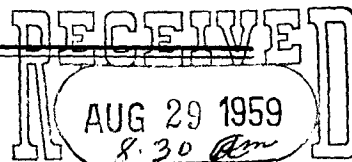


551-2

1. Considered 12-2, 1959
2. Name of Applicant City of Kinnear
3. Post Office Address _____
4. Amount of water claimed 2.44 cfs for present & 13. cfs future use
5. Source of water supply Ground water
6. Water to be used for Municipal use
Acres to be irrigated _____
7. Water to be diverted and used in Tripp County about
_____ miles _____ of _____.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved ✓ P of P
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:



No. 551-2
 Water Division No. 1 White River District
 (Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

NEW **APPLICATION FOR PERMIT AND A WITHDRAWAL FOR FUTURE USE**

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Winner
 Postoffice address Winner, County Tripp, State S. Dak.

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Completed by contract

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ D/A (e) Other resources, \$ _____

2. Name of diversion work Wells 13 & 14 Also future developments
 3. Amount of water claimed Well #13 - 1.22
Well #14 - 1.22 cubic feet per second
 4. Source of water supply Future Use - 13
Ground Water (several wells)
Wells #13 & 14 both in NW 1/4 NW 1/4 Sec 33 T48N R76W
 5. Location of point of diversion On attachment #13 (mapped location) FU (Area description)
Future use development in SW 1/4 NW 1/4 #14 (mapped location)
Sec 33 T48N R76W on _____ bank Tripp County.

6. Annual period or periods during which water is to be used continuously
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

Municipal use in the City of Winner

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

Map No 529-2

8. Estimated cost of work:
- (a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

\$-----

Total, \$-----

9. Description of diversion works:
- I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
-
- II. Dimensions of works:
- (a) Dam: Height-----feet; length at bottom ----- feet; length at top -----feet; thickness at bottom -----feet; thickness at top -----feet; slope at front water face -----; slope at back face -----material used in construction -----
- (b) Reservoir: Capacity when filled -----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE- FEET CAPACITY

- (c)* Head gate: Width-----feet; height -----feet; Material -----
- (d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work **Completed - Well #13 (completed 5-1-57)** -----years. **Well #14 (completed 5-20-57)**
11. Time required for complete application of water to the proposed beneficial use ----- years.
12. Choice of newspaper for publication of notice of intention to appropriate -----
- Winner Advocate** -----

STATE OF SOUTH DAKOTA } ss.
County of **Tripp** -----

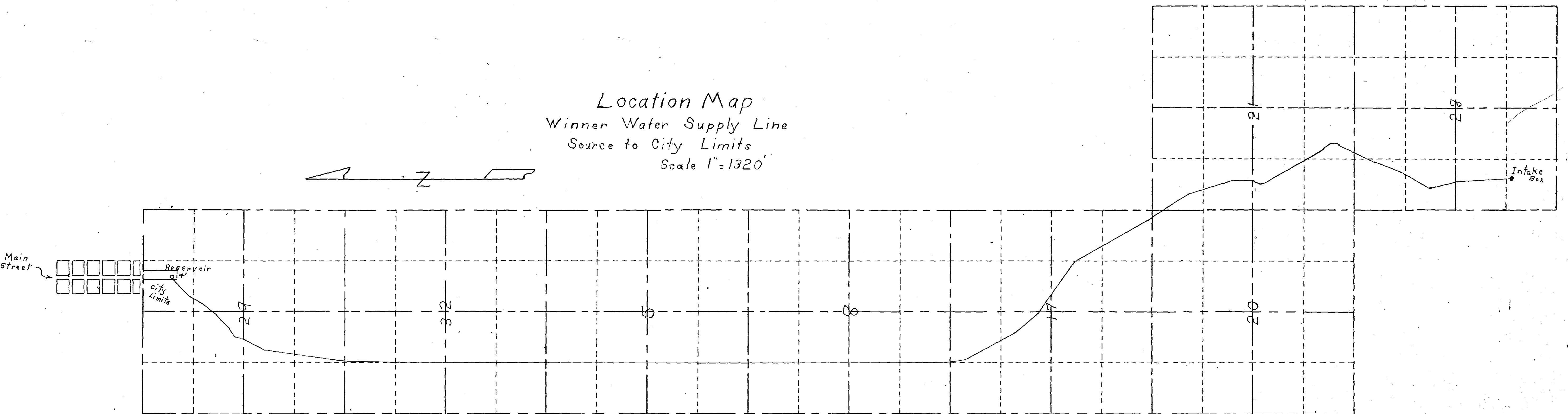
I, **Ben M. Viedt** -----, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed **Ben M. Viedt** -----

Subscribed and sworn to before me this **28th** day of **August** 19**57**

Catherine M. Keely
Notary Public (or other qualified officer.)

Location Map
Winner Water Supply Line
Source to City Limits
Scale 1"=1320'



SURVEYOR'S CERTIFICATE

I, W. R. Neufeld, a Registered Land Surveyor in the State of South Dakota, hereby certify, that I have tied, by course and distance the section corner common to Sections 28 and 33, T98N, R76W, to each of the fourteen wells and intake box of the City Water Supply System, City of Winner, South Dakota, as platted on the map of the well locations.

W. R. Neufeld
Registered Land Surveyor

STATE OF SOUTH DAKOTA } ss.
COUNTY OF YANKTON }

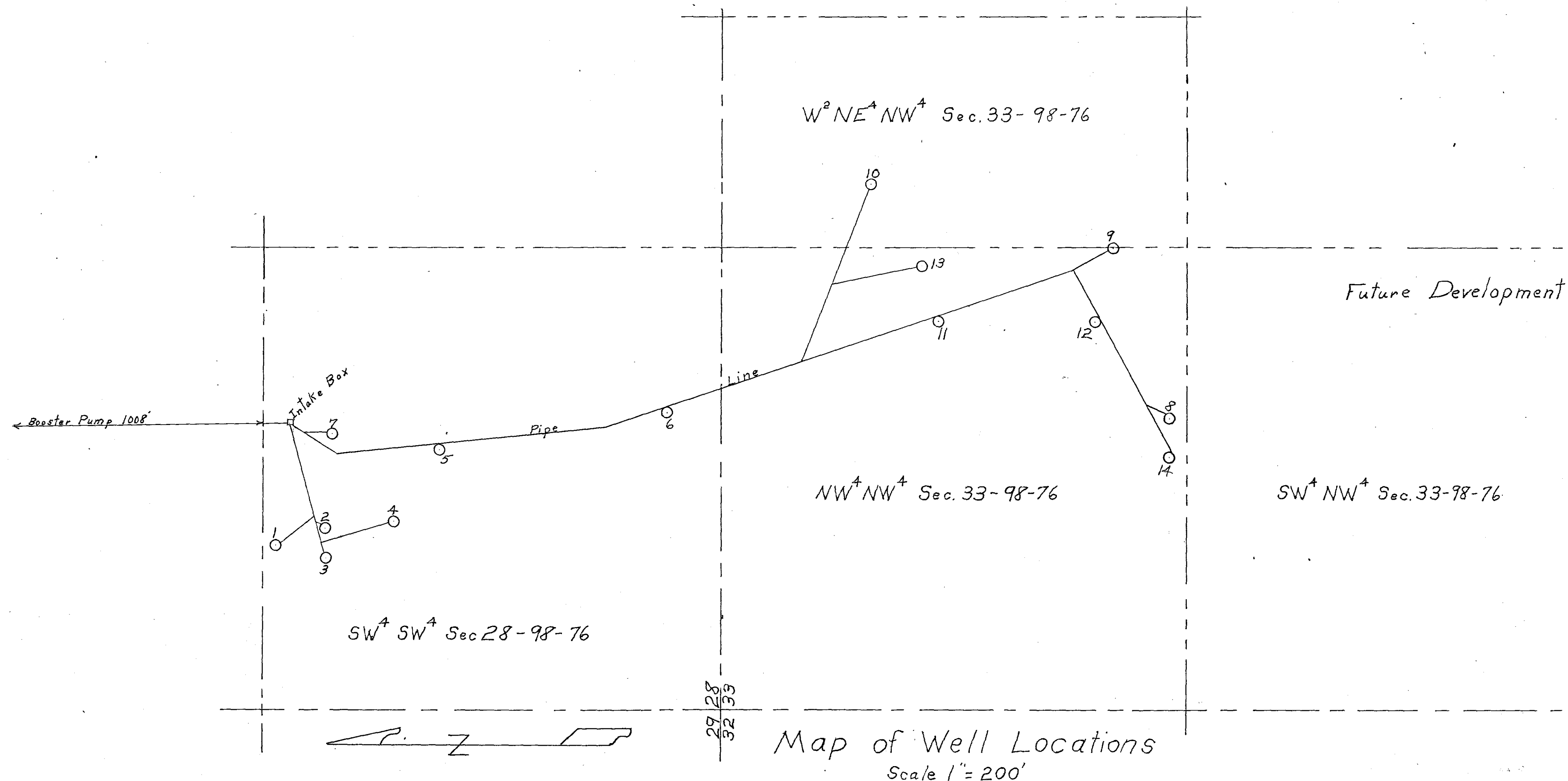
On this 30 day of September 1959, before me the undersigned Notary Public, personally appeared W. R. Neufeld known to me to be the person who executed the foregoing instrument and he acknowledged to me that he executed the same.

My commission expires August 22, 1966

Leethorne
Notary Public

Location of Wells from
SW Corner Sec. 28-98-76

Well No.	Distance	Angle
1	1365'	N 20° 0' E
2	1250'	N 24° 30' E
3	1215'	N 20° 45' E
4	1080'	N 29° 45' E
5	1100'	N 41° 30' E
6	860'	N 79° 45' E
7	1365'	N 35° 0' E
8	1540'	S 33° 0' E
9	1740'	S 49° 30' E
10	1568'	S 74° 0' E
11	1278'	S 60° 30' E
12	1548'	S 46° 0' E
13	1392'	S 65° 45' E
14	1480'	S 29° 45' E
Intake Box	1485'	N 33° 30' E



Map of Well Locations
Scale 1"=200'

Map No 529
App'l No 551-

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 22, 1959

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
A m. upon the 29th day of August, 1959.

State Water Resources Commission

By: J. J. Rimmer
Chief Engineer, Executive Officer

Number of permit 551-2

Date of first receipt of application August 29, 1959

Date of return to applicant for correction, amendments or changes required as follows: September 10, 1959

Date of receipt of corrected application October 20, 1959

Date from which applicant may claim right August 29, 1959

Approved December 2, 1959, Recorded in Book 5 Page 291

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before not applicable, 1959

2nd. The whole of said work is to be completed on or before not applicable, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 2, 1960 for present use.

4th. The water appropriated shall be used for the purpose of municipal water use for the city of Winner

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 15.44 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~ used for municipal needs. December 2, 1960 for present wells, and beneficially ~~applied for irrigation~~ on or before December 2, 1960; said water to be used during the following described annual period:

Continuously

Witness my hand this 22nd day of December, 1959.

State Water Resources Commission

By: J. J. Rimmer
Chief Engineer, Executive Officer

Certificate of Construction issued March 6, 1964

Water License issued March 6, 1964

No.-----

Division No.-----

----- District

PERMIT

to appropriate water from -----

----- County, South Dakota

Name of applicant -----

Name of diversion works -----

Date of first receipt at Office of State
Water Resources Commission

----- 19-----
Returned to applicant for Correction

----- 19-----
Corrected application received

----- 19-----
Date of Water Right

----- 19-----
Recorded in Book----- Page-----

One-fifth of work to be completed

----- 19-----
Whole work to be completed

----- 19-----
Final proof of use of water

----- 19-----
Approved ----- 19-----

State Water Resources Commission

By:

Chief Engineer

9. (Continued)

III. Well Specifications

Well No 13

(a) Hole and casing

Size of drill hole or excavation 48" , Depth 100'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 12" , Thickness of casing 5/16

Length of casing 100' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Shutter

Size of perforated screen 12" , 50'
(diameter) (length)

Thickness of gravel pack 9" , length of gravel pack 65'

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials

..... Gravel and Coarse Sand

Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Layne , size 8"

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 20 , Name of Motor Westinghouse

(e) Complete well

Capacity 550 ✓ at drawdown of 12' Estimated cost \$12,000.00

(f) Owner of land upon which well is located City of Winner
Name..... Winner, South Dakota
Address

(g) Distance to nearest existing wells Shown on Map

On same owner's property rods. On property owned by others rods

9. (Continued)

III. Well Specifications Well No. 14

(a) Hole and casing

Size of drill hole or excavation 48" , Depth 100'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 12" , Thickness of casing 3/16

Length of casing 100' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Shutter

Size of perforated screen 12" , 40'
(diameter) (length)

Thickness of gravel pack (" , length of gravel pack 50

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials

Sand and coarse gravel

Thickness of water bearing material 50' 65

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Layne , size

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 20 , Name of Motor Westinghouse

(e) Complete well

Capacity 550 ✓ at drawdown of 12' Estimated cost \$12,000.00

(f) Owner of land upon which well is located City of Winner ,
Name

Winner, South Dakota

Address

(g) Distance to nearest existing wells Shown on Map

On same owner's property rods. On property owned by others rods

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Tripp--ss.

Ronald Johansen
of said County being first duly sworn, on oath says that
he is the publisher of the

WINNER ADVOCATE

a weekly newspaper printed and published in Winner,
said County of Tripp, and has full and personal know-
ledge 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.....

appropriation of water
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 in each week for *four*
successive weeks, on the day of each week on which said
newspaper was regularly published to-wit:

<i>Oct. 29</i>	19 <i>59</i> ;		19.....
<i>Nov. 5</i>	19 <i>59</i> ;		19.....
<i>Nov. 12</i>	19 <i>59</i> ;		19.....
<i>Nov. 19</i>	19 <i>59</i> ;		19.....
.....	19.....;		19.....
.....	19.....;		19.....
.....	19.....;		19.....
.....	19.....;		19.....
.....	19.....;		19.....

That the full amount of the fees for the publication of the
annexed notice is \$ *11.95*

Ronald Johansen
Subscribed and sworn to before me this *17th*.....

day of *December*..... 19*59*

H. E. Hoffman
Notary Public.

County of Tripp, South Dakota.

MK

APPROPRIATION OF WATER

Office of State Water Resources
Commission, Pierre, S. Dak., Oct-
ober 21, 1959.

Notice is hereby given that the
City of Winner, S. Dak., has made
an application in accordance with
the provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 15.44
cubic feet of water per second of
time from ground water through
the municipal water system, the
points of diversion of which are
to be located in the NW¼ of the
NW¼ of Section 33 Twp. 98N
Range 76W 2.44 cfs of said water
to be used for the purpose of pro-
viding present municipal water sup-
ply and 13.00 cfs for future use
withdrawal.

This application will be taken up
by the State Water Resources Com-
mission at their office at Pierre
for consideration upon the 2nd day
of December, 1959, at 2 P.M. All
interested persons may appear and
be heard.

Appropriate action will be taken
by the Water Resources Commis-
sion after suitable time has elapsed
for the consideration of any or all
information presented.

State Water Resources Commis-
sion

By Burton F. Jones, Water Rights
Specialist. (48-51)

RECEIVED
DEC 21 1959

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(First Publication **on or before October 29, 1959**)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., **October 21**, 19**59**

Notice is hereby given that **The City of Winner** ~~whose post office address is~~ **Winner**, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **15.44** cubic feet of water per second of time from ~~xx~~ **ground water** through the **municipal water system**, the point of diversion of which ~~is~~ **are** to be located ~~within~~ **in the NW 1/4 of the NW 1/4 of Section 33** Twp. **98N** Range **76W** ~~to be used for the purpose of providing irrigation or based on the following described land~~ **2.44 cfs of said water present municipal water supply and 13.00 cfs for future use withdrawal.**

and for **25 acres**

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **2nd** day of **December**, 19**59**, at **2** P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~State Water Resources Commission~~**Burton F. Jones, Water Rights Specialist**

cc **John L. Rigg-Publisher**
Winner Advocate
Winner, South Dakota

STATE OF SOUTH DAKOTA

WATER LICENSE No. 551-2

WHEREAS, On the 29th day of August A. D. 1959
the City of Winner

County of Tripp and State of
South Dakota duly made application (No. 551-2) to us for a permit to use 2.44
cubic feet per second of the waters of ground water
County of Tripp, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 22nd day of December A. D. 1959
Permit No. 551-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 2nd day of
December A. D. 1960 and for the application to beneficial use of said
water on or before the 2nd day of December A. D. 1960
and,

WHEREAS, On the 6th day of September A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.44
cubic feet per second of said waters, as evidenced by our Certificate No. 551-2
dated March 6, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.44 cubic feet per second of water, with date of
priority of August 29, 1959 and,

WHEREAS, On the 6th day of September A. D. 1962
proof was duly made of the application to beneficial use of 2.44 cubic feet per second of said water;
for municipal use by the City of Winner

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the City of Winner
~~xxx~~ the holder and owner of said permit No. 551-2
a water right, dating from August 29, 1959 to the use of 2.44
cubic feet per second of the waters of ground water
in the County of Tripp and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at two points in the NW¹/₄ NW¹/₄, Section 33,
T98N, R76W
and conducted to and upon ~~xxxxxxx~~ through the city water system

for the purpose of municipal use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 6th day of March A. D. Nineteen
Hundred and Sixty Four

State Water Resources Commission
By: J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	
Water License No. _____	
To _____	
Source of Supply _____	
County _____	
Am't _____ c. f. s.	
Point of Diversion _____	
Place of Use _____	
Purpose _____	
Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

Permit No. 551-2

Water Division No. 2 White River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Winner

~~xxx~~ _____, County of Tripp, and State of South Dakota, the holder of Permit No. 551-2, issued upon Application No. 551-2, bearing date of priority of August 29, 1959, authorizing the diversion of 2.44 cu. ft. per second of the waters of ground water

County of Tripp, State of South Dakota, at two points in the NW¹/₄ NW¹/₄, Sec. 33, T98N, R76W

_____ ,for municipal purposes, ha^s fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.44 cu. ft. per second of water; and that the ~~lands proposed to be irrigated by the~~ use of said water are described as follows, to-wit: to be used for municipal purposes by the City of Winner.

Witness my hand this 6th day of March A. D. 1964

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Permit No.-----

Water Div. No.----- Water Dist.-----

Certificate of Completion of Works

Dated -----19-----

Stream -----

County -----

Amount -----

Date of priority -----

Recorded in Book -----

of ----- page -----

October 26, 1970

Schnucker, Shaffer, Paul, Mohr & Assoc.
Box 357
Mitchell, South Dakota 57301

Gentlemen:

Per your phone call of this morning, the following water rights are held by the City of Winner.

Permit No. 521-2, calls for 4.11 c.f.s. and covers wells 1 through 12. Wells #1 through 7 are located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T98N, R76W.

Wells #8, 9, 11 and 12 are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and Well #10 in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T98N, R76W.

Permit No. 551-2, calls for 2.44 c.f.s. and covers Wells #13 and 14, both located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, T98N, R76W.

Permit No. 881-2 is a future use withdrawal for 5.5 c.f.s. and covers Sections 31 and 32, T98N, R76W.

Application 1038-2 is pending and requests 1.5 c.f.s. from wells #15 and 16, both to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T98N, R76W.

Sincerely,

BURTON F. JONES
Water Rights Specialist

13.00 CFS REMAINS
IN FUTURE USE
WITHDRAWAL

Permit No. 551-2Water Division No. 2 White R. Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____

City of Winner _____, of _____
Tripp _____ County, South Dakota, holder of Permit No. 551-2 _____, issued
 upon Application No. 551-2 _____, bearing date of priority of Aug 29 _____, 1959 _____, authorizing the
 diversion of 15.44 ^{Present & future use} cu. ft. per second of the waters of Groundwater for Municipal
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Well #13, Loyne turbine pump Ser. #38114
w/ a Westinghouse electric motor Ser. #2-514909, 20 H.P.
Well #14, Loyne turbine pump Ser. #36889 run by a Westing-
house electric motor Ser. #4-62V43, w/ 20 H.P.

and the system is in the following condition: Good

The point of diversion is located NW 1/4 NW 1/4 Sec. 33 T98N R76W

The works are capable of diverting and conveying to the place of use 15.44 ^{present & future} cu. ft. per second of water,
 which is to be used for Municipal

The legal sub-divisions to be irrigated are: _____

_____ comprising a total of _____ acres of land.

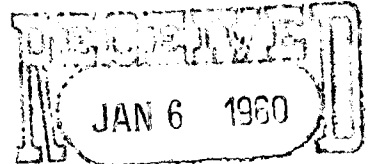
The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 6th day of Sept _____, A. D. 1960.

—SEAL—

William H. Shuman
 Examining Engineer.

Permit No. 551-2Water Division No. 2White River Water DistrictSTATE WATER RESOURCES COMMISSION
PIERRE SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Winner, South Dakota(Date) January 4, 1960

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 13.00 cu. ft. per second of the waters of the state from through the for future use and 2.44 for present total 15.44 Cu. ft. purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is CITY OF WINNER

2. The postoffice address of such person or the place of business of such corporation is WINNER
County of TRIPP State of SOUTH DAKOTA

3. The number of such permit is Well # 13 5-1-57; Well #14 5-20-57. and the date set for the completion of such work is

4. Said water to be used for Municipal needs purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 15.44 cubic feet per second.

6. The amount of land for which said water is available is 160 acres, particularly described as follows: NW 1/4 Sec 33-98-76

I hereby certify that the facts set forth in the above notice are true.

CITY OF WINNER

(Signature of Owners)

Ben M. WhiteMAYOR

ATTEST:

Catherine M. Kelly
CITY AUDITOR

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
February 13, 1987

Duane Patmore, Mayor
City of Winner
217 E 3rd St
Winner SD 57580

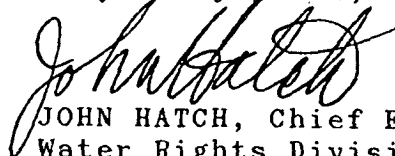
Dear Mayor Patmore:

I am writing in regard to Future Use Water Permit No. 551-2 held by the City of Winner. A copy of Permit No. 551-2 is enclosed for your information.

Future Use Permit No. 551-2 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permit. The Board will also consider amending the permit to add the qualifications that the permit be subject to review every seven years by the Board and that a permit application be submitted before water is put to beneficial use. No fee will be charged if the permit remains in effect after May 6, 1987. Thereafter, a fee of \$215.00 will be charged if the permit is to remain in effect following each seven year review.

Please advise in writing within 30 days of the city's intentions regarding Future Use Permit No. 551-2. Let us know if you have any questions.

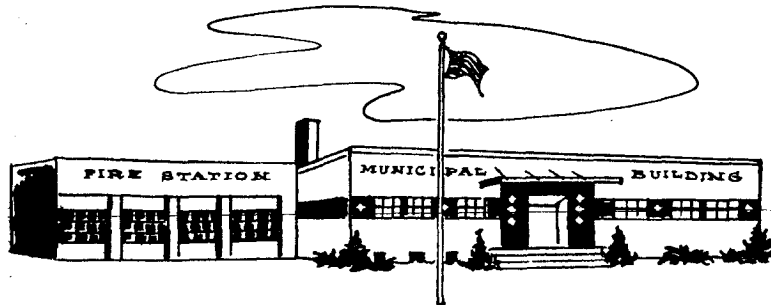
Very truly yours,



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

enclosures

cc: Rosalee Ernest, Finance Officer



CITY OF WINNER

217 East Third Street, Winner, South Dakota 57580

"In the Heart of the Rosebud"

March 4, 1987

Mr. John Hatch, Chief Engineer
Water Rights Division - Dept. of Water & Natural Resources
523 East Capitol - Joe Foss Building
Pierre, SD 57501-3181

Dear Mr. Hatch:

In reply to your letter of February 13, 1987, the City of Winner wishes to retain Permit No. 551-2.

Yours truly,
CITY OF WINNER

Duane Patmore, Mayor

Duane Patmore

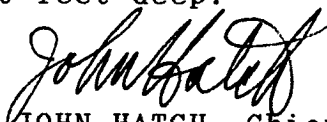


RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 551-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, 217 Third St, Winner SD

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the City of Winner has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

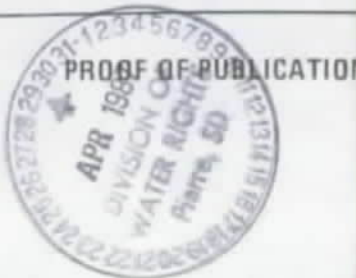
1. That Future Use Permit No. 551-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Ogallala Formation. Wells will be less than 100 feet deep.


JOHN HATCH, Chief Engineer
March 31, 1987

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

STATE OF SOUTH DAKOTA)

County Tripp)



I, Linda K. Phillips hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Winner Advocate

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Winner

County of Tripp and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

4-8-87

4-15-87

Linda K. Phillips
(Signature)

Office Manager
(Title)

4-15-87

(Date Signed)

Cost of Printing: 39.87

97 Lines @ 1 col. rate

97 Lines @ 1 col. rate x 80%

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 551-2 held by the city of Winner, 217 East Third St., Winner, SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved December 2, 1959 to reserve 13.0 cfs (9412 acre feet) from the Ogallala groundwater formation for diversion from the W1/2 NW1/4 Section 33, T98N, R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit No. 551-2 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 p.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition

may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for the petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01-27 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be

forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987. (14-15)

Instruction to Newspaper-Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, 217 East Third St, Winner SD. for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved December 2, 1959 to reserve 13.0 cfs (9412 acre feet) from the Ogallala groundwater formation for diversion from the W 1/2 NW 1/4 Section 33, T98N, R76W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 551-2 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 18, 1987

NOTICE

Duane Patmore, Mayor
City of Winner
217 E 3rd St
Winner SD 57580

Dear Mayor Patmore:

This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit No. 551-2. The Board allowed the permit to remain in effect and amended Permit No. 551-2 by adding the qualifications on the enclosed "Attachment". The "attachment" should be placed with the permit. Future Use Permit No. 551-2 is again subject to review in seven years. At that time, a fee of \$215.00 will be charged if the permit is to remain in effect for another seven years.

Please contact us if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosure

cc: Rosalee Ernest, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 551-2

CITY OF WINNER

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 551-2 was allowed to remain in effect and amended by adding the following qualifications:

1. That Future Use Permit No. 551-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.
2. 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 prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Ogallala Formation. Wells will be less than 100 feet deep.



551-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1994

City of Winner
Stanley C. Smith, Mayor
PO Box 691
Winner SD 57580-0691

Dear Mayor Smith:

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from groundwater which is held by the City of Winner. Currently, our records show that 13.00 cubic feet of water per second remain in reserve under this future use permit which was issued in 1959.

Permit No. 551-2 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 551-2.

Please respond in writing by February 15, 1994, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Rosalee Ernest, Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1994

City of Winner
Stanley C. Smith, Mayor
PO Box 691
Winner SD 57580-0691

Dear Mayor Smith:

On January 3, 1994, we notified you that Future Use Water Permit No. 551-3 held by the City of Winner was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the January 3, 1994 letter, if the City does plan to retain this future use permit, it will be necessary to outline a reasonable need for retaining the permit, submit annual pumping records for the past three years and give an estimate of the City's future needs.

Permit No. 551-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

c: Rosalee Ernest, Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 24, 1994

City of Winner
Stanley C. Smith, Mayor
PO Box 691
Winner SD 57580-0691

Dear Mayor Smith:

I am writing concerning the seven year review of Future Use Water Permit No. 551-3 held by the City of Winner. On January 3, 1994 and March 8, 1994, you were notified concerning the review of Permit No. 551-3. As of today, we have not received a response from the City.

Our records indicate that 13.00 cubic feet of water per second remain in reserve under this future use permit. Please respond as soon as possible outlining the city's need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

South Dakota Codified Law 46-5-38.1 directs the Water Management Board to review future use permits every seven years. The permit holder needs to demonstrate a reasonable need for water reserved by their future use permit. The Board may cancel the future use permit if it determines the permit holder cannot demonstrate a reasonable need.

If you have any questions concerning the type of information requested in the January 3, 1994 letter or need a copy of Future Use Water Permit No. 551-3, please contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

c: Rosalee Ernest, Finance Officer
Dudley Klein, Water Superintendent

City of Winner

217 E 3rd St
PO Box 691
Winner SD 57580-0691



May 27, 1994

Department of Environment
and Natural Resources
Eric Gonlund
Natural Resources Engineer
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sir:

The City of Winner wishes to retain the Future Use Water Permit
No. 551-3.

The City of Winner is experiencing moderate growth particularly in
the small industry development area.

As the City continues to slowly expand and annex adjacent land
the necessity for extending water services will continue.

Therefore the city requests that the permit reserving 13.00
cubic feet of water per second be extended.

The water usage for the past three years is as follows:

1991 - 255,376,400

1992 - 214,881,500

1993 - 226,265,000

If you need any further information or clarification please give
me a call.

Cordially,

Rosalee Ernest
Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1994

Rosalee Ernest, Finance Officer
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Ms. Ernest:

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from groundwater (Ogalalla Formation) which is held by the City of Winner. We have received your May 27, 1994 letter requesting the retention of this permit. A copy of the **draft recommendation** is enclosed for your review.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Water Management Board Rule 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

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

If we do not receive comments from you by July 15, 1994, we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the August 31 & September 1, 1994 Water Management Board meeting.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 551-2, CITY OF WINNER

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, PO Box 691, Winner SD 57580-0691.

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the City of Winner has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 551-2 reserve for future use a total of 1,568 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 551-2 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Winner.



JOHN HATCH, Chief Engineer
July 21, 1994

NOTE: The maximum annual acre-feet of full-time pumping represented by 13 cubic feet of water per second (cfs) reserved by No. 551-2 is 9,412 acre-feet. Assuming that the total amount pumped annually would equal 60% of 9,412 acre-feet, then expected developed pumping of water reserved under Permit No. 551-2 would be about 5,647 acre-feet per year.

The maximum annual water usage of record by the City of Winner was 784 acre-feet in 1991. Doubling this annual use (1,568 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 13 cfs (9,412 acre-feet under Permit No. 551-2). Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 551-2 should be allowed to remain in effect for 1,568 acre-feet as outlined in the above qualifications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1994

Winner Advocate
Box 71
Winner SD 57580-0071

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 551-2 to be published twice. Please publish the first notice on August 3, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Winner, PO Box 691, Winner SD 57580-0691.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to to
Review Future Use Water Permit No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1994

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

Rosalee Ernest, Finance Officer
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Ms. Ernest:

Future Use Permit No. 551-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Winner Advocate printed at Winner SD (Phone # 842-1481). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on August 3, 1994 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, PO Box 691, Winner SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved December 2, 1959 to reserve 13.0 cubic feet of water per second (9,412 acre feet) from the Ogallala Formation located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre SD on August 31, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 22, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, (605 773-3352) by August 22, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 22, 1994. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Tripp) ss

I, Carol Bick

certify that the attached printed Notice was

taken from the Advocate

printed and published in Winner

County of Tripp and State of

South Dakota. The notice was published in the newspaper on the following two dates:

August 3, 1994
August 10, 1994

Cost of Printing: \$ 53.31

Carol Bick
(Signature)

Office Manager
(Title)

August 10, 1994
(Date Signed)

My commission expires on August 21, 1999

Notice of hearing to review future use water permit no. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, P.O. Box 691, Winner, SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved December 2, 1959 to reserve 13.0 cubic feet of water per second (9,412 acre feet) from the Ogallala Formation located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 551-2 REMAIN IN EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD on August 31, 1994 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 22, 1994. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, (605 773-3352) by August 22, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 22, 1994. Robert E. Roberts, Secretary, Department of Environment and Natural Resources (31-32 3461)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 7, 1994

NOTICE

Rosalee Ernest, Finance Officer
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Ms. Ernest:

I am writing in response to action taken by the Water Management Board at the hearing on August 31, 1994 to review Future Use Permit No. 551-2. The Board allowed the permit to remain in effect and amended Permit No. 551-2 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 551-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 551-2 is \$50.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 551-2

CITY OF WINNER

Pursuant to the August 31, 1994 Water Management Board hearing, Future Use Permit No. 551-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 551-2 reserve for future use a total of 1,568 acre-feet annually.

CERTIFICATION

I hereby certify that on September 8, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 7, 1994, regarding action taken by the Water Management Board at the hearing on August 31, 1994, to review Future Use Permit No. 551-2, along with a copy of the Amendment to the Future Use Permit, addressed as stated below:

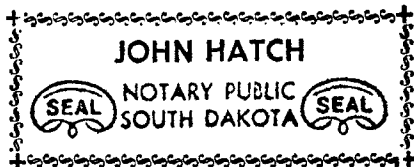
Rosalee Ernest, Finance Officer, City of Winner, P.O. Box 691,
Winner, SD 57580-0691.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of September, 1994



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

551-2
414280

Pierre, September 22, 19 94

RECEIVED OF City of Winner, Winner, SD 57580

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>551-2</u> after period of seven years.	50	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hata
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 2001

Rick Curtis, Mayor
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Mayor Curtis

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from groundwater (Ogalalla Formation) which is held by the City of Winner. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,568 acre-feet remain in reserve under this future use permit that was issued in 1959 and last reviewed in 1994.

Please respond in writing by August 1, 2001, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 551-2 will then be public noticed and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

c: Tom Farnsworth, City Administrator

City of Winner

217 E 3rd St

PO Box 691

Winner SD 57580-0691

July 13, 2001



Department of Environment & Natural Resources
Karen Schlaak, Environmental Scientist, Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen:

The City of Winner is responding to your letter of June 27 and wishes to retain the Future Use Water Permit No. 551-2.

The 2000 census data showed the population of Winner declined 200 from the 1990 figures. Our population stands at aprox. 3,100. However, we anticipate the residential population to hold steady over the course of the next 10 years as many rural residents retire and move to town.

Winner will experience some expansion in business. These expansions include a planned Holiday Inn Express for FY 2002 and a proposed mobile home park. I also predict expansion of our community assisted living facilities for the elderly.

In addition, the City has extended irrigation systems in the City Park and ballparks to enhance these facilities for the public.

The City Council requests that the permit for 1,568 acre-feet of water remain in reserve. The annual pumping records for the past three years are as follows:

1998 - 196,140,000 gallons
1999 - 246,753,000 gallons
2000 - 279,439,100 gallons

If you need any further information or clarification please give me a call.

Sincerely,

Tom Farnsworth
City Administrator/Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 551-2, City of Winner**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, PO Box 691, Winner SD 57580-0691.

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 551-2 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in black ink, reading 'Garland Erbele'.

Garland Erbele, Chief Engineer
August 1, 2001



August 1, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Tom Farnsworth, City Administrator
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Mr. Farnsworth:

Future Use Permit No. 551-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Winner Advocate printed at Winner SD (Phone #605 842-1481). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Winner Advocate
Box 71
Winner SD 57580-0071

Dear Sir:

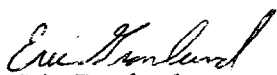
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 551-2 to be published twice. Please publish the first notice on August 8, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Winner, PO Box 691, Winner SD 57580-0691.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of August 1, 2001 enclosing Notice of Hearing to Review Future Use Water Permit No. 551-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on August 8, 2001 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, PO Box 691, Winner SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved in 1959 currently reserves 1,568 acre feet from the Ogallala Formation located in the W ½ NW ¼ Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, September 5, 2001 at the Conference Room, Kelly Inn, 1607 E. Highway 50, Yankton SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 27, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by August 27, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 27, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Mylan Schroeder

of said county being first duly sworn, on oath says that he is the publisher of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, 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 prior to the publication of the notice herein mentioned, and was printed wholly or in part in a office maintained at said place of publication; that the

51 lines @ 2 col rate x 80¢

Winner City

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 one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published to wit:

8-8-01

8-15-01

That the full amount of the fees for the publication of the annexed notice is \$ 57.28

Mylan Schroeder

Subscribed and sworn to before me this 15th

day of August, 2001

Patricia Arsen

County of Tripp, South Dakota Notary Public

My Commission Expires November 5, 2003

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, PO Box 691, Winner SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved in 1959 currently reserves 1,568 acre feet from the Ogallala Formation located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, September 5, 2001 at the Conference Room, Kelly Inn, 1607 E. Highway 50, Yankton SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 27, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by August 27, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 27, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(32-33 2543)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2001

NOTICE

Tom Farnsworth, City Administrator
City of Winner
PO Box 691
Winner SD 57580-0691

Dear Mr. Farnsworth:

I am writing in response to action taken by the Water Management Board at the hearing on September 5, 2001 to review Future Use Permit No. 551-2. The Board allowed the permit to remain in effect for 1,568 acre-feet of water annually. Future Use Permit No. 551-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 551-2 is \$52.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on September 17, 2001 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 17, 2001 regarding Notice to review Future Use Permit No's. 1660-2 & 551-2 addressed as stated below:

1660-2

Wade Broome, Supt. of Utilities
City of Burke
PO Box 312
Burke, SD 57523

Jerry Jones, Finance Officer
City of Burke
PO Box 250
Burke, SD 57523-0250

551-2

Tom Farnsworth, City Administrator
City of Winner
PO Box 691
Winner, SD 57580-0691



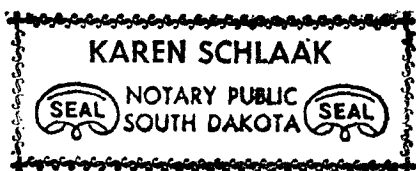
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of September, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416928

Pierre, October 4, 20 01

RECEIVED OF City of Winner, PO Box 691, Winner, SD 57580-0691

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. 551-2 after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

52 50

52 50

By

Darlene E. Erbe

Chief Engineer

gms



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 28, 2008

Dennis Schroeder, Public Works Director
City of Winner
PO Box 691
Winner SD 57580

Dear Mr. Schroeder:

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from groundwater (Ogallala Formation) which is held by the City of Winner. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,568 acre-feet remain in reserve under this future use permit that was issued in 1959 and last reviewed in 2001.

Please respond in writing by May 1, 2008, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 551-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Winner

425 S Main St

PO Box 691

Winner SD 57580-0691



May 1 2008

RECEIVED

MAY - 1 2008

WATER RIGHTS
PROGRAM

Department of Environment and Natural Resources
Karen Schlaak, Environmental Scientist, Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen:

The City of Winner is responding to your letter of March 28 2008 and wishes to retain the Future Use Water Permit No. 551-2

Our population is holding at aprox. 3,100, however we have added some new commercial water users. We are in the process of opening a new sub-division on the south side of town, and there has been numerous lawn irrigation systems constructed in the city in the last 5 years.

In 2003 the city of Winner contracted Bartlett & West Engineers to do a water study for the City. One of the results of that study was that there is a need for the City to construct another well to meet future water demand for the city.

These reasons and the reasons mentioned in the 2001 request show a need to retain the future use permit no. 551-2 to meet up-coming water needs for the City of Winner.

Annual pumping records for the last three years :

2005: 262,804,900

2006: 259,121,000

2007: 240,949,900

The City Council requests that the permit for 1,568 acre-feet of water remain in reserve.

Sincerely

Dennis Schroeder

Public Works Director
City of Winner



**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
NO. 551-2, City of Winner SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, PO Box 691, Winner SD 57530.

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 551-2 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
May 14, 2008



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2008

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

Dennis Schroeder, Public Works Director
City of Winner
PO Box 691
Winner SD 57580

Dear Mr. Schroeder:

Future Use Permit No. 551-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Winner Advocate printed at Winner SD (Phone #605 842-1481). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2008

Winner Advocate
125 W 3rd St
Winner SD 57580

Dear Sir:

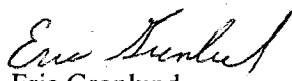
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 551-2 to be published twice. Please publish the first notice on May 21, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Winner, PO Box 691, Winner SD 57580.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of May 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 551-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on May 21, 2008 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, PO Box 691, Winner SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved 1959 and currently reserves 1,568 acre feet from groundwater (Ogallala Formation) located in the W 1/2, NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, July 2, 2008 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 23, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 23, 2008. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, 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 a least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

53 lines @ 2 column rate x 80%

Water Permit No. 551-2

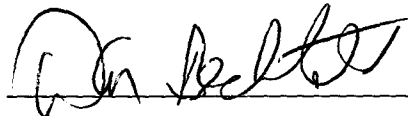
Winner City

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 one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published to wit:

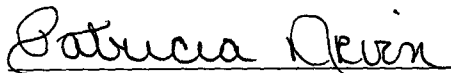
05/21/08

05/28/08

That the full amount of the fees for the publication of the annexed notice is \$ 66.06



Subscribed and sworn to before me this 9th day of June, 2008



Notary Public

County of Tripp, South Dakota

My Commission Expires November 4, 2009

SEAL
Patricia Arvin
Notary Public
SOUTH DAKOTA

RECEIVED

JUN 11 2008

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, PO Box 691, Winner, SD 57580-0691 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved 1959 and currently reserves 1,568 acre feet from groundwater (Ogallala Formation) located in the W 1/2, NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN IN EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, July 2, 2008 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 23, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future use Permit. The request for a delay must be filed with the Chief Engineer by June 23, 2008.

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

(21-22 1942)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2008

NOTICE

Dennis Schroeder, Public Works Director
City of Winner
PO Box 691
Winner SD 57580

Dear Mr. Schroeder:

I am writing in response to action taken by the Water Management Board at the hearing on July 2, 2008 to review Future Use Permit No. 551-2. The Board allowed the permit to remain in effect for 1,568 acre-feet of water annually. Future Use Permit No. 551-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 551-2 is \$52.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 7, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2008 regarding maintaining effectiveness of Future use addressed as stated below:

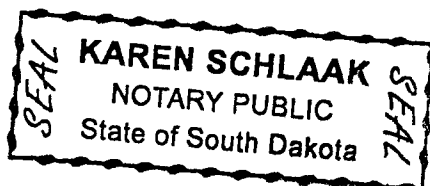
Steven W Meyer, City of Volga, PO Box 217, Volga SD 57071 6259-3
Larry G Schacht, Town of Pickstown, PO Box 107, Pickstown SD 57367 5113-3
Wade J Blasius, Aurora Brule RWS, PO Box 140, Kimball SD 57355 4456-3
Martin Jarrett, Big Sioux Comm. Water System, 23343 479th Ave, Egan SD 57024 3984A-3
Curt Hohn, WEB Water Dev. Assn. Inc., PO Box 51, Aberdeen SD 57402 3429-3
Wade Broome, City of Burke, PO Box 312, Burke SD 57523 1660-2
Doug Pochop, City of Gregory, PO Box 436, Gregory SD 57533 1622-2
Dennis Schroeder, City of Winner, PO Box 691, Winner SD 57580 551-2


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 20 08.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/25, 20 08

RECEIVED OF City of Winner PO Box 691 Winner SD 57560

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	52	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>551-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	52	50

No.

03702

By

[Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2015

Harland Muhs, Public Works Director
City of Winner
PO Box 691
Winner SD 57580

Dear Mr. Muhs:

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from groundwater (Ogallala Formation) held by the City of Winner. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,568 acre-feet remain in reserve under this future use permit that was issued in 1959 and last reviewed in 2008.

Please respond in writing by April 15, 2015 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 551-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,568 acre-feet remain in reserve, the fee will be \$195.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

City of Winner

325 S Monroe St
PO Box 691
Winner SD 57580-0691

RECEIVED

MAR 20 2015

WATER RIGHTS
PROGRAM



3/17/2015

Department of Environment and Natural Resources
Karen Schlaak, Environmental Scientist, Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen:

The City of Winner is responding to your letter of March 12, 2015 and wishes to retain the Future Use Water Permit No. 551-2

Our population is holding at approx. 3,100, however we have added some new commercial water users. We are in the process of opening a new sub-division on the south side of town, an airport expansion, and there has been numerous lawn irrigation systems constructed in the city, including a 7 acer expansion of irrigated Cemetery, in the last 7 years.

In 2003 the city of Winner contracted Bartlett & West Engineers to do a water study for the City. One of the results of that study was that there is a need for the City to construct another well to meet future water demand for the city. We are in the process of having SP&N do a new water study at this time.

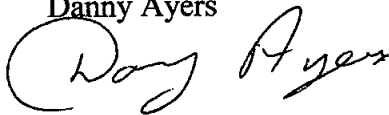
These reasons and the reasons mentioned in the 2003 request show a need to retain the future use permit no. 551-2 to meet up-coming water needs for the City of Winner.

Annual pumping records for the last seven years :

2008: 231,745,900
2009: 199,066,000
2010: 190,603,000
2011: 180,862,000
2012: 224,713,000
2013: 178,216,770
2014: 163,514,230

The City Council requests that the permit for 1,568 acre-feet of water remain in reserve.

Sincerely
Danny Ayers



Water Superintendent
City of Winner



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 551-2, City of Winner SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, PO Box 691, Winner SD 57580.

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 551-2 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
May 28, 2015

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, 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 a least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in a office maintained at said place of publication; that the

90 lines @ 1 column x 90%

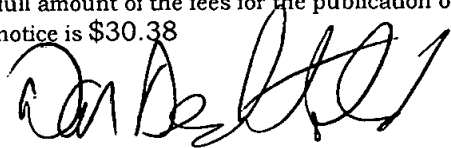
Water Permit

Water Rights Program

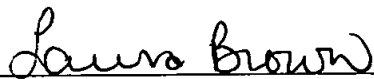
a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least one in each week for 1 week(s), on the day of each week on which said newspaper was regularly published to wit:

6-10-15

That the full amount of the fees for the publication of the *annexed notice is \$30.38



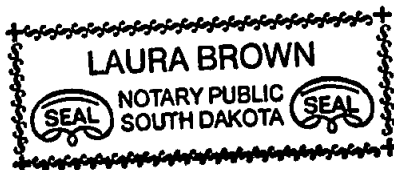
Subscribed and sworn to before me this 10th day of June, 2015



Notary Public

County of Tripp, South Dakota

My Commission Expires June 20, 2019



RECEIVED

JUN 12 2015

WATER RIGHTS PROGRAM

NOTICE OF HEARING

TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, c/o Danny Ayers, Water Superintendent, PO Box 691, Winner SD 57580 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved 1959 currently reserves 1,568 acre feet from groundwater (Ogallala Formation) located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN IN EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need to the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am on July 8, 2015 at the Floyd Mathews Training Center. Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximated cost of \$ 30.38 (23)

RECEIVED

JUN 22 2015

Form 8

WATER RIGHTS
PROGRAM

Wednesday, June 10, 2015

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 date:

6-10-15

Cost of Printing \$45.92

Marylin Baker
(Signature)

Bookkeeper
(Title)

6-18-15

(Date Signed)

Public Notice

SNAXLP 14296 Rights Program, Tidy 6710 Joe Foss Building, NOTICE OF 523 E Capitol Ave, HEARING TO Pierre SD 57501 REVIEW FUTURE (605 773-3352) USE WATER and the permit PERMIT NO. holders mailing 551-2 address is given Notice is given above. The petition that the Water ton may be informed, but it must include a statement Management will review the Future Use Permit describing the petition. No. 551-2 held by licensees interest in the City of Winner, the future use permit. The reasons Water Superintendent for petitioner's opinion, PO Box 691, position to or support Winner SD 57500, part of continuing for progress made the future use permit, and the signature of the water ton and mailing reserved by the address of the permit and future ton or his legal plans for development. If legal permit of the water counsel is reserved by Per- tained. The permit No. 551-2, owner need not This permit was filed a petition. approved 1959. The hearing to currently reserves view Future Use 1,568 acre feet Permit No. 551-2 from groundwater will be conducted (Opallala Form- pursuant to the provisions of the SDCL 46-1-14, Section 46-2-5, 48-2-9, 33-T8BN-R76W 46-2-11, for municipal use. 46-5-38.1; Board Pursuant to Rules ARSD SDCL 46-2A-2 the 74:020125.01 Chief Engineer of the Water Rights 74:020125.03 Program recom- and contested mends that Permit case procedures No. 551-2 RE- contained in MAIN in EFFECT SDCL 1-26 for 1,568 acre-feet This hearing is an annually because adversary proposed use or to be re- 1) the reserved cessing. The per- water may be de- mit owner or any veloped, 2) there person, after filing is need for the re- a petition, has the served water 3) right to be present the proposed use or to be re- will be a beneficial sented by a law- use and 4) it is in yer. These and the public interest. other due process The Water Man- rights will be for- segment. Board felted If they are will conduct the not exercised. De- hearing to review cisions of the Future Use Permit Board may be ap- No. 551-2 at 10:00 pealed to the Cir- am on July 8, cuit Court and 2015 at the Floyd State Supreme Mathews Training Court as provided Center, Joe Foss by law. Building, 523 E Any person wish- Capitol, Pierre SD. ing a copy of the The recommen- Chief Engineer's dation of the Chief recommendation, Engineer is not fi- further information nal or binding on this permit, to upon the Board assure access to and the Board is the hearing by the authorized to 1) handicapped or allow the permit to obtain an inter- remain in effect, 2) preter for the amend the permit hearing impaired by adding qualifi- may contact Eric options, 3) cancel Ground, Water this permit for no Rights Program, development or no (605 773-3352) by planned future de- June 29, 2015, velopment, or 4) The time of the take no action af- hearing will be after it reaches a automatically de- conclusion based layed for at least upon facts pre- 20 days upon writ- sented at the pub- ten request of the ic hearing. Any h- permit owner or terested person any person who who may be al- has filed a petition fected by a Board to oppose or su- decision and who port continuance intends to partici- of the Future Use pate in the hearing Permit. The re- before the Board quest for a delay and present evi- must be filed with dence or cross-ex- the Chief Engineer amine witnesses by June 29, 2015, according to Steven M. Pinner, SDCL 1-26, must Secretary, Depart- file a written peti- ment of Environ- tion with BOTH ment and Natural the permit owner Resources. and the Chief En- gineer by June 29, Published once at 2015. The Chief the total approxi- Engineer's ad- mate cost of dross is "Water \$45.92.

Instruction to Newspaper-Publish the following Notice on June 10, 2015. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, c/o Danny Ayers, Water Superintendent, PO Box 691, Winner SD 57580 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved 1959 currently reserves 1,568 acre feet from groundwater (Ogallala Formation) located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

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Published once at the approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

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

City of Winner
Danny Ayers, Water Supt
PO Box 691
Winner SD 57580

Dear Mr. Ayers:

Future Use Permit No. 551-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Winner Advocate and the Capital Journal. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 10, 2015. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Winner Advocate
125 W 3rd St
Winner SD 57580

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 551-2 to be published on June 10, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Winner, c/o Danny Ayers, Water Supt, PO Box 691, Winner SD 57580 (605 842-2606).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Capital Journal
PO Box 878
Pierre SD 57501

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 13, 2015

NOTICE OF ENTRY OF ORDER

City of Winner
Danny Ayers, Water Supt
PO Box 691
Winner SD 57580

Dear Mr. Ayers:

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2015 to review Future Use Permit No. 551-2. The Board allowed the permit to remain in effect for 1,568 acre-feet of water annually. Future Use Permit No. 551-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 551-2 is \$195.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 13, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 13, 2015 regarding Future Use Permits addressed as stated below:

Permit No. 3429-3 - WEB Water Dev Assn, c/o Steve Harper, PO Box 51, Aberdeen SD 57402

Permit No. 6259-3 – City of Volga, c/o A W Bremseth, PO Box 217, Volga SD 57071

Permit No. 551-2 – City of Winner, c/o D Ayers, PO Box 691, Winner SD 57580

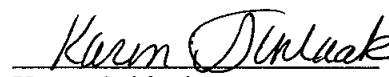
Permit No. 1622-2 – City of Gregory, c/o Al Cerny, PO Box 436, Gregory SD 57533

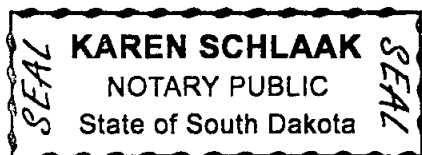
Permit No. 1660-2 – City of Burke, c/o Wade Broom, PO Box 312, Burke SD 57523


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13 day of July, 20 15.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/24, 20 15

RECEIVED OF City of Winner PO Box 691 Winner SD 57580

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	195	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>551-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	195 00

No. 07457

By Jenna Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2022

City of Winner
Troy Kruger, Public Works Director
PO Box 691
Winner SD 57580

Dear Mr. Kruger:

I am writing in regard to the seven year review of Future Use Water Permit No. 551-2 from the Ogallala Formation held by the City of Winner. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,568 acre-feet remain in reserve under this future use permit that was issued in 1959 and last reviewed in 2015.

Please respond in writing by April 15, 2022, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 551-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,568 acre-feet remain in reserve, the fee will be \$195.00.

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

Sincerely,

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

RECEIVED

MAR 28 2022

WATER RIGHTS
PROGRAM

March 22 2022

Dept. of Agriculture and Natural Resources

Water Rights Program DANR

Karen Schlaak

Dear Karen,

I am responding to the notice received in my office for renewal of permit No. 551-2 from the Ogallala Formation held by the City of Winner SD. The city of Winner wishes to retain the future use water permit 551-2. 1,568-acre feet.

The city of Winner has held a steady population at 2,921 up just a little as of the writing of this letter. The city has shown some growth on the commercial side as well, we will be adding two additional fast-food restaurants and one dine in restaurant this year, we are also adding a Super Ace hardware to the vacated ShopKo building. Since our last request for renewal the city has added several restaurants and there has been interest in another motel and the city has visited with tribal council and there representative RedCo, about future water and sewer needs for a casino. As always, the City of Winner is looking for potential commercial and residential growth and has put into place plans to reach those goals.

As requested, the following are the city's pumping totals for the past three years, I would like to note that in the last five years the city has made some notable improvements in our water loss percentages, as high as 28% in 2010 to a five year average of 8%, this has been done by the city committing to replacement of old infrastructure, metering equipment and the continued commitment from Mayor and Council to protect our water resource by improvements to our system.

Well Production

2019 133,370,000 gal.

2020 135,206,000 gal.

2021 147,676,000 gal.

If you have any questions or would need more information, please feel free to call (605)840-2783

Sincerely,

Troy Kruger,

PWD City of Winner SD





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 551-2, City of Winner SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 551-2, City of Winner, PO Box 691, Winner SD 57580.

The Chief Engineer is recommending that Future Use Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 551-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 551-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 551-2 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund

Eric Gronlund, Chief Engineer
May 16, 2022

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, 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 prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

141 lines @ 1 column X 90%

Hearing/Permit No. 551-2

Winner City

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 in each week for 1 week(s), on the day of each week on which said newspaper was regularly published to wit:

5-25-2022

That the full amount of the fees for the publication of the *annexed notice is \$53.30

Dan Bechtold

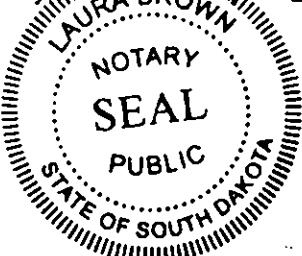
Subscribed and sworn to before me this 25th day of May, 2022

Laura Brown

Notary Public

County of Tripp, South Dakota

My Commission Expires June 12, 2025



RECEIVED

JUN 02 2022

OFFICE OF
WATER

NOTICE OF HEARING

TO REVIEW FUTURE USE WATER
PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580 for progress made in the development of the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved in 1959 and currently reserves 1,568 acre-feet from the Ogallala Aquifer located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserve water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or

other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit of the petitioner, the reasons for the petitioner's

opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

hearing that may be held. Any comment must be filed by June 6, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state the "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issues pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximated cost of \$53.30 (21)

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

RECEIVED

MAY 27 2022

OFFICE OF
WATER

Legal Notice Number: 1442

I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Winner, SD- Troy Kruger- Water No. 1443 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 5/25/2022. That the full amount of the fee charged for the publishing \$ 65.23 insures to the benefit of the publisher of said newspaper; 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, whom so ever.

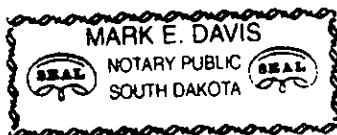
Cadee Schelske

Subscribed and sworn to me before this date 5/25/22.

Mark E. Davis

Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 05-25-22

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 551-2**

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved in 1959 and currently reserves 1,568 acre-feet from the Ogallala Aquifer located in the W 1/2 NW 1/4 Section 33-T98N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Owall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

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thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing; service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this

provision and maintains that the hearing must be conducted by the Board.

No. 1442 (adv.)

Published one time at the total approximate cost of \$65.23.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 7:52 AM
To: Winner Advocate
Subject: 551-2, City of Winner
Attachments: 551-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 25, 2022.

City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580 (605 840-2783) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 7:53 AM
To: 'rcrandall@plainsman.com'
Subject: 551-2, City of Winner
Attachments: 551-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 25, 2022.

City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580 (605 840-2783) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 7:56 AM
To: cityofwinner@gwtc.net
Subject: Future Use Permit No. 551-2
Attachments: 3450.pdf

Attached is a copy of the chief engineer recommendation and information regarding the public notice for the future use permit review. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2022

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

City of Winner
Troy Kruger, Public Works Director
PO Box 691
Winner SD 57580

Dear Mr. Kruger:

Future Use Permit No. 551-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used and the nearest daily paper. Notice of this review has been sent to the Winner Advocate, Winner SD (605 842-1481) and the Plainsman, Huron SD (605 353-7414). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on May 25, 2022. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on May 25, 2022. The City of Winner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 551-2

Notice is given that the Water Management Board will review Future Use Permit No. 551-2 held by the City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 551-2. This permit was approved in 1959 and currently reserves 1,568 acre-feet from the Ogallala Aquifer located in the W 1/2 NW 1/4 Section 33-T198N-R76W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 551-2 REMAIN in EFFECT for 1,568 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 551-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by

calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 7, 2022

NOTICE OF ENTRY OF ORDER

City of Winner
Troy Kruger, Public Works Director
PO Box 691
Winner SD 57580

Dear Mr. Kruger:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2022, to review Future Use Permit No. 551-2. The Board allowed the permit to remain in effect for 1,568 acre-feet of water annually. Future Use Permit No. 551-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 551-2 is \$195.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on July 7, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 7, 2022 involving action taken by the Water Management Board hearing on July 7, 2022:

City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580

City of Gregory, Alex Hamilton, City Administrator/Finance Officer, PO Box 436, Gregory SD 57533

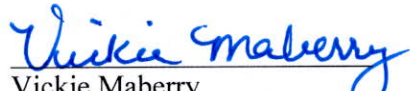
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

Big Sioux Community Water System Inc., Jodi Johanson, General Manager, 23343 479th Ave., Egan SD 57024

Aurora-Brule Rural Water System, Wade Blasius, Manager, PO Box 140, Kimball SD 57355-0140

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

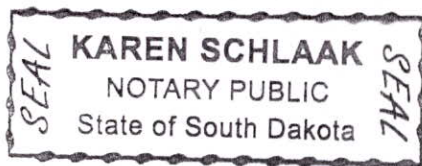
City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 2022.


Karen Schlaak Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 22, 2022

RECEIVED OF City of Winner 325 Monroe St. Ste. 118 Winner SD 57580

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>551-2</u> after period of seven years.	<u>\$195.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$195.00</u>

By Eric Gronlund
Chief Engineer
vm