the potential for adverse impact to existing water rights and does not affect water availability.



Eric Gronlund

Natural Resources Engineering Specialist
Water Rights Program, DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 21, 2009

West River Water Development District
c/o Jake Fitzgerald
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Water Permit Application No. 2644-2 for rural water use has 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:

Capital Journal, Pierre SD 605-224-7301
Pioneer Review, Philip SD 605-859-2516
Kadoka Press, Kadoka SD 605-837-2259
Rapid City Journal, Rapid City SD 605-394-8300

Murdo Coyote, Murdo SD 605-669-2271
Mellette Co. News, White River SD 605-259-3642
Lyman Co. Herald, Presho SD 605-895-6397

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 report on the applications 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
eric.gronlund@state.sd.us

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

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 21, 2009

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

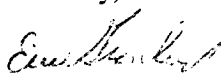
Enclosed is a Notice on Application No. 2644-2 to Appropriate Water to be published twice. Please publish the first notice on December 30, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2644-2

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

Date _____

We are in receipt of your letter of December 21, 2009 enclosing Notice to Appropriate Water by Application No. 2644-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2009

The Pioneer Review
PO Box 788
Philip SD 57567

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

December 21, 2009

Kadoka Press
PO Box 309
Kadoka SD 57543

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 21, 2009

Rapid City Journal
PO Box 450
Rapid City SD 57709

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 21, 2009

The Murdo Coyote
PO Box 465
Murdo SD 57559

ATTENTION: Legal Public Notice

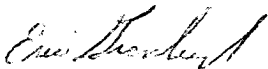
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 21, 2009

Mellette County News
PO Box F
White River SD 57579

ATTENTION: Legal Public Notice

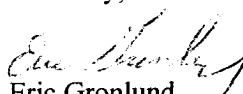
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 21, 2009

Lyman County Herald
PO Box 518
Presho SD 57568

ATTENTION: Legal Public Notice

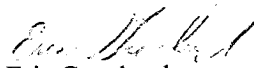
Enclosed is a Notice on Application No. 2644-2 to Appropriate Water to be published twice. Please publish the first notice on December 30, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2644-2

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

Date _____

We are in receipt of your letter of December 21, 2009 enclosing Notice to Appropriate Water by Application No. 2644-2 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 December 30, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2644-2 to Appropriate Water

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW ¼ NE ¼ Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

Form 8

RECEIVED

JAN 12 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

12-30-09

1-6-10

Cost of Printing \$ 61.62

Mary L Baker
(Signature)

Bookkeeper
(Title)

1-11-10

(Date Signed)

IED

WEDNESDAY, JANUARY 6, 2010 B6

370 Business Services	800 Public Notice	800 Public Notice	800 Public Notice
SNOW IS COMING!! Call Toby for your snow removal & firewood needs! 805-280-8141	1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles down stream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and interior to the West River Lyman-Jones Rural Water System for the Mni Wiconi Project. No additional water appropriation is requested by this application. Pursuant to SDCL 46-2A-2, application or recommendation must be filed with the Chief Engineer's office. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information.	1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles down stream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and interior to the West River Lyman-Jones Rural Water System for the Mni Wiconi Project. No additional water appropriation is requested by this application. Pursuant to SDCL 46-2A-2, application or recommendation must be filed with the Chief Engineer's office. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information.	1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles down stream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and interior to the West River Lyman-Jones Rural Water System for the Mni Wiconi Project. No additional water appropriation is requested by this application. Pursuant to SDCL 46-2A-2, application or recommendation must be filed with the Chief Engineer's office. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information. The applicant must file a written petition with the above information.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

) SS

COUNTY OF JACKSON

Brittney Drury of said County and State, being duly sworn on oath says: THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA, in said County and State and has been such newspaper during the times thereafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Administrative Assistant of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

Notice of Application
to Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive issues, the first publication being on the 31st day of December, 20 10, and the last publication on the 7th day of January 20 10, that \$ 51.98 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Brittney Drury

Subscribed and sworn to before me this 29th day of January, 20 10.

x Tamara Lovell

Notary Public, State of South Dakota

My Commission Expires

January 24th, 2014

RECEIVED

JAN 12 2010

**WATER RIGHTS
PROGRAM**

**NOTICE OF APPLICATION
NO. 2644-2
to Appropriate Water**

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo, SD 57559 has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW 1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

[Published December 31, 2009 & January 7, 2010 at the total approximate cost of \$29.61]

**NOTICE OF
APPLICATION
NO. 2644-2
to Appropriate Water**

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF PENNINGTON)

RECEIVED

JAN 12 2010

**WATER RIGHTS
PROGRAM**

Selma Thorson of said County and State, being duly sworn on oath says: THE PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times thereafter mentioned; that the said THE PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

West River Rural Water

Notice of Application No 2644-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 31st day of December 20 10, and the last publication on the 7th day of January 20 10, that \$51.98 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 31st day of January, 20 10.



Notary Public, State of South Dakota

My Commission Expires

Jan. 24, 2014

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo, SD 57559, has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW1/4NE1/4 Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River/Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

[Published December 31, 2009, & January 7, 2010, at the total approximate cost of \$30.32]

RECEIVED

JAN - 8 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Fatten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was
 published

in the newspaper on the following two dates:

December 30, 2009

January 6, 2010

Cost of Printing One hundred nineteen

dollars and forty-eight cents (\$119.48)

Patricia K. Van Fatten
 (Signature)

Legal Advertising Rep.
 (Title)

01/06/10
 (Date Signed)

Dec. 30, Jan. 6 L20425350
 NOTICE OF APPLICATION
 NO. 2644-2

TO APPROPRIATE WATER

Notice is given that West River Water Development District, c/o Jake Fitzgerald, P.O. Box 407, Murdo, SD 57559, has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW1/4 NE1/4 Section 18, T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

(Published twice at the total approximate cost of \$119.48.)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF JONES

RECEIVED

JAN 12 2010

**WATER RIGHTS
PROGRAM**

Kelcy Nash _____, of said County and State, being duly sworn, on oath says: THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in MURDO, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE MURDO COYOTE is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonified subscribers; that I, the undersigned am Editor _____, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Application No. 2644-2 to Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 31st day of December, 2009, and the last publication on the 7th day of January 2010, that \$ 51.98 being the full amount of the fee for publication of the annexed notice solely to the benefit of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 7th day of January, 2010.



Notary Public, State of South Dakota
My Commission Expires
January 24, 2014

**Notice of Application
No. 2644-2 to
Appropriate Water**

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW 1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published December 31, 2009, & January 6, 2010, at the total approximate cost of \$48.08.

Affidavit of Publication
State of South Dakota
County of Mellette

RECEIVED

JAN - 6 2010

WATER RIGHTS
PROGRAM

Cora White Horse, being, first duly sworn, on oath, says: That he/she is an employee of Huether Brothers Publishing, Inc., and that the **Mellette County News** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Mellette and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **2** successive week(s) to wit:

December 30, 2009

January 6, 2010

That the full amount of the fee charged for the publication of the attached public notice, **\$56.58**, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

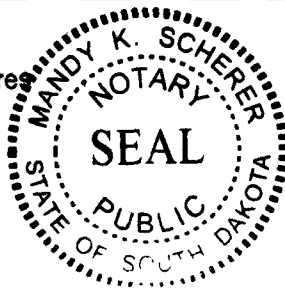
Signed: _____

Cora White Horse

Subscribed and sworn to before me this 10th day of January, ~~2009~~ ²⁰¹⁰.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9 2015



**Notice of Application No. 2644-2
to Appropriate Water**

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03:1. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW1/4NE1/4 Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location known as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 is given above. A petition filed by either an interested person or the applicant must be filed by January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner,
Secretary, Department of Environment and Natural Resources
Published twice at the total approximate cost of \$56.58
Pub.: December 30, 2009 and January 6, 2010

Publisher's Affidavit of Publication

RECEIVED

JAN 13 2010

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

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

Notice of Appropriations West River
93 Lines Water

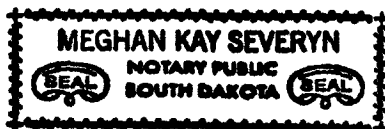
a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 30 day of Dec, A.D., 2009
and that the succeeding publications were severally
Wednesday, the 6 day of Jan, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010

and the last publication on Wednesday, the 6 day of Jan, 2010,
that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 55.40 insures solely to the editor of The Lyman County Herald.
That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Connie Penny
[Signature]
Notary Public

Subscribed and sworn to before me this 12 day of Jan, 2010
My Commission expires 3-12-15, 20



NOTICE OF APPLICATION NO. 2644-2 to Appropriate Water

Notice is given that West River Water Development District, c/o Jake Fitzgerald, PO Box 407, Murdo SD 57559 has filed an application to connect separate water distribution systems to the rural water system as required by ARSD 74:02:01:03.01. West River Water Development District holds Water Permit No. 2481-2 appropriating 10.0 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River diversion point located in the SW 1/4 NE 1/4 Section 18-T111N-R79W (approximately three miles downstream of Oahe Dam at a location know as Echo Point). This application requests authorization to connect the communities of Ft. Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. No additional water appropriation is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No.

2644-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 January 18, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$48.85.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 20 2010

West River Water Development District
c/o Jake Fitzgerald
PO Box 407
Murdo SD 57559

Dear Mr. Fitzgerald:

Enclosed is Water Permit No. 2644-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

RECEIVED

FEB 12 2010

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 2/11/10

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: West River Water Development District - Jake Fitzgerald
(name)
PO Box 407
(address)
Murdo, SD 57559 605-669-2931
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2644-2 states that the water use system is to be constructed by

1/18/15, and water is to be put to beneficial use by 1/18/19.
(date) (date)

The water use system was completed on 2/8/10.
(date)

Applying the water to beneficial use was completed on 2/9/10.
(date)

You may schedule an investigation so that the water license may be issued.

Jake Fitzgerald
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2010

2644-2

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

Dear Mr. Fitzgerald:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you submitted for Water Permit No. 2644-2. The permit authorizes connection of the communities of Ft Pierre and Interior to the West River Lyman-Jones RWS portion of the Mni Wiconi Project.

Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of the project and the staff inspection has no bearing on the water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Water Permit Nos. 2481-2 and 2644-2
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this date, **June 22, 2017**, made a thorough examination of the water use system constructed by **West River Water Development District** of **PO Box 407, Murdo, SD 57559** holder of Permit Nos. **2481-2 and 2644-2**, bearing the priority of **September 2, 1976 and December 16, 2009** authorizing the diversion of **10** cfs (4,485 acre-foot annual use) and **No Add'l** of water from the **Missouri River** for **Rural Water System** purposes, in **Stanley** County.

Inspection contact & relationship to permit holder, if applicable: **Jake Fitzgerald, Mgr**

A. Works used to divert the water:

Pump:

- 1) Make **(4) Floway**
- 2) Model **NKN, Ser. #'s 23866-1 through 4**
- 3) Size **20 inch**
- 4) Capacity **4,000** GPM

Motor:

- 1) Make **(4) US Motor**
- 2) Model No. **WO9213**
- 3) Horsepower rating **100** hp

B. Works used to transport water to place of use:

- 1) Type **Rural Water Distribution System**

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**
- 3) Exceptions to compliance are: **None**

The system is in **Good** condition with the point(s) of diversion located as follows:

Approximately 2,620 feet south and 1,780 feet west of the NE corner of Section 19-T111N-R79W
(N 44.40375, W -100.37717) (SW ¼ NE ¼)

Report of Examination of Works

Permit Nos. 2481-2 and 2644-2

The works are capable of diverting and conveying to the place of use 10.0 cfs of water which is to be used for the **Rural Water System**.

The license should be issued for 10.0 cfs (4,485 acre-feet annually)

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 2481-2 authorizes the construction and placing to beneficial use 10 cfs of water with a total annual use of 4,485 acre-feet from the Missouri river reserved by Future Use Permit No. 1442-2.

Water Permit No. 2644-2 authorizes the addition of the communities of Ft. Pierre and Interior to the West River/Lyman-Jones rural water system. No additional water was requested.

Water Permit Nos. 2481-2 and 2644-2 should be incorporated while each retaining their priority dates of September 2, 1976 and December 16, 2009.

There are 5,515 acre-feet remaining in reserve authorized by Future Use Permit No. 1442-2.

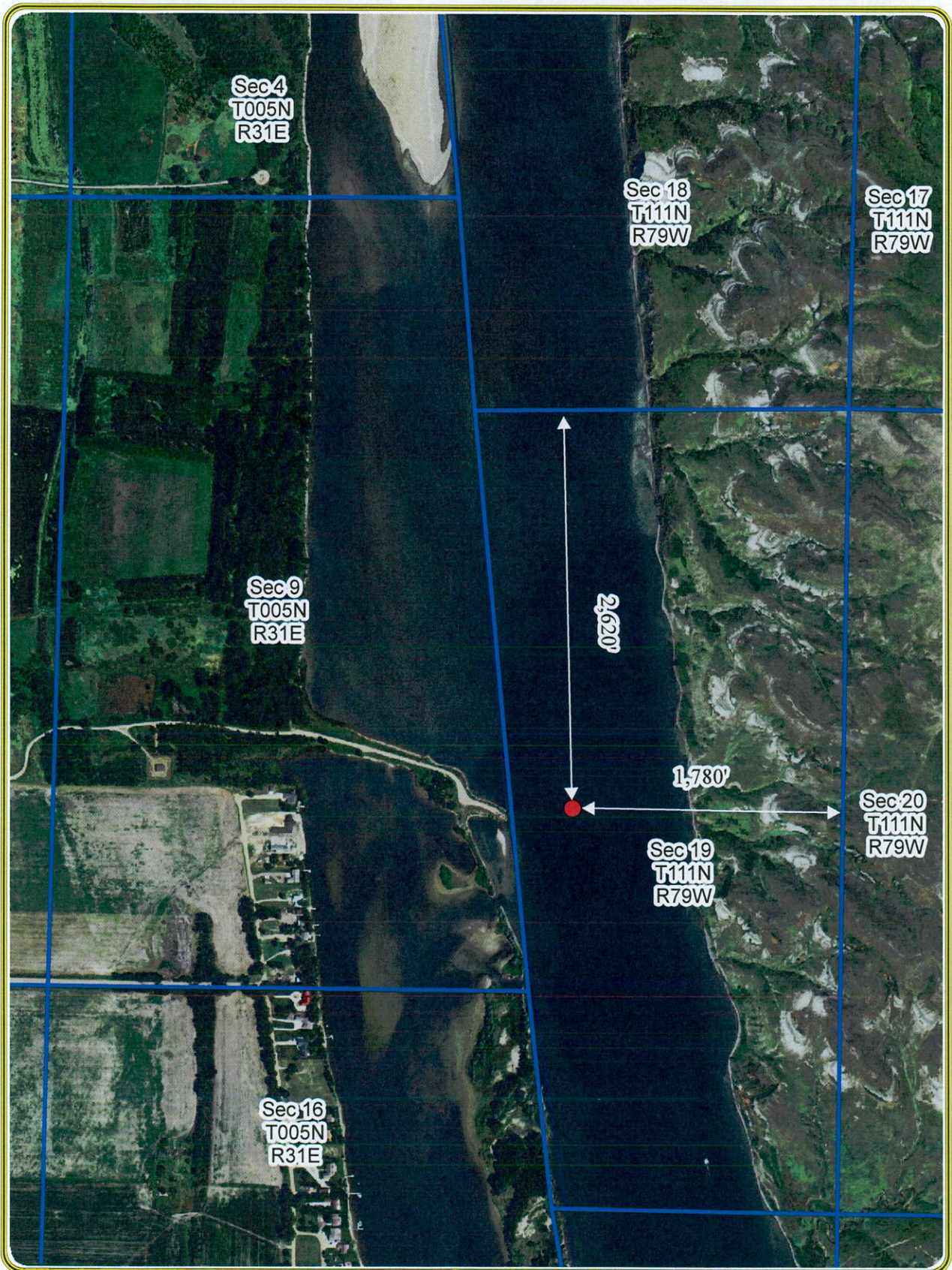


Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: July 7, 2017

West River Water Development District

Water Permit Nos. 2481-2 and 2644-2



0 0.125 0.25 0.5 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 11, 2017



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



2644-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

OCT 10 2017

2481-2
2644-2

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

Dear Mr. Fitzgerald:

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

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

Sincerely,

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

enclosures

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2644-2

(1) West River Water Development District, PO Box 407, Murdo SD 57559 made Application No. 2644-2, December 16, 2009 for a water permit to authorize connection of the communities of Ft Pierre and Interior to the West River Lyman-Jones Rural Water System portion of the Mni Wiconi Project. Water Permit No. 2644-2 did not authorize additional water appropriation. Permit No. 2644-2, with a priority date of December 16, 2009 was approved January 18, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 18, 2015 and for the application to beneficial use of said water on or before January 18, 2019.

Water Permit No. 2481-2 also held by the West River Water Development District, authorizes construction and placing to beneficial use water reserved by Future Use Permit No. 1442-2. No. 2481-2, with a priority date of September 2, 1976 appropriated 10.00 cubic feet of water per second (4,485 acre-feet of water annually) from the Missouri River.

Water Permit No. 2644-2 allowed the connection of Ft Pierre and Interior from the existing diversion point permitted under Water Permit No. 2481-2. During the permitting process of No. 2644-2, the diversion point location was incorrectly advertised and permitted as being in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T111N, R79W. The actual diversion point is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T111N, R79W and was correctly advertised and permitted under Water Permit No. 2481-2.

The applicable portions of Water Permit No. 2481-2 are incorporated into this Water License No. 2644-2. A priority date of September 2, 1976 is retained for the diversion rate and acre-feet limitation as established under Future Use Permit No. 1442-2. A priority date of December 16, 2009 is retained for the connection to the communities of Ft Pierre and Interior.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 10.00 cubic feet of water per second (4,485 acre-feet annually) for beneficial use. The location of the diversion point is approximately 2,620' S and 1,780' W of the NE corner of Section 19, T11N, R79W (SW $\frac{1}{4}$ NE $\frac{1}{4}$) which is about three miles downstream of the Oahe Dam at the location known as Echo Point).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water appropriated serves the West River RWS and the Lyman-Jones RWS portion of the Mni Wiconi project. The systems serve communities and rural hook-ups in portions of Stanley, Haakon, Jackson, Pennington, Jones, Mellette and Lyman Counties in South Dakota.

(4) Pursuant to South Dakota Water Law 46-5-30.1 West River Water Development District, PO Box 407, Murdo SD 57559 the holder and/or owner of Water Right No. 2644-2 is issued a license to appropriate water, the right to use 10.00 cubic feet of water per second (4,485 acre feet annually) from the Missouri River with priority dates of September 2, 1976 and December 16, 2009 from the location specified in (2) of this license for rural water system purposes.

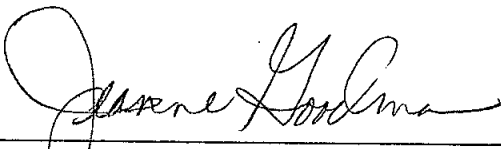
continued

Water License No. 2644-2

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2644-2 and subject to the following qualifications (*taken from Water Permit No. 2481-2*):

- The West River Water Development District shall report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River for use in the West River and Lyman-Jones Rural Water Systems.
- Permit No. 2481-2 authorizes a total annual diversion of 4,485 acre feet of water from the Missouri River. *Due to the incorporation, water use information will now be reported under No. 2644-2.*
- Permit No. 2284-2 is cancelled with the approval of Permit No. 2481-2.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2017

date

