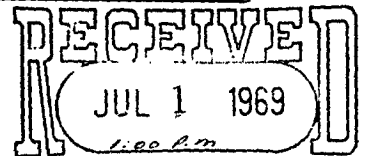


1688-3

1. Considered September 3, 1969
2. Name of Applicant Louise Jamieson
St. Randall Conservancy Dist.
3. Post Office Address _____
4. Amount of water claimed 4,850
5. Source of water supply Missouri River
6. Water to be used for ~~irrigation~~ future use
Acres to be irrigated 1,150,000
7. Water to be diverted and used in Multiple county
about _____ miles _____ of _____
8. Proof of Publication Received ~~Feb~~ 8-26-69
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

7 YEAR REVIEW CLAUSE
from stored water

No. 1688-3Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)

FUTURE USE **APPLICATION FOR PERMIT**

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Fort Randall Conservancy Sub District & Lower James Conservancy Sub District, a joint application
 Postoffice address Geddes, County Charles Mix, State South Dakota
Box 344, Mitchell Davison South Dakota
 I. If a corporation Political sub-division of the State of South Dakota

- (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 See Attachment, Note 1

(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)
See note 2 of Attachment

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

2. Name of diversion work Pumping stations on the Missouri River
 3. Amount of water claimed 4,850 cubic feet per second See note 3 of attachment
 4. Source of water supply Missouri River
 5. Location of point of diversion See note 3 - Missouri River and its impoundments
 _____ on east bank _____ County.
 6. Annual period or periods during which water is to be used Year around (see note 3)
 7. To be used for:

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

- (a) Number of acres to be irrigated 1,150,000 acres. See note 3

- (b) Legal subdivisions to be irrigated See attached map and note 3

(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.) Municipalities within and adjacent to the sub-districts.

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

- (a) Nature of use stock water, fish culture, fire protection, public recreation and industrial development.
 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 _____

MAP No. - 1218-3

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.)

Dams, flumes, ditches, pipelines, pumping plants, reservoir -----

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 twenty-five ----- years.

11. Time required for complete application of water to the proposed beneficial use 25 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
The Daily Republic, Mitchell, South Dakota 57301 -----

STATE OF SOUTH DAKOTA

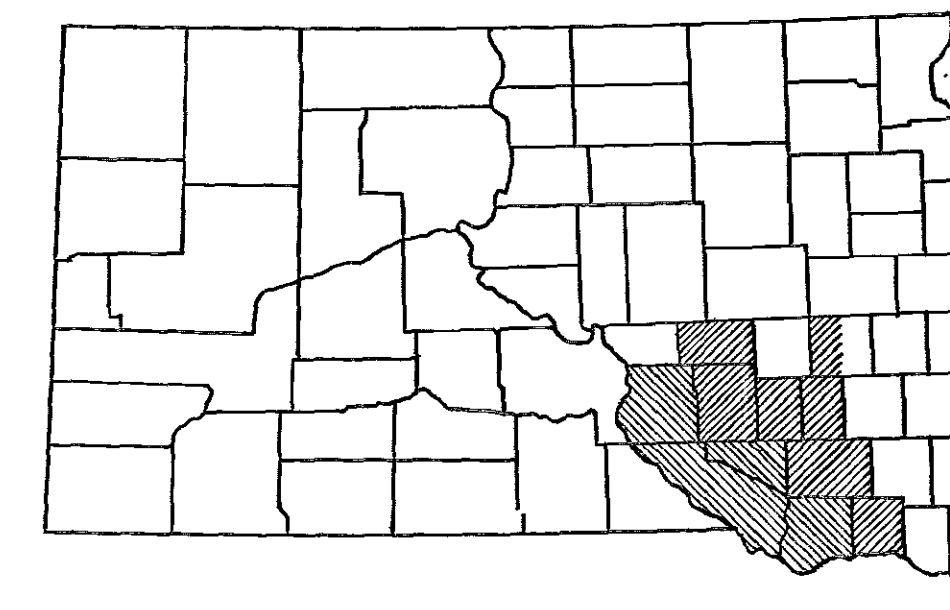
County of Charles Mix } ss.

I, Ted Krell (FORT RANDALL Sub-District) and Glenn E. Miller (Lower James Sub-District), 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 Ted Krell
Glenn E. Miller

Subscribed and sworn to before me this 30th day of June 1969,

Wilma Faller - County Auditor
Notary Public (or other qualified officer.)

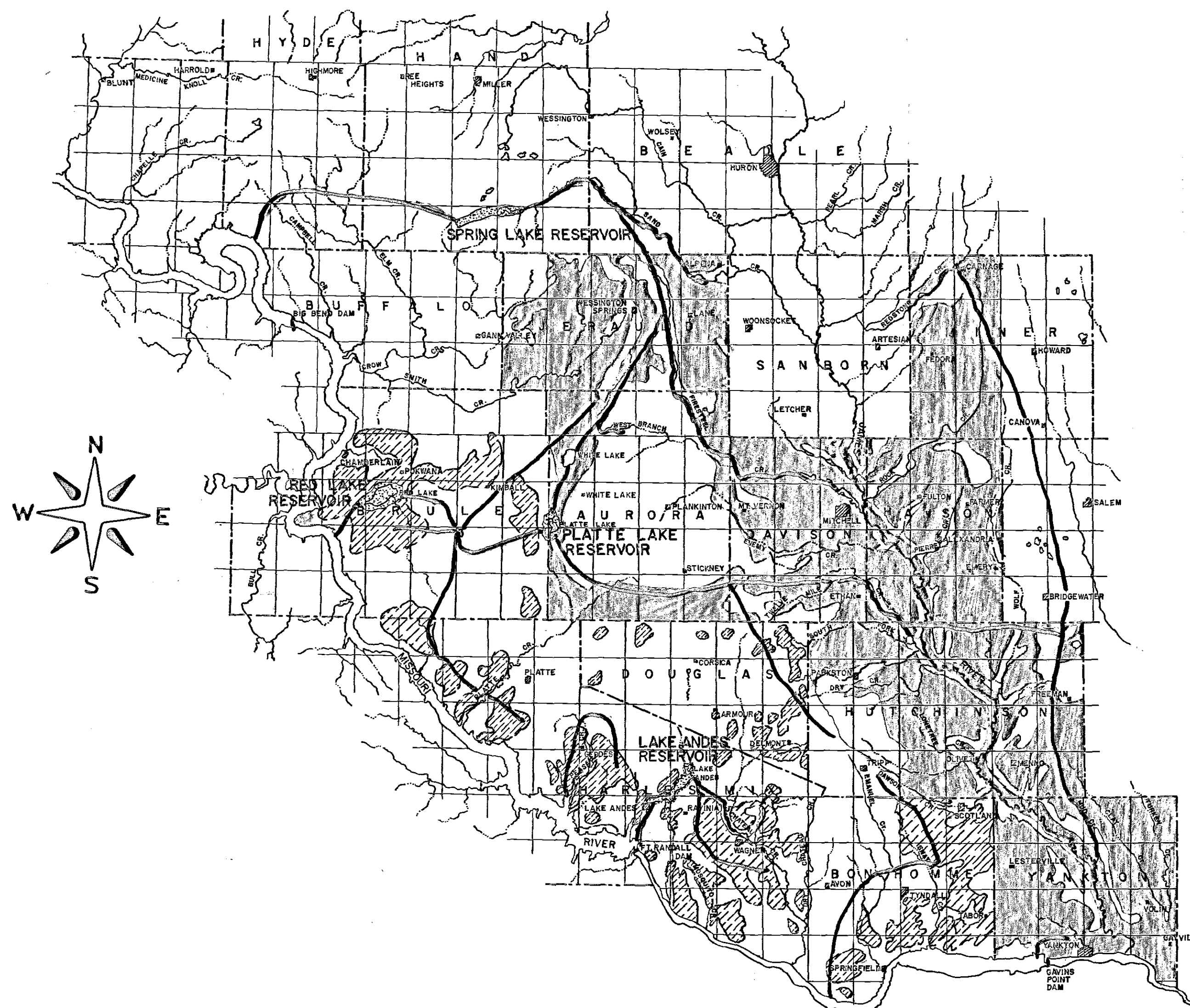


STATE OF SOUTH DAKOTA

- Lower James Water Conservancy Sub-district
- Fort Randall Conservancy Sub-district

LEGEND

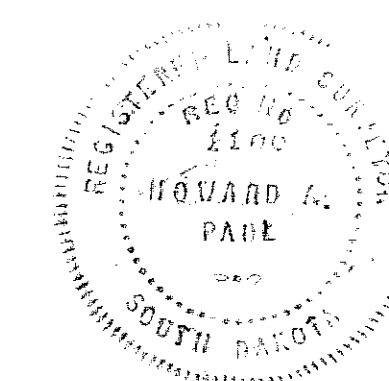
- MAJOR WATER STORAGE RESERVOIR
- MAJOR PIPELINE OR CANAL
- IRRIGABLE LAND, FORT RANDALL CONSERVANCY SUB-DISTRICT
- POTENTIALLY IRRIGABLE LAND, LOWER JAMES CONSERVANCY SUB-DISTRICT



SURVEYOR'S CERTIFICATE

I, Howard A. Paul, a Registered Land Surveyor in and for the State of South Dakota, do hereby certify that the accompanying map was drawn under my supervision from existing maps and records. I further certify that the map shows areas which the Fort Randall Conservancy Sub-District and the Lower James Conservancy Sub-District have made preliminary determination as being irrigable, utilizing water from the Missouri River and its impoundments; further, that many of the municipalities shown on the map will utilize water from the irrigation works for municipal and industrial purposes.

Howard A. Paul, S.D. Land Surveyor No 1100



ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA
COUNTY OF DAVISON

On this 30th day of June, 1969, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Howard A. Paul, well known to me to be the person who is described in and who executed the foregoing and within instrument, and duly acknowledged to me that he executed the same in his official capacity as a Registered Land Surveyor, and for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official hand and seal.

Hazel D. Dooling
Notary Public, South Dakota

My commission expires:
August 1, 1970



Remarks by State Water Resources Commission:

"Future Use Withdrawal"

SEE ATTACHMENT "A"

The intent of this Application anticipates investigation and construction of water use works by the Federal Government.

Federal surveys for this proposed project have not been authorized by Congress.

As a Federal Project, the water supply is expected to be supplied from stored water in Missouri River Reservoirs, as differentiated from Missouri River flows.

Under these conditions, this Future Use Permit No. 1688-3 is approved with the stipulation that the Permit to Appropriate Water is subject to review by the Water Resources Commission, as to accomplishment thereunder, upon expiration of seven (7) years.

At such time as definite plans are made, specific applications, for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock

p.m. upon the 1st day of JULY, 1969

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1688-3

Date of first receipt of application JULY 1, 1969

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right JULY 1, 1969

Approved SEPTEMBER 3, 1969 Recorded in Book 11 Page 50

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 19—

2nd. The whole of said work is to be completed on or before NOT APPLICABLE, 19—

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

NOT APPLICABLE, 19—

4th. The water appropriated shall be used for the purpose of IRRIGATION, MUNICIPAL,

STOCKWATER, FISH CULTURE, FIRE PROTECTION, INDUSTRIAL & PUBLIC RECREATION

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 4,850 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

(SEE REMARKS BY W.R.C.)
and beneficially applied for irrigation on or before NOT APPLICABLE, 19—; said water to be used during the following described annual period:

Witness my hand this 17TH day of NOVEMBER, 1969

State Water Resources Commission

By:

J. L. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued —, 19—

Water License issued —, 19—

ATTACHMENT TO WATER RIGHTS APPLICATION:

1. This application is being filed jointly by the Fort Randall Water Conservancy Sub-District and the Lower James Water Conservancy Sub-District as a future use permit. Following detailed irrigation studies of the area within the boundaries of the districts, and before proceeding with withdrawal of any water granted under this permit, a specific application for withdrawal will be filed prior to construction of facilities.

Following is the list of Directors of the Sub-Districts:

FORT RANDALL WATER CONSERVANCY SUB-DISTRICT

Chairman: Ben Ireland, Scotland; Vice Chairman: Ted Krell, Lake Andes;
Secretary: Harold Williams, Geddes; Treasurer: Raymond F. Lund, Pierre;
Fred Brandt, Avon; Waldon J. Eggers, Wagner; Lyle Gardeman, Corsica;
Albert Hoing, Kimball; Marvin Larson, Armour; Norman Lien, Platte; Ralph
Reimer, Pukwana; Robert Slade, Tyndall.

LOWER JAMES WATER CONSERVANCY SUB-DISTRICT

Chairman: Glen E. Miller, Alpena; Vice Chairman, Don Barber, Mitchell;
Treasurer: Gerard Bruns, Plankinton; Secretary: Ray Mettler, Menno; Donald
Ditmanson, Mitchell; Walter Freier, Tripp; Herbert Hunhoff, Utica; Clair
Peterson, Fedora; Lloyd Reedstrom, Yankton; Robert Taylor, Mitchell.

2. It is anticipated at this time that major portions of the project will be constructed under contract with the U. S. Government and portions will be under private contract. This information and cost data will be furnished in detail with the specific withdrawal applications.
3. Irrigation studies of the Fort Randall Sub-District have shown approximately 450,000 acres to be irrigable. These areas are delineated on the accompanying map. No detailed studies are available for the Lower James Conservancy Sub-District. This map, however, does show those areas which are arable by surface soil classification, a total in the Sub-District of 1,706,000 acres. Of this amount it is estimated that approximately 700,000 acres will meet or exceed irrigation standards. This provides a total of 1,150,000 acres of irrigable land in the two sub-districts.

The proposed means of delivery of water to these areas is shown on the map as a series of pumping plants taking water from the east bank of the Missouri River and transferring this water through pipelines into storage reservoirs directly into the irrigation works. Major storage reservoirs envisioned at this time would be Spring Lake in Hand County, Red Lake in Brule County, Platte Lake in Aurora County, and Lake Andes in Charles Mix County. Relifts at these reservoirs would pass water into canals or pipelines for delivery to irrigable areas. These reservoirs would provide storage of up to 1,150,000 acre feet. They would be filled during off-irrigation seasons and these waters then used to reduce the high peak demands of the irrigation season which would otherwise be required.

Numerous additional storage reservoirs could be obtained through use of dams and impoundments on the many streams and water courses which typify the topography of much of the area.

Use of the storage reservoirs as outlined above, and proper placing of delivery facilities and relifts will provide irrigation waters to all areas of the sub-districts, including both east and west of the James River. In addition, these waters will be used to stabilize and improve for wildlife and recreational purposes many of the present intermittent and fluctuating lakes and sloughs which abound throughout the area. Municipal use and industrial development are also included as a part of the request.

Use of reservoirs with year around pumping will stabilize the required pumping rate from the Missouri reservoirs. Development of a well planned facility will require a total withdrawal of 4850 cfs, with 4500 cfs for irrigation, 125 cfs for municipal use, 125 cfs for industrial use, and 100 cfs for all other uses.

Preliminary investigations indicate the following major points of diversion from the east bank of the Missouri River and its reservoirs:

1. 12 miles above Big Bend Dam Dec. 34-108-73
2. Southwest of Red Lake
3. Pease Creek
4. South of Lake Andes
5. 6 miles southwest of Springfield
6. One mile above Gavins Point Dam
7. Numerous minor points to serve those lands adjacent to the River

The above plan is of a preliminary nature and may vary somewhat in its final form. Specific information will be supplied with specific withdrawal applications.

Publish first publication, on or before August 7, 19 69NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 28, 19 69**Lower James Conservancy Sub-District and the Ft. Randall**Notice is hereby given that ~~Conservancy Sub-District~~whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4,580 cubic feet of water per second of time from the Missouri River ~~throughout~~, the point of diversion of which is to be located in the ~~XXXX~~at various points along the east bank of the Missouri River in Yankton, Bon Homme,Charles Mix, Brule and Buffalo Counties~~of Section~~ ~~XXXXXX~~ ~~Two~~ ~~XXXXXX~~ ~~Range~~ ~~XXXXXX~~ Said water to be used ^{in the future} for the purposeof providing irrigation on the following described land: approximately 1,150,000 acres of land in
Brule, Charles Mix, Douglas, Bon Homme, Aurora, Jerauld, Davison, Hutchinson,
Yankton, Hanson and the west half of Miner Counties, and for stockwater, fish
and wildlife development, recreation, pollution abatement, flood control,
municipal and industrial purposes.

This application No. 1688-3 will be considered by the Water Resources Commission at their office at Pierre upon the 3rd day of September, 19 69, at 2:00 P. .M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

Olaf Jacobson, Manager
cc: Lower James Conservancy Sub-District
Box 344, Mitchell, S.D. 57301

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County of Davison)

I, E. M. Brady hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Republic

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 Mitchell

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

August 4, 1969

August 11, 1969

August 18, 1969

August 25, 1969

E. M. Brady
(Signature)

Manager
(Title)

August 25, 1969

(Date Signed)

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
July 28, 1969
Lower James Conservancy
Sub-District and the Ft. Randall

Notice is hereby given that
Conservancy Sub-District whose
post office address is Mitchell,
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use 1,
550 cubic feet of water per sec-
ond of time from the Missouri
River, the point of diversion
of which is to be located at vari-
ous points along the east bank of
the Missouri River in Yankton,
Bon Homme, Charles Mix, Brule
and Buffalo Counties. Said
water to be used in the future
for the purpose of providing ir-
rigation on approximately 1,150,
000 acres of land in Brule, Char-
les Mix, Douglas, Bon Homme,
Aurora, Jerauld, Davison,
Hutchinson, Yankton, Hanson
and the west half of Miner Coun-
ties, and for stock water, fish
and wildlife development, recre-
ation, pollution abatement, flood
control, municipal and industri-
al purposes.

This application No. 1688-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 3rd
day of September, 1969, at 2:00
p.m. All interested persons may
appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights Specialist

RECEIVED
AUG 26 1969

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

April 11, 1975

Mr. Don Barber, Chairman
Lower James Conservancy Sub-District
Rural Route 3
Mitchell, South Dakota 57301

Mr. Ben Ireland, Chairman
Ft. Randall Conservancy
Sub-District
Scotland, South Dakota 57059

Gentlemen:

Recently questions have been raised regarding your Future Use Withdrawal Permit No. 1688-3 and whether or not it will have to be re-granted at the end of a seven-year period.

The permit was approved on September 3, 1969. It carried the provisions, "Under these conditions, this Future Use Permit No. 1688-3 is approved with the stipulation that the Permit to Appropriate Water is subject to review by the Water Resources Commission, as to accomplishment thereunder, upon expiration of seven (7) years;" and "At such time as definite plans are made, specific applications, for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities."

The end of the seven-year period is September 1976. At that time the Water Rights Commission may wish to review the permit, although it is not required to do so. If, upon review, the Commission finds that it wants to consider cancellation of the permit, notices and a hearing will be scheduled. The permit remains in force until cancelled. At this time the Department staff has no intention of recommending cancellation of the permit. Activities on the Lake Andes-Wagner Irrigation Project, the proposed pipeline from Chamberlain across the Sub-Districts to Sioux Falls, and the multiple purpose Lower James Diversion Project justify retaining the future use withdrawal permit 1688-3.

Very truly yours,

VWB:yjl

Vern W. Butler
Secretary

cc: Mr. Olaf Jacobson
Mr. Lyle Gardeman

ON PAGE 50 OF THE JULY, 1976
COMMISSION MINUTES, THE
ACTION TO EXTEND THIS FOR
7 YEARS WAS APPROVED

Lake Andes-Wagner Irrigation District

Wagner, South Dakota 57380

September 19, 1977

RECEIVED

SEP 20 1977

Mr. Vern Butler, Secy.
Dept. of Natural Resource Development
Pierre, South Dakota 57501

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Dear Mr. Butler:

Since our feasibility study, which was initiated last November 1, is nearing completion, we will soon be in a position to apply for our water right for the Lake Andes-Wagner Irrigation District. Will you please inform us as to our status under the Future Water Use Permit of the Ft. Randall Conservancy Sub-District. We would appreciate answers to the following questions:

1. Will we need to get legislative approval of our water right request?
2. What will be the charge for our water right application?
3. What would be your recommendation as to the timing of our application for the water right?
4. What is the State's position on the proposed "water charge" which the Bureau of Reclamation or the Corps of Army Engineers may assess the District for irrigation water for district lands?
5. What is the status of the States water rights in light of recent Indian claims to the water of the Missouri River?

As you know, the Lake Andes-Wagner Irrigation District plans to sell bonds to finance the construction of their pumping station and delivery system. Since bond buyers will need to be assured of the status of the water right, especially for the term of the bond, we would appreciate your okay to use your answers to the above questions wholly or in part as a part of the feasibility study and bond prospectus. Please let us hear from you in the near future.

The initial report of the engineer's (feasibility study) will be presented on Tuesday evening, October 25, 1977. We would appreciate having you or your representative at this meeting.

Sincerely yours,

LAKE ANDES-WAGNER IRRIGATION DISTRICT

BY

Vincent D. Kaberna

Vincent D. Kaberna, President

VDK:in
CC: Lloyd Benjamin

October 24, 1977

Vincent D. Kaberna, President
Lake Andes-Wagner Irrigation District
Wagner, SD 57380

Dear Mr. Kaberna:

We will acknowledge your letter concerning the proposed water right application for the Lake Andes-Wagner Irrigation District. We will attempt to answer your questions as presented.

1. We believe that you will need to obtain Legislative approval of your water right application, since the water requested will be for more than 10,000 acre feet per year. The future use permit for the Fort Randall and Lower James Conservancy Sub-Districts was granted by the Water Rights Commission before Legislative approval was required for appropriations above 10,000 acre feet. There is no statutory exemption from the Legislative approval for subsequent water rights issued out of the Sub-District's Future Use Permit.
2. The charge for the water right application will be at the rate of \$150.00 for the first 120 acre feet per year or fraction thereof, \$75.00 for the second 120 acre feet or fraction thereof and \$25.00 for each subsequent 120 acre feet or fraction thereof. Since we do not know the exact number of acres or acre feet proposed for this Project, you can use the previous information to calculate what your fee should be. You have the option of requesting the number of acre feet per acre desired.
3. We suggest that you submit your application at this time to allow the application to be considered by the Water Rights Commission and forwarded to the 1978 Legislature. The next Water Rights Commission meeting is November 30, and December 1, 1977. The next and last meeting date that an application can still be considered by the Water Rights Commission and submitted to the Legislature would be January 25 and 26, 1978.

Vincent D. Kaberna, President

October 24, 1977

Page 2

The Legislature does start January 3 and it is only a 30 day session, so the January date would only allow two weeks for the Legislature to consider the application. The application must be advertised in the Lake Andes or Wagner papers for two consecutive weeks prior to any Commission meeting. The risk with making early application without voter approval of your project is that you could end up forfeiting the entire water right application fee. If your funding is contingent upon having the water right, then it may be necessary to take this risk. If funding could be assured without a specific water right then the application could be submitted at a later date for consideration by the 1979 Legislative Session.

4. The State's position on "water charges which may be assessed by federal agencies" is to oppose such charges as long as the water is taken from the natural flows of the Missouri River. However, for a large project such as the Lake Andes-Wagner Irrigation Project, we believe that for the long term and best interests of the District, the District should plan to pay a water charge and obtain the assurance of calling upon the storage provided by the mainstem Missouri River reservoirs. We would caution that the District be quite careful with any contract with the Federal Government and that the contract specify the water charge is to compensate for water storage facilities provided by the federal water projects.
5. The status of Indian claims to the Missouri River water is an unresolved issue. It is our feeling that if implied Indian water right claims are resolved to allow Indian tribes to obtain enough water to irrigate lands on the contiguous Reservations, that there is more than enough water in the Missouri River to meet such claims. The Fort Randall-Lower James Conservancy Sub-District future use right does have an early priority date in South Dakota as far as use of Missouri River water is concerned, this early priority does give a water right issued from the future use a considerable degree of certainty.

A copy of the Ft. Randall-Lower James Conservancy Sub-District future use Water Right No. 1688-3 is enclosed for your information. Although it may not be legally necessary we would suggest obtaining and filing with the Commission a resolution from both the Lower James and Fort Randall Conservancy Sub-District Boards transferring a portion of the future use rights to the Lake-Andes-Wagner Irrigation District.

Don D. Raberna, President

October 24, 1977

Page 3

We expect to have a representative present at the meeting when the feasibility report is reviewed.

Very truly yours,

Vern W. Butler
Secretary

VWB:kjw

enclosure

cc: Benjamin, Kasl & Associates
Jim Dullock, First National Lincoln
Lyle Gardeman, Ft. Randall Conservancy Sub-Dis.
Don Barber, Lower James Conservancy Sub-Dis.



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Department of Water & Natural Resources

Water Rights Division
605 773-3352

1688-3

October 31, 1983

NOTICE

TO: Don Barber, Manager, Lower James Conservancy Sub-District
Ralph Reimer, Manager, Ft. Randall Conservancy Sub-District

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Review of Future Use Water Permit No. 1688-3

The Water Management Board will review Future Use Permit No. 1688-3 pursuant to the Permit qualification requiring the permit to be reviewed every seven years. The hearing to review Future Use Permit No. 1688-3 will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, November 30, 1983 at 1:30 pm in Room 216, Joe Foss Building, Pierre SD.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 1688-3 and 2) future plans for development of the reserved water.

Future Use Permit No. 1688-3 was approved September 3, 1969 with a priority date of July 1, 1969 for 4,850 cubic feet per second from the Missouri River with the following qualifications:

1. Under these conditions, this Future Use Permit No. 1688-3 is approved with the stipulation that the permit to appropriate water is subject to review by the Water Resources Commission as to accomplishment thereunder upon expiration of 7 years.
2. At such times as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Our records show that Permits No. 4205-3 (Lake Andes-Wagner Irrigation Proj) (1040 cfs) and No. 4206-3 (CDHI Irrigation Proj.) (1000 cfs) to assign 2040 cfs of water reserved by Permit No. 1688-3 to be designated and held as Future Use Permits for these proposed projects have been approved with 2810 cfs remaining.

Following the hearing, the Board can:

1. Cancel Permit No. 1688-3 for no development or no planned future development.
2. Extend Future Use Permit NO. 1688-3 for another 7 years.

October 31, 1983

NOTICE

Page 2

If the Water Management Board extends Permit No. 1688-3 for another 7 years you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 1688-3 in effect. The 10% fee based upon the remaining permit cfs of 2810 will be \$42,400.00.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

JH:KL:ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permit
No. 1688-3

Don Barber
Lower James Cons. Sub-District
Box 344
Mitchell SD 57301

Ralph Reimer
Ft. Randall Con. Sub-District
Pukwana,
South Dakota 57370

Dear Sirs:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Ft. Randall & Lower James Conservancy Sub-District's Future Use Water Permit No. 1688-3. The Board continued Permit No. 1688-3 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 1688-3 will be subject to review after seven years.

Continuance of Permit No. 1688-3 is subject to payment of the required \$8215 fee. Please remit within 30 days.

If you have any questions, please feel free to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 1688-3

LOWER JAMES AND FT. RANDALL CONSERVANCY SUB-DISTRICTS

Future Use Permit No. 1688-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) The maximum acre feet reserved by Permit No. 1688-3 is set at 393,400 acre feet annually. The 2810 cubic feet per second diversion rate is not changed.
- b) Continuance of this Permit is subject to payment of the \$8215 fee required by SDCL 46-2-13(2) and 46-5-38.1.

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9654 -

Pierre, May 1, 1984

RECEIVED OF Lower James Conservancy Sub-District, PO Box 344, Mitchell, SD 57301
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	4107	50
Fee for Application for Permit No. 1688-3 to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	4107 50

By John Hatch
Chief Engineer JOHN HATCH (RS)

TOM OLSEN, JERAULD COUNTY
WALTER FRIER, SMALL MUNICIPALITIES
RAY HETTLER, HUTCHINSON COUNTY
CLAIR PETERSON, MINER COUNTY
TOM GREENWAY, DAVISON COUNTY
LEONARD GUNDERSON, YANKTON COUNTY
DARREL GLISSENDORF, AURORA COUNTY
CARL SCHROEDER, MITCHELL
DAVID BUMGARDNER, HANSON COUNTY
GLADYS LUDWIG, YANKTON

LOWER JAMES CONSERVANCY SUB-DISTRICT

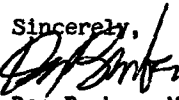
April 30, 1984

DON BARBER, Manager
OLAF J. JACOBSON, Advisor
1315 North Main
MITCHELL, SOUTH DAKOTA
Box 344 - 57301

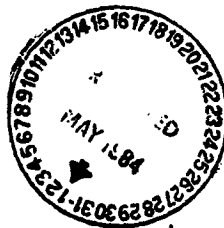
Robert Neufeld, Secy
Department of Water and Natural Resources
Foss Building
Pierre, SD 57501

Dear Bob;

My Board notes that the payment for our future use water right Permit #1688-3 has not been paid and is due. Find check #1135 in the amount of \$4107.50 for the Lower James Sub-District's half of the total payment.

Sincerely,

Don Barber, Manager
Lower James Sub-District

cc: Tom Greenway, Ch.





Department of Water & Natural Resources

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

September 12, 1990

Lyle Laberee
Southern Missouri Water Development District
PO Box 585
Lake Andes SD 57350

Dear Mr. Laberee:

I am writing in regard to the seven year review of Future Use Water Permit No. 1688-3 from the Missouri River which is held by the Southern Missouri Water Development District. Currently, our records show that 4850 cubic feet of water per second remain in reserve under this future use permit which was issued in 1969.

Permit No. 1688-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 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. 1688-3. The fee could be as much as \$8215 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the District's intention for the future use permit. If the District 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.

Please contact Eric Gronlund, if you have any questions.

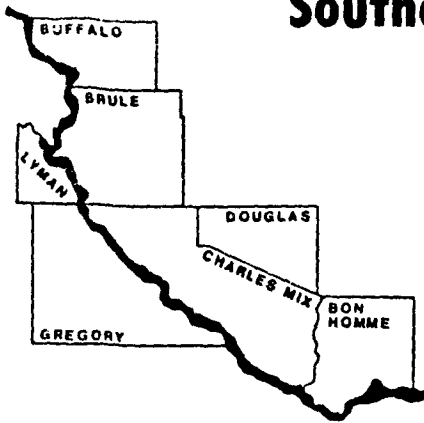
Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

see attached

Southern Missouri Water Development District



BOARD OF DIRECTORS:
RALPH REIMER, CHAIRMAN
PATRICIA CERNY, VICE-CHAIRMAN
CATHERINE WERNKE, SECRETARY
REX WINTER, TREASURER
GEORGE HERROLD
BOB SLADE
WM. L. SOULEK
MANAGER: LYLE LABEREE
CLERK: NANCY BARRICK

P.O. BOX 43
DOUGLAS COUNTY COURTHOUSE
ARMOUR, SOUTH DAKOTA 57313



(605) 724-2624

SEPTEMBER 27, 1990

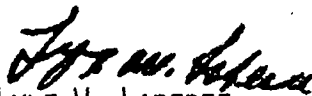
KAREN SCHLAAK
NATURAL RESOURCES ANALYST
SD DEPARTMENT OF WATER AND NATURAL RESOURCES
JOE FOSS BUILDING, 523 EAST CAPITOL
PIERRE, SD 57501-3181

DEAR MS. SCHLAAK,

THE BOARD OF DIRECTORS OF THE SOUTHERN MISSOURI WATER DEVELOPMENT DISTRICT HAVE DECIDED TO RETAIN THE 2810 CUFT/SEC REMAINING IN FUTURE USE WATER PERMIT NO. 1688-3 FOR THE FOLLOWING REASONS:

1. 737 CFS IS RESERVED FOR THE LAKE ANDES/ WAGNER IRRIGATION PROJECT OUT OF 1688-3.
2. SMWDD MAY DECIDE TO LET FUTURE USE PERMITS 1507-2 AND 1508-2 TO BE CANCELLED WHEN THEY COME UP FOR RENEWAL IN 1993 DEPENDING UPON INTEREST AT THAT TIME.
3. THE DATE OF 1688-3 GOES BACK TO JULY OF 1969.
4. THE PURPOSE OF 1688-3 WAS FOR IRRIGATION, MUNICIPAL, STOCKWATER, FISH CULTURE, FIRE PROTECTION, INDUSTRIAL AND PUBLIC RECREATION.
5. IF LAKE ANDES/ WAGNER/ MARTY II AND GREGORY COUNTY PUMPED STORAGE (IRRIGATION AND MUNICIPAL PHASE) ARE EVER CONSTRUCTED, WE FEEL THAT WE SEE AN EXPANSION OF THESE PROJECTS.
6. THE SMWDD BOARD VIEWS THEIR FUTURE USE PERMITS AS A METHOD OF SHOWING DOWN-STREAM STATES THAT WE NEED THIS WATER FOR OUR FUTURE DEVELOPMENT.

SINCERELY,


LYLE W. LABEREE
MANAGER

File No. 1688-3

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Southern Missouri Water Development District

ADDRESS: COUNTY:

DATE: 10-30-90

TELEPHONE: 487-7223 (home)

RE: Future Use Review

COMMENTS:

Talked with Lyle Laberee about the future use area for 1688-3. He indicated they were only interested in the counties which were within the Southern Missouri Water Development District which are: Buffalo, Brule, Douglas, Charles Mix and Bon Homme Counties.

Mr. Laberee stated that Lyman and Gregory Counties were included on another future use permit.

Karen Schlaak

SOUTH Dakota Department of
Water & Natural Resources

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

October 31, 1990

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

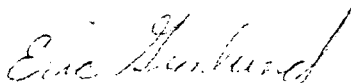
Lyle Laberee
Southern Missouri Water Development District
Box 585-670
Lake Andes SD 57356

Dear Mr. Laberee:

Future Use Permit No. 1688-3 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 Publishers of the Register, the Post, the Globe and the Tribune & Register printed at Chamberlain, Wagner, Corsica and Tyndall SD respectively. 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 Water & Natural Resources

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

October 31, 1990

Corsica Globe
Box 45
Corsica SD 57328-0045

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 Southern Missouri Water Development District, Box 585, Lake Andes SD 57356.

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
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

No. _____

TO: Water Rights Division
Joe Foss Building
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 Water & Natural Resources

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

October 31, 1990

Tribune & Register
Box 520
Tyndall SD 57066-0520

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 Southern Missouri Water Development District, Box 585, Lake Andes SD 57356.

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
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
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 _____

SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 31, 1990

Chamberlain Register
Box 28
Chamberlain SD 57325

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 Southern Missouri Water Development District, Box 585, Lake Andes SD 57356.

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
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 Water & Natural Resources

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

October 31, 1990

Wagner Post
Box 187
Wagner SD 57380-0187

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 Southern Missouri Water Development District, Box 585, Lake Andes SD 57356.

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
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
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

Instruction to Newspaper-Publish first publication notice on or before November 8, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 585, Lake Andes 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. 1688-3. This permit was approved September 3, 1969 and currently reserves with 2810 cubic feet of water per second (393,400 acre-feet/annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Charles Mix, Douglas and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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. 1688-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 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 November 26, 1990. 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. 1688-3 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 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 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 November 26, 1990.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Charles Mix) ss.

I, Donald Harrell

certify that the attached printed Notice was taken
 from the THE WAGNER POST

A newspaper which during the whole time said notice herein after stated, has been published in the city

_____ of Wagner

County of Charles Mix and State that the said notice was published in said following two dates:

November 7, 1990

November 14, 1990

ers 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. 1688-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-30.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

PAGE 13 THE WAGNER POST WEDNESDAY

Donald Harrell
 (Signature)

Business Manager
 (Title)

November 14, 1990
 (Date Signed)

Cost of Printing: \$40.61

(3 @ 37.64; 114 @ 18.84; = \$22.56

same at 80% = 18.05

\$40.61

Public Notice

NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Armour, 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. 1688-3. This permit was approved September 3, 1969 and currently reserves with 2810 cubic feet of water per second (393,400 acre-feet/annually) from the Missouri River to be used for the purposes of irrigation, municipal, stock-watering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Charles Mix, Douglas and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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. 1688-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 9:45 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petition-



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Brule) ss.

I, Debi Hopkins

certify that the attached printed Notice was taken
 from the Chamberlain Register

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 Chamberlain

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

Nov. 8, 1990

Nov. 15, 1990

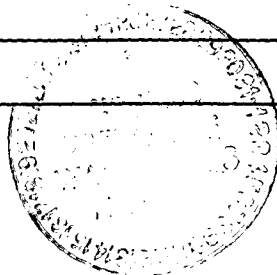
Debi Hopkins
 (Signature)

General Manager
 (Title)

Nov. 15, 1990
 (Date Signed)

* 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, DWRN, Joe Foss Building, Pierre, SD, 605 773-3352 for assistance prior to the hearing date. 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 Nov. 26, 1990.

(Nov. 8-15)



NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 in the Southern Missouri Water Rights District, PO Box 670, Lake Anna, VA, for progress made in the development of the water reserved by the Permit and for plans for development of the water reserved by Permit No. 1688-3. This permit was approved Sept. 3, 1969, and currently reserves with 2810 cubic feet of water per second (393,400 acre-feet/annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Charles Mix, Douglas, Bon Homme and Buffalo Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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 view Future Use Permit No. 1688-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on Dec. 5, 1990, at 8:45 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 Nov. 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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 through 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Bon Homme) ss.

I, Wayne L. Bertrand

certify that the attached printed Notice was
 from the Tyndall Tribune & Log

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

of Tyndall
 County of Bon Homme and State of South
 that the said notice was published in said newspaper
 following two dates:

Nov. 7, 1990

" 14, 1990

Wayne L. Bertrand
 (Signature)

Publisher
 (Title)

11-14-90
 (Date Signed)

**NOTICE OF HEARING TO
 REVIEW FUTURE USE WATER
 PERMIT NO. 1688-3**

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 670, Lake Andes, 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. 1688-3. This permit was approved September 3, 1969 and currently reserves with 2810 cubic feet of water per second (393,400 acre-feet/annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Charles Mix, Douglas and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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. 1688-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 8:45 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 decision. Any 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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 or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. 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 must be filed with the Chief Engineer by November 26, 1990.

(Nov. 7 & 14)

Cost of Printing: 11-7-90
1st wk - 107 Lines @ 26.2 - 28.03
2nd wk " " @ 80% - 22.42
Total \$50.45



Affidavit Of Publication



STATE OF SOUTH DAKOTA,

County of Douglas

DICK BORDEWYK of said County and State, being first duly sworn, on his oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota, by DICK BORDEWYK and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 670, Lake Andes, 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. 1688-3 This permit was approved September 3, 1969 and currently reserves with 2810 cubic feet of water per second (393,400 acre-feet/annually) from the Missouri River to be used for the purposes of irrigation, municipal, stock watering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Charles Mix, Douglas and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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. 1688-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 8:45 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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.

Notice of Hearing to Review Future
Use Water Permit No 1688-3

a printed copy of which is hereto attached, was printed and published in said newspaper

for two successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 11-7, 1990.

the second publication being made on 11-14, 1990.

the third publication being made on _____

the fourth publication being made on _____

the fifth publication being made on _____

the sixth publication being made on _____

the seventh publication being made on _____

and the eighth publication being made on _____

that \$ 45.44 being the full amount of the fee for notice, insures solely to the benefit of the publisher of said arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Dick Bordewyk

Subscribed and sworn to before me this 21 day of November, 1990

Maisha Bordewyk

Notary Public, Douglas County, South Dakota

My Commission Expires 11-1-93

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, should contact the Water Rights Division, 1001 Joe Foss Building, Pierre, SD, 57501-3352 for assistance prior to the hearing date. 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 November 26, 1990.

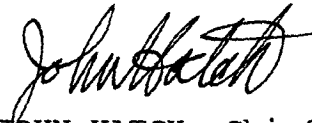
11-7-14/c

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1688-3, Southern Missouri Water Development District

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. 1688-3.

The Chief Engineer is recommending that Future Use Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 acre-feet annually) because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1688-3, 2) Southern Missouri Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1688-3, 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. 1688-3 is subject to payment of the \$8,215 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to Southern Missouri Water Development District.

A handwritten signature in cursive script, appearing to read "John Hatch", is written in dark ink.

JOHN HATCH, Chief Engineer
October 30, 1990



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

December 10, 1990

NOTICE

Lyle Laberee
Southern Missouri Water Development District
Box 670
Lake Andes SD 57356

Dear Mr. Laberee:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit No. 1688-3. The Board allowed the permit to remain in effect for 2,810 cubic feet of water per second (393,400 acre feet annually) subject to review again in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1688-3 is \$ 8,215.00 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,

A handwritten signature in dark ink, appearing to read "John Hatch".

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

enclosures

CERTIFICATION

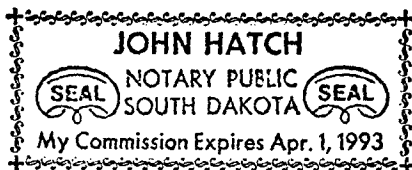
I hereby certify that on December 10, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board at the hearing on December 5, 1990 addressed as stated below.

Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 300 Sixth Street, Rapid City SD 57701
Orrin P. Juel, Mayor, City of Brookings, Box 270, Brookings, SD 57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670, Lake Andes SD 57356-0670

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412521

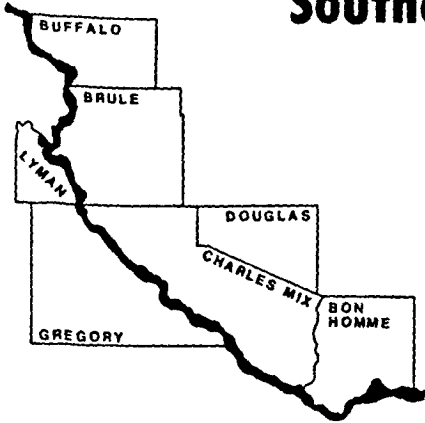
Pierre, January 31, 1991

RECEIVED OF Southern Missouri Water Dev Dist, PO Box 43, Armour SD 57313
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1688-3</u> after period of seven years.	4215	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	4215 00

By John Hatch
Chief Engineer

Southern Missouri Water Development District



BOARD OF DIRECTORS:
RALPH REIMER, CHAIRMAN
PATRICIA CERNY, VICE-CHAIRMAN
CATHERINE WERNKE, SECRETARY
REX WINTER, TREASURER
GEORGE HERROLD
BOB SLADE
WM. L. SOULEK
MANAGER: LYLE LABEREE
CLERK: NANCY BARRICK

P.O. BOX 43
DOUGLAS COUNTY COURTHOUSE
ARMOUR, SOUTH DAKOTA 57313

(605) 724-2624

JANUARY 4, 1991

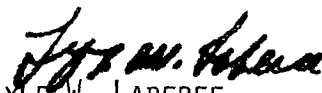
JOHN HATCH, CHIEF ENGINEER
DIVISION OF WATER RIGHTS
523 EAST CAPITOL
PIERRE, SD 57501

DEAR MR. HATCH,

ENCLOSED IS A CHECK FOR \$4,215.00, AS PARTIAL PAYMENT ON FUTURE
USE PERMIT 1688-3.

WE ARE EXPERIENCING A SLIGHT PROBLEM WITH CASH FLOW AT THE PRESENT
TIME. WE WILL BE RECEIVING TAX FUNDS IN MAY AND JUNE, AND WILL PAY THE
REMAINING \$4,000.00 THEN. HOPEFULLY, WE CAN PAY IT BY JUNE 1, 1991,
HOWEVER, THERE OFTEN IS A MONTH DELAY IN RECEIVING THEM FROM THE COUNTY
TREASURER. IF WE DO NOT HAVE SUFFICIENT FUNDS BY JUNE 1ST, WE WILL MAKE
THE FINAL PAYMENT BY JULY 1, 1991.

SINCERELY,


LYLE W. LABEREE
MANAGER

JOHN, THANKS FOR YOUR ASSISTANCE IN ALLOWING MY BOARD TO DELAY FULL PAYMENT.

ENCLOSURE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 1991

Lyle Laberee
Southern Missouri Water Development District
PO Box 43
Armour SD 57313

Dear Mr. Laberee:

On January 31, 1991 we received a partial payment of \$4,215.00 for maintaining the effectiveness of Future Use Permit No. 1688-3. At that time, you indicated the remaining portion of the fee (\$4,000.00) would be paid by July 1, 1991. To date, we have not received this payment.

Please submit the remaining portion of the fee as soon as possible to avoid jeopardizing the future use permit. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

As you are aware, our only source of income is from tax dollars distributed by the seven counties of our service area. In a previous letter we explained our hoped for tax receipts & plan of payment. Enclosed is \$3,000⁰⁰. The counties distribute tax collections between the 15th & 20th of each month. We will send the remaining \$1,000⁰⁰ due after receipt (OVER)

of the August tax distributions.

We have been a victim of the state
imposed tax freeze!

Sincerely,

Ray Winter

Treasurer Southern Mo.
Water District

7-22-91

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412754

Pierre, _____, July 25, 1991

RECEIVED OF Southern Missouri Water Dev. Dist., P.O. Box 43, Armour, SD 57313

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1685-3</u> after period of seven years.	3,000	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	3,000 00

By *[Signature]*
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412808

Pierre, August 22, 1991

RECEIVED OF Southern Missouri Water Dev Dist, P.O. Box 43, Armour, SD 57313

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1683-3</u> after period of seven years.	1,000	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	1,000 00

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

Lyle Laberee
Southern Missouri Water Development District
PO Box 670
Lake Andes SD 57356

Dear Mr. Laberee:

I am writing in regard to the seven year review of Future Use Water Permit No. 1688-3 from the Missouri River. Currently, our records show that 2,810 cubic feet of water per second (393,400 acre-feet) remain in reserve under this future use permit which is still listed in the name of the Lower James Conservancy Sub-District. This is the same amount that remained in reserve when the permit was reviewed in 1990.

Please respond in writing by November 1, 1997, regarding the District's intention for the future use permit. If the District plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 1688-3 will then be 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.

The fee for allowing this amount of water in reserve for another seven years is \$8215.00. The fee is charged after the Board allows the permit to remain in effect. I bring this to your attention because this is a large amount of money and has been a concern in the past.

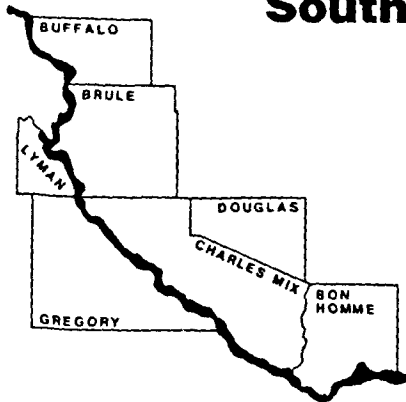
Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

Southern Missouri Water Development District



BOARD OF DIRECTORS

RALPH REIMER
PATRICIA CERNY
CATHERINE WERNKE
REX WINTER
GEORGE HERROLD
BOB SLADE
WM. L. SOULEK
MANAGER: LYLE LABEREE
CLERK: THELMA MEYER

P.O. BOX 43
DOUGLAS COUNTY COURTHOUSE
ARMOUR, SOUTH DAKOTA 57313

(605) 724-2624

October 28, 1997



Karen Schlaak
Natural Resources Analyst
SD Department of Water and Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

The Board of Directors of the Southern Missouri Water Development District have decided to retain the 2810 cfs remaining IN FUTURE USE WATER PERMIT No. 1688-3 for the following reasons:

1. 737 cfs is reserved for the LAKE ANDES/WAGNER IRRIGATION PROJECT out of 1688-3.
2. SMWDD allowed FUTURE USE PERMITS 4205-3 and 4206-3 to be cancelled. These two permits were for 2040 cfs.
3. The date of 1688-3 goes back to July of 1969.
4. The purpose of 1688-3 was for Irrigation, Municipal, Domestic, Stockwater, Fish culture, Fire Protection, Industrial, and Public Recreation.
5. If Lake Andes/Wagner/Marty II and Gregory County Pumped Storage (Irrigation and Municipal Phase) are ever constructed, we feel that we will see an expansion of these projects.
6. The SMWDD Board views their FUTURE USE PERMITS as a method of showing DOWN-STREAM STATES that we need this water for our future development.

SINCERELY,

Lyle W. Laberee
Manager

LWL:tjm

cc: Cathy Wernke

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Future Use Permit No. 1688-3

ADDRESS: COUNTY:

DATE: October 10, 1997 TELEPHONE:

RE: Call and discussion with Lyle Labree, Southern Missouri Water Development District

COMMENTS:

Mr. Labree called regarding our comment in a letter that Future Use Permit No. 1688-3 should be transferred from the Lower James Conservancy Sub District to the Southern Missouri Water Development District. He stated that with the dissolution of the sub districts in the mid 1980's that the permit was by legislative action transferred Southern Missouri WDD. There is supposedly a July 12, 1985, letter from Laurel Gunderson (Selken), who at the time worked for the department, stating that the water development district holds any permits or previous assests of the sub district.

I believe the future use permit should be in the name of Southern Missouri Water Development District.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Eric Gunderson

RECOMMENDATION OF CHIEF ENGINEER
FOR FUTURE USE WATER PERMIT
NO. 1688-3, Southern Missouri Water Development District

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1688-3, Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57313.

The Chief Engineer is recommending that Future Use Permit No. 1688-3 REMAIN in EFFECT for 2,810 cubic feet of water per second (393,400 acre-feet annually) because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1688-3, 2) Southern Missouri Water Development District has demonstrated a reasonable need for the water reserved by Permit No. 1688-3, 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. 1688-3 is subject to payment of the \$8,215.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to Southern Missouri Water Development District.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
October 29, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1997

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

Lyle Laberee
Southern Missouri Water Development District
PO Box 34
Douglas County Courthouse
Armour SD 57313

Dear Mr. Laberee:

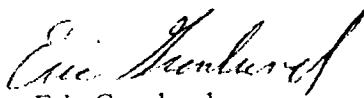
Future Use Permit No. 1688-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the following papers:

Brule Co. News, Kimball SD Phone 605 778-6253
Corsica Globe, Corsica SD Phone 605 946-5489
Platte Enterprise, Platte SD Phone 605 337-3101
Tyndall Tribune & Register, Tyndall SD 605 589-3242

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 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 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 November 6, 1997 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57313 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. 1688-3. This permit was approved September 3, 1969 and currently reserves 2,810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2,810 cfs (393,400 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. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 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 November 24, 1997. 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. 1688-3 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.

(continued)

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 November 24, 1997. 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 November 24, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1997

Tyndall Tribune & Register
Box 520
Tyndall SD 57066-0520

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 5, 1997 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 Southern Missouri Water Development District, PO Box 43, Armour SD 57313.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No.1688-3

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

Date _____

We are in receipt of your letter of October 29, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 29, 1997

Platte Enterprise
Box 546
Platte SD 57369-0546

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 6, 1997 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 Southern Missouri Water Development District, PO Box 43, Armour SD 57313.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No.1688-3

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

Date _____

We are in receipt of your letter of October 29, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit No. 1688-3 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

October 29, 1997

Corsica Globe
Box 45
Corsica SD 57328-0045

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 4, 1997 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 Southern Missouri Water Development District, PO Box 43, Armour SD 57313.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No.1688-3

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

Date _____

We are in receipt of your letter of October 29, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit No. 1688-3 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

October 29, 1997

Brule Co News
Box 46
Kimball SD 57355-0046

Dear Sir:

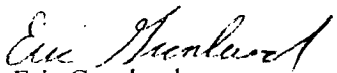
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 6, 1997 with the second publication 7 days later.

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 Southern Missouri Water Development District, PO Box 43, Armour SD 57313.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 1688-3

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

Date _____

We are in receipt of your letter of October 29, 1997 enclosing Notice of Hearing to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Douglas) SS

I, Beverly Feenstra

certify that the attached printed Notice was taken

from the Corsica Globe

printed and published in Corsica

County of Douglas and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-4-97

11-11-97

Cost of Printing 56.92

Beverly Feenstra
(Signature)

Office Manager
(Title)

11-11-97

(Date Signed)

Notice of Hearing to Review Future Use Water Permit No. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour, S.D. 57313 for progress made in the development of the water reserved by the Permit and future plans for development to the water reserved by Permit No. 1688-3. This permit was approved Sept. 3, 1969, and currently reserves 2,810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2,810 cfs (393,400 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. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre S.D. Dec. 3, 1997, at 10 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 Nov. 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave, Pierre, S.D. 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. 1688-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-2-12, 46-2-13, 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 Nov. 24, 1997. 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 Nov. 24, 1997. Nettie H. Myers, Secretary, Department to Environment and natural Resources.

cL103;11/4-11c

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)

County of Charles Mix) SSI, Ralph Nahtigal

certify that the attached printed Notice was taken

from the PlatteEnterpriseprinted and published in PlatteCounty of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-6-9711-13-97Cost of Printing 53.64Ralph Nahtigal

(Signature)

Publisher

(Title)

11-13-97

(Date Signed)

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 1688-3**

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57313 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. 1688-3. This permit was approved September 3, 1969 and currently reserves 2,810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2,810 cfs (393,400 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. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 Capitol, Pierre SD on December 3, 1997 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 November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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 November 24, 1997. 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 November 24, 1997. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Nov. 6 and 13)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Bon Homme) SS

I, Barb Rokusek

certify that the attached printed Notice was taken

from the Tyndall Tribune
& Register

printed and published in Tyndall

County of Bon Homme and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov. 5, 1997

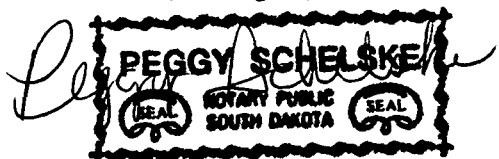
Nov. 12, 1997

Cost of Printing \$71.28

Barbara Rokusek
 (Signature)

Circulation & Legals
 (Title)

11-12-97
 (Date Signed)



My Commission Expires 10-24-2003

**NOTICE OF HEARING TO REVIEW
 FUTURE USE WATER PERMIT
 NOS. 448-3 and 2042-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St., Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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 Nos. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 a.m.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to

remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 November 24, 1997. 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 petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 448-3 and 2042-3 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 recommendations, further information on this permits, 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 November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person to has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997.

Nettie H. Myers, Secretary,
 Department of Environment
 and Natural Resources
 (Nov. 5-12)

County of Brule

Doris J. Voreck of said county, being first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Brule County News, a weekly newspaper published in the City of Kimball, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-21 through 17-2-24 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

11-12 1997 _____ 19____
11-13 1997 _____ 19____
_____ 19____ _____ 19____

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: 50.23

Signed: Doris J. Voreck
Subscribed and sworn to before me this _____ day of _____ 19____

Notary Public in and for the County of Brule,
South Dakota.

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57313 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. 1688-3. This permit was approved September 3, 1969 and currently reserves 2,810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2,810 cfs (393,400 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. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 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 November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 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. 1688-3 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 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 November 24, 1997. 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 November 24, 1997. Neale H. Myers, Secretary, Department of Environment and Natural Resources.
(Nov. 6, Nov. 13)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

NOTICE

Lyle Laberee
Southern Missouri Water Development District
PO Box 670
Lake Andes SD 57356

Dear Mr. Laberee:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit No. 1688-3. The Board allowed the permit to remain in effect for 393,400 acre-feet of water annually. Future Use Permit No. 1688-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1688-3 is \$8,215.00 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.

Very truly yours,

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

CERTIFICATION

I hereby certify that on December 5, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review the following Future Use Permits, addressed as stated below:

439-2, 1088-2: Daniel J. Bjerke, Public Works Department, 300 6th St., Rapid City, SD 57701.

1833-2: Jay Evenson, President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57709-1848.

448-3, 2042-3: Lyle D. Johnson, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

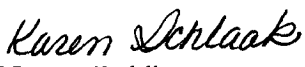
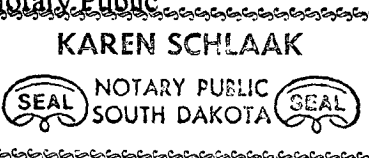
1688-3: Lyle Laberee, Southern Missouri Water Development District, P.O. Box 670, Lake Andes, SD 57356.

4927-3: Duane C. Stokes, Mgr., Clark Rural Water System, P.O. Box 162, Clark, SD 57225.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 1997


Notary Public
KAREN SCHLAAK

KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1997

NOTICE

Lyle Laberee
Southern Missouri Water Development District
PO Box 43
Douglas County Courthouse
Armour SD 57313

Dear Mr. Laberee:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit No. 1688-3. The Board allowed the permit to remain in effect for 393,400 acre-feet of water annually. Future Use Permit No. 1688-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1688-3 is \$8,215.00 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.

Very truly yours,

for JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 9, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 9, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review Future Use Permit No. 16688-3, addressed as stated below:

Lyle Laberee, Southern Missouri Water Development District, P.O. Box 43, Douglas County Courthouse, Armour, SD 57313.



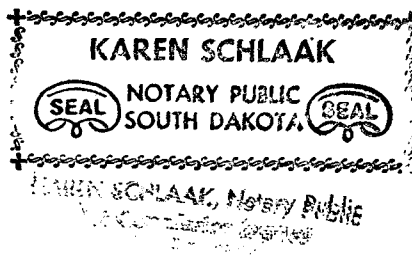
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of December, 1997



Notary Public



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415579

Pierre, December 30, 19 97

RECEIVED OF Southern Missouri Water Dev., Dist., P.O. Box 43, Armour, SD 57883
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. 1688-3 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

8,215 00

8,215 00

By _____
Chief Engineer

John Hatch (CP)

Schlaak, Karen

From: Ruhnke, David
To: ALL DENR (PIERRE)
Subject: New Manager
Date: Monday, August 03, 1998 10:52AM

Lyle Labaree, manager of South Central Water Development District (formerly known as Southern Missouri Water Development District), has retired. The new manager is:

Cheryle Van Zee
27497 US Highway 281
Corsica, SD 57328
phone: (605) 946-5261

Lyle has requested that all mail lists, etc. be updated to reflect this change.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 26, 1999

Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328

Dear Ms. VanZee:

In reference to our phone conversation last week, enclosed are copies of future use permits we talked about. For your information, all future use permits are reviewed by the Water Management Board every 7 years.

- **No. 1507-2** originally issued to West River Conservancy Sub-District will be scheduled for its 7 year review before the Water Management Board in May, 2000. If the permit is allowed to remain in effect for 100,000 AF, the fee to retain the permit at that time will be \$2,102.50.
- **No. 1688-3** originally issued to Ft. Randall & Lower James Conservancy Sub-Districts will be scheduled for its 7 year review in December, 2004. If the permit is allowed to remain in effect for 393,400 AF, the fee to retain the permit at that time will be \$8,215.00.
- **No. 1508-2** originally issued to West River Conservancy Sub-District and now held by Whetstone Pipeline Irrigation Project, Cathy Wernke, Coordinator will be scheduled for review in October, 2000. If the permit is allowed to remain in effect for 45,000 AF, the fee to retain the permit at that time will be \$955.00.
- **Nos. 4205-3 and 4206-3** originally issued to Ft. Randall & Lower James Conservancy Sub-Districts have been cancelled by past action of the Water Management Board.

Enclosed are partially completed *Notice of Transfer of Ownership* forms for Nos. 1507-2 and 1688-3. If you wish to have the permits transferred to South Central Water Development District, the forms need to be completed, signed, notarized and returned with a \$2.50 filing fee for each.

If you have any further questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1688-3

Date: 6/23/99

I/We request that Future Use Water Permit No. 1688-3

formerly owned by: Ft. Randall & Lower James Conservancy Sub-Districts

be transferred to: (name & address) South Central Water Development District

27497 US Hwy 281 Corsica, SD 57328 Telephone No. 605-946-5261

Title to the following described land(s)/property has been transferred as described above:

393,400 acre-feet of water from the Missouri River. The future use area includes land in Brule, Buffalo, Douglas, Charles Mix, and Bon Homme Counties.

I/We understand that the validity of Future Use Water Permit No. ¹⁶⁸⁸⁻³~~1687-3~~ has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

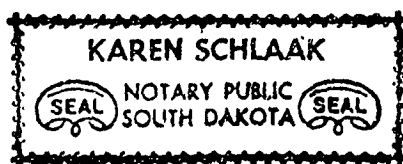
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Cheryl Van Zee 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, and that I know of my own personal knowledge that the information herein stated is true.

Cheryl Van Zee, Manager SCWD
(Signed)

Subscribed and sworn to before me this 23rd day of June 1999.



Karen Schlaak
(Notary Public)
KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416152

Pierre, June 23, 19 99

RECEIVED OF Alvin of Cheryle VanZee (South Central WDD), 27497 US Hwy. 281, Corsica, SD 57328-5409
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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Future Use Water Permit No. 1688-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatca
Chief Engineer



1688-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 1, 1999

1507-2

1688-3

Cheryle Van Zee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica, SD 57328

Dear Ms. Van Zee:

The transfers of Future Use Permit Nos. 1507-2 and 1688-3 have been completed. They are now listed in the name of South Central Water Development District.

Enclosed are your receipts in the amount of \$2.50 each. Thank you for stopping by the office to update the permits.

If you have any questions concerning the future use permits, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



1688-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2004

Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328

Dear Ms. VanZee:

I am writing in regard to the seven year review of Future Use Water Permit No. 1688-3 from the Missouri River which is held by South Central Water Development District. 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 district. Currently, our records show that 393,400 acre-feet remain in reserve under this future use permit.

Please respond in writing by October 15, 2004, regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

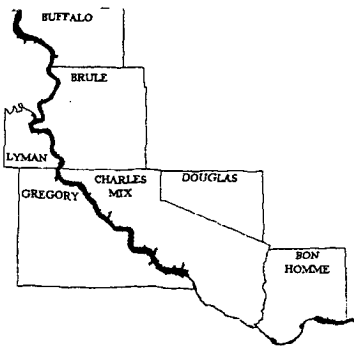
Permit No. 1688-3 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the 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. For your information, the fee for 393,400 acre-feet would be \$8,215.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



SOUTH CENTRAL WATER DEVELOPMENT DISTRICT

***Douglas County Courthouse P.O. Box 43 Armour, South Dakota 57313
(605) 724-2624***

BOARD OF DIRECTORS

Ralph Reimer Patricia Cerny
Catherine Wernke Rex Winter
George Herrold Bob Slade
Wm. L. Soulek

MANAGER
Cheryle Van Zee

CLERK
Thelma Meyer

RECEIVED

OCT 21 2004

**WATER RIGHTS
PROGRAM**

October 19, 2004

Garland Erbele, Chief Engineer Water Rights Program
523 E. Capitol, Joe Foss Building
Pierre, South Dakota 57501-3181

Dear Mr. Erbele:

The Board of Directors of South Central Water Development District has decided to retain Future Use Permit #1688-3 for the following reasons:

1. A percentage of the permit is reserved for the Lake Andes Wagner Irrigation Project.
2. The date of 1688-3 goes back to July, 1969.
3. The purpose of 1688-3 was for irrigation, municipal, domestic, stockwater, fish culture, fire protection, industrial and public recreation.
4. If Lake Andes/Wagner Water Systems and Gregory County Pumped Storage are constructed, we feel that we will see an expansion of these projects with a definite need for the water supply.
5. The SCWDD Board views their FUTURE USE PERMITS as a method of showing down-stream states that we need this water for future development of South Dakota.

The SCWDD Board of Directors encourages approval of this permit at the Water Management Board scheduled for this hearing.

Thank-you.

Sincerely,


Cheryle Van Zee,
Manager



**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. 1688-3, South Central Water Development District, Armour 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. 1688-3, South Central Water Development District, PO Box 43, Armour SD 57313.

The Chief Engineer is recommending that Future Use Permit No. 1688-3 REMAIN in EFFECT for 393,400 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1688-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 1688-3, 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. 1688-3 is subject to payment of the \$8,215.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
October 25, 2004

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by South Central Water Development District, c/o Cheryle VanZee, Manager, PO Box 43, Armour SD 57313 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. 1688-3. This permit was approved 1969 and currently reserves 393,400 acre feet from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 393,400 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. 1688-3 at 10:00 am, December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. 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. 1688-3 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 November 22, 2004. 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 November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2004

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

Cheryle VanZee, Manager
South Central Water Development District
PO Box 43
Armour SD 57313

Dear Ms. VanZee:

Future Use Permit No. 1688-3 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 following papers:

Central Dakota Times, Chamberlain SD # 605 234-0266

Corsica Globe, Corsica SD # 605 946-5489

Platte Enterprise, Platte SD # 605 337-3101

Tyndall Tribune & Register, Tyndall SD # 605 589-3242 583-4419 - Barb

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 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 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



October 25, 2004

Central Dakota Times
PO Box 125
Chamberlain SD 57325-0125

Dear Sir:

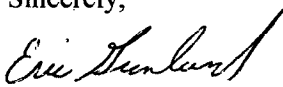
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 Cheryle VanZee, Manager, South Central Water Development District, PO Box 34, Chamberlain SD 57325-0125.

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 October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2004

The Corsica Globe
PO Box 45
Corsica SD 57328-0045

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 2, 2004 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 Cheryle VanZee, Manager, South Central Water Development District, PO Box 34, Chamberlain SD 57325-0125.

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 October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name



October 25, 2004

Platte Enterprise
PO Box 546
Platte SD 57369-0546

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 4, 2004 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 Cheryle VanZee, Manager, South Central Water Development District, PO Box 34, Chamberlain SD 57325-0125.

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 October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2004

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066-0520

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1688-3 to be published twice. Please publish the first notice on November 3, 2004 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 Cheryle VanZee, Manager, South Central Water Development District, PO Box 34, Chamberlain SD 57325-0125.

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 October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 1688-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Affidavit Of Publication

STATE OF SOUTH DAKOTA,

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

Notice of hearing to
review Future Use Water
Permit No. 1688-3

a printed copy of which is hereto attached, was printed and published in said newspaper

for two successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on Nov. 2, 2004

the second publication being made on Nov. 9, 2004

the third publication being made on _____, 19____

the fourth publication being made on _____, 19____

the fifth publication being made on _____, 19____

the sixth publication being made on _____, 19____

the seventh publication being made on _____, 19____

and the eighth publication being made on _____, 19____

that \$ 67-03 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 1st day of Dec, 2004

Joedi Schrank

Notary Public, Douglas County, South Dakota

My Commission Expires 2-18-2006

Notice of hearing to review Future Use Water Permit No. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by South Central Water Development District, c/o Cheryl VanZee, Manager, PO Box 43, Armour, SD, 57313 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. 1688-3. This permit was approved 1969 and currently reserves 393,400 acre feet from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 393,400 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. 1688-3 at 10 a.m., Dec. 2, 2004, at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E Capitol, Pierre S.D.

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 Nov. 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre S.D. 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 petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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.

RECEIVED

DEC - 7 2004

WATER RIGHTS
PROGRAM

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 Nov. 22, 2004. 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 Nov. 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

c97L11/2-9c



AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

SS

RECEIVED

DEC - 6 2004

WATER RIGHTS
PROGRAM

Debi Hopkins of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing

to Review Future Use
Water Permit No. 1688-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

two successive week(s) to wit:

Nov. 3, 2004; Nov. 10, 2004

 , 20 ; , 20 ;

 , 20 ; , 20 ;

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

\$ 58.29

Signed:

Debi Hopkins

Subscribed and sworn to before me this 3rd day
of December, 2004.

Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAK
SEAL NOTARY PUBLIC
SOUTH DAKOTA

my commission expires June 5, 2010.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by South Central Water Development District, %Cheryle VanZee, Manager, P.O. Box 43, Armour, SD 57313 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. 1688-3. This permit was approved in 1969 and currently reserves 393,400 acre feet from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 393,400 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. 1688-3 at 10 a.m., Dec. 2, 2004 at the Floyd Mathew Training Center, Joe Foss Building, 523 East 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 Nov. 22, 2004. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, 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 petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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 through 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 Nov. 22, 2004. 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 Nov. 22, 2004. Steven M. Pirner, Secretary.

Department of Environment and Natural Resources.

(November 3/November 10)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Charles Mix) SS

I, Sharon Luizonga

certify that the attached printed Notice was taken

from the Platte
Enterprise

printed and published in Platte

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-4-04

11-11-04

Cost of Printing \$160.19

Sharon Luizonga
 (Signature)

Owner/Publisher
 (Title)

11-11-04

(Date Signed)

RECEIVED

NOV 15 2004

WATER RIGHTS
 PROGRAM

WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by South Central Water Development District, c/o Cheryle VanZee, Manager, PO Box 43, Armour, SD 57313 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. 1688-3. This permit was approved 1969 and currently reserves 393,400 acre feet from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 393,400 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 beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1688-3 at 10:00 am, December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E Capitol, Pierre, SD.

The recommendation of the Board 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 November 22, 2004. 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. 1688-3 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. Decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing 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 November 22, 2004. 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 November 22, 2004.

Steven M. Pimer,
 Secretary, Department of
 Environment and Natural Resources.
 (Nov. 4, 11)

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyce Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Hearing

164 @ 34.5 + 80% x 1

a printed copy of which is hereto attached, was printed and published in said newspaper for *two* successive weeks, upon the following dates:

<i>Nov. 3</i> 20 <i>04</i>	20.....
<i>Nov. 10</i> 20 <i>04</i>	20.....
20.....	20.....
20.....	20.....

That the full amount of the fee charged for the publication of said notice, *164.58*, inures 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 has been agreed to be paid to any person whomsoever

Rebecca Tyce

Subscribed and sworn to before me this

RECEIVED

NOV 23 2004

WATER RIGHTS
PROGRAM

10th day of *Nov* 20*04*

PEGGY SCHELSKE

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public, South Dakota
My Commission expires 10-24-2009.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 filed by South Central Water Development District, c/o Cheryl VanZee, Manager, PO Box 43, Armour SD 57313 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. 1688-3. This permit was approved 1969 and currently reserves 393,400 acre feet from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 393,400 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. 1688-3 at 10:00 am, December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner.

counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 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 Cronlund, Water Rights Program, (605 773-3352) by November 22, 2004. 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 November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Nov. 3 and 10)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 2004

NOTICE

Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328

Dear Ms. VanZee:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 2004 to review Future Use Permit No. 1688-3. The Board allowed the permit to remain in effect for 393,400 acre-feet of water annually. Future Use Permit No. 1688-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1688-3 is \$8,215.00 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,

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

CERTIFICATION

I hereby certify that on December 6, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 6, 2004 regarding Notice canceling Water Right No. 5557-3, 5810-3, 4029-3, 2660-3, 2183-3, 3884A-3 and Future Use Permit Nos. 439-3 & 1088-2, 1833-2, 1688-3 addressed as stated below:

5557-3

James Knadle
41258 SD Hwy 22
Hayti SD 57241

5810-3

Don Siebrasse
PO Box 26
Lebanon SD 57455-0026

4029-3

Randy Vance Chairman
Oahe Plains Systems Corporation
102 Stewart Place
Pierre SD 57501

2660-3

Dean Erickson
28659 461st Ave
Davis SD 57021-6510

2183-3

William P Dolan
514 N 1st
Beresford SD 57004

3884A-3

Leslie Rau
PO Box 384
Eureka SD 57437

Future Use #439-2 & 1088-2

John Wagner Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Future Use # 1833-2

Weston Heights Homeowners Association
% Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Future Use # 1688-3

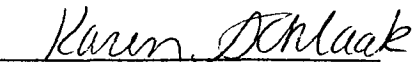
Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328



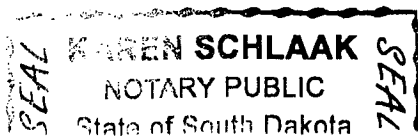
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of December, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



FOR OFFICE USE ONLY:

Gross Salary	
Social Security	
Medicare tax	
Withholding Tax	
Net Salary	
Mileage	
Meals	
Lodging	
Misc.	
Goods/Services	8215.00
GRAND TOTAL	\$8215.00

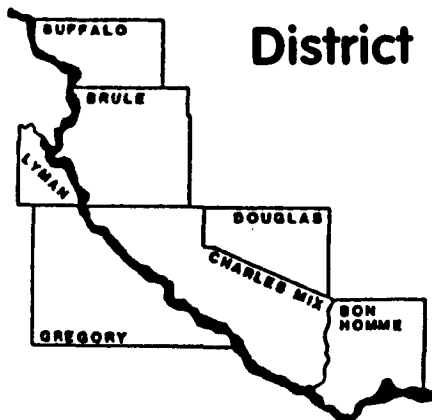
EXPENSE DISTRIBUTION

Account Number	AMOUNT
	8215.00

South Central

Water Development

District



P.O. BOX 43
DOUGLAS COUNTY COURTHOUSE
ARMOUR, SOUTH DAKOTA 57313
(605) 724-2624

12/6/04 \$ 8215.00 # 3652

Date Check Voucher No.

S. DAK. DENR

Claimant - Name

112-6-04

Date

523 E. Capitol

Street

Route No.

Box

R. 112-6-04

SD

City

State

57501-3182

Zip Code

Explanation of Misc. Expense

-
-
-
-
-
-

DATE	DESCRIPTION OF CLAIM	GOODS-SERVICE	MISC.	SALARY	LODGING	MEALS	AUTO MILES
12/6/04	Future use water permit renewal						
	Permit # 1688-3						
	\$8215.00						
	TOTAL	8215.00					

RECEIVED

JAN 10 2005

Authorized Mileage Rate

MILEAGE AMOUNT

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

x

Sign Here

WATER RIGHTS PROGRAM
Approved

2004
Approved By

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 10, 20 05

RECEIVED OF South Central Water Dev Dist., PO Box 43, Armour SD 57313-0043

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	8,215	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1688-3</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	8,215.00

No.

000008

By

Darland Erbe
Chief Engineer
gm

FUTURE USE PERMIT NO. 1688-3

Future Use Permit No. 1688-3 was originally issued to Ft Randall & Lower James Conservancy Sub-Districts and was transferred in June, 1999 to South Central Water Development District.

On June 28, 2012 an ownership change was filed to transfer a portion of the water reserved to the Lake Andes-Wagner Irrigation District. Future Use Permit No. 1688-3 is being divided and reissued as follows:

Future Use Permit No. 1688A-3 - Lake Andes-Wagner Irrigation District, 210 S Main Ave., PO Box 818, Wagner SD 57380 – reserving 96,000 acre feet of water annually from the Missouri River to be used for irrigation, municipal, stock watering, fish culture, fire protection, industrial and public recreation uses. The future use area is within Charles Mix County with diversion from the east bank of the Missouri River within that county.

Future Use Permit No. 1688B-3 – South Central Water Development District, PO Box 43, Armour SD 57313 - reserving 297,400 acre feet of water annually from the Missouri River to be used for irrigation, municipal, stock watering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Charles Mix, Douglas and Bon Homme Counties with diversion point locations along the east bank in each of those counties.*

* Based on prior correspondence from the District's Chairperson Gary LaCompte, South Central Water Development District does not want to retain their future use permit. No. 1688B-3 will be scheduled for cancellation consideration.