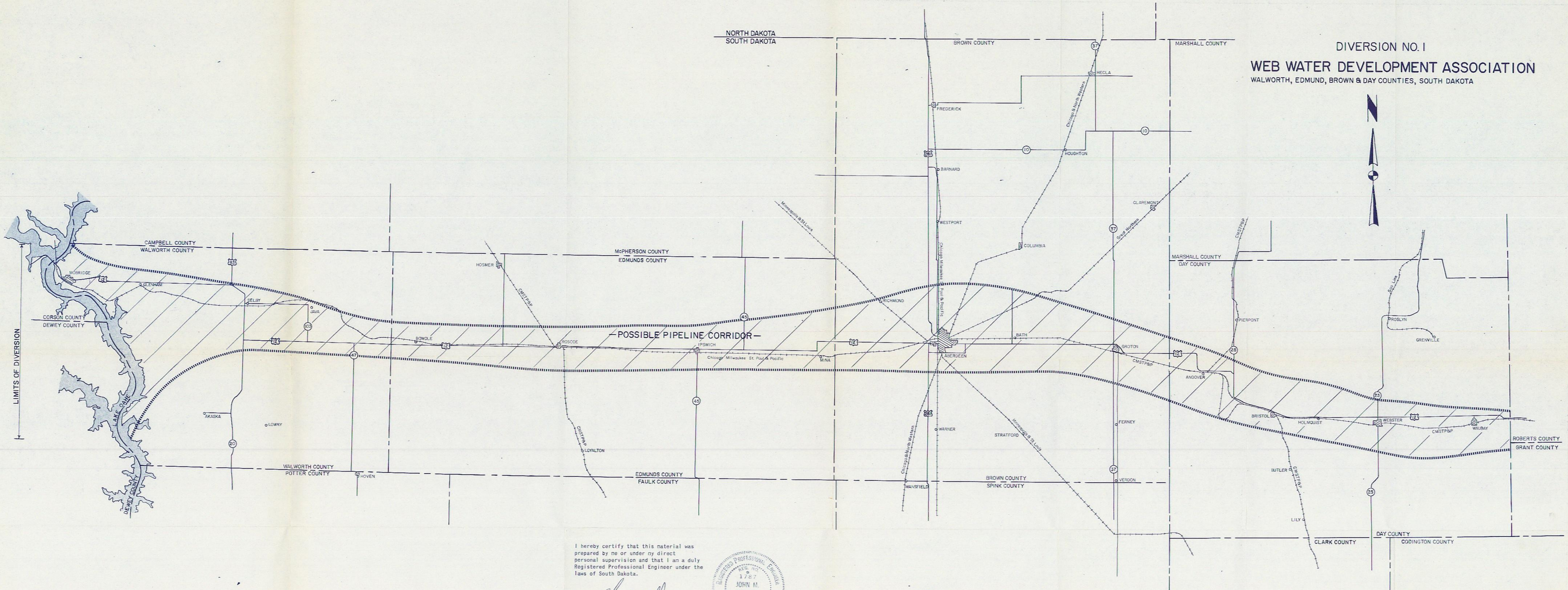


1. Considered MAY 20, 1976 2671-3
2. Name of Applicant DAHE CONSULTANCY SUB-DISTRICT
3. Post Office Address \_\_\_\_\_
4. Amount of water claimed 10,000 AC FT ANNUALLY
5. Source of water supply MISSOURI RIVER
6. Water to be used for WEB WATER SYSTEM  
Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in WAZWORTH county  
about NEAR. miles \_\_\_\_\_ of MOBRIDGE
8. Proof of Publication Received 4-27-76  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:





DIVERSION NO. 1  
WEB WATER DEVELOPMENT ASSOCIATION  
WALWORTH, EDMUND, BROWN & DAY COUNTIES, SOUTH DAKOTA

I hereby certify that this material was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of South Dakota.

*John M. Madden*  
John M. Madden



Date 3-22-76 Reg. No. 1787

SCALE 1:250,000

W/R 2671-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2671-3

CAHE CONSERVANCY SUB-DISTRICT P.O. Box 78, HUDON  
(Applicant) (Post Office Address)

SOUTH DAKOTA 57350 With the following modifications:  
(State)

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.

Date of first receipt of application APRIL 7 19 76

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_\_

Approved MAY 20 19 76, Recorded in Book 15 Page 121

WATER RIGHT PERMIT NO. 2671-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2671-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 7, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE
5. The water appropriated shall be used for the purpose of FUTURE USE
6. 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.
7. The amount of the appropriation herein granted shall not exceed 10,000 ACRE FEET ANNUALLY; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation purposes~~ USED FOR RURAL & MUNICIPAL WATER DEVELOPMENT actually and beneficially ~~applied for irrigation on or before~~ CONTINUOUSLY said water to be used during the following described annual period: \_\_\_\_\_

Witness my hand this 8<sup>TH</sup> day of JUNE 19 76

WATER RIGHTS COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_\_

No. 2671-3

Publish first publication, on or before May 6, 1976

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501  
April 13, 1976

The Oahe Conservancy Sub-District

Notice is hereby given that Huron, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a perpetual appropriation for beneficial use of 10,000 ~~acres of water annually~~ from the Missouri River through the W.E.D. Water Development Project, the point of diversion of which is to be located between a point in Section 5, T124N, R79W and a point in Section 17, Twp. 121N, Range 78W. Said water to be used for the purpose of providing ~~irrigation on the following described land~~ supplies for municipal use and rural water development in Walworth, Edmunds, Brown and Day Counties, with possible extensions to other areas at a later date.

This application No. 2671-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested persons may appear and be heard.

**WATER RESOURCES COMMISSION**

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw

cc:

Bob Raschle, Oahe Conservancy Sub-District, Box 78, Huron, SD 57350

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

No. 2671-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County Brown ) ss.

I, Dianne Brenden hereby

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

Water was taken from the Aberdeen American News

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 Aberdeen

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

April 19, 1976

April 26, 1976

*Dianne Brenden*  
(Signature)

Principal clerk  
(Title)

April 26, 1976

(Date Signed)



(No 284 - April 15, 1976 - 27)

NOTICE  
INTENT TO APPROPRIATE WATER  
Notice is hereby given that the Oahe  
Conservancy Sub District whose post  
office address is Pierre, South Dakota,  
has made an application in accordance  
with the provisions of the water laws of  
South Dakota for a Future Use permit to  
appropriate for beneficial use 10,000  
acre feet of water annually from the  
Missouri River through the W.E.B.  
Water Development Project, the point of  
diversion of which is to be located bet-  
ween a point in Section 3, T124N, R19W  
and a point in Section 17, Twp. 121N,  
Range 18W. Said water to be used for the  
purpose of providing supplies for  
municipal use and rural water  
development in Walworth, Edmunds,  
Brown and Day Counties, with possible  
extensions to other areas at a later date.  
This application No. 25713 will be  
considered by the Water Rights Com-  
mission at their office at Pierre on the  
20th day of May, 1976, at 1:00 P.M. All  
interested persons may appear and be  
heard.

WATER RESOURCES COMMISSION  
By: Burton J. Jones  
Water Rights Specialist

2671-3

June 8, 1976

Oahe Conservancy Sub-District  
Box 78  
Huron, S.D. 57350

Dear Bob:

Enclosed herewith is your Water Right Permit No. 2671-3 (future use) as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2671-3.

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.

Sincerely,

JOHN HATCH  
Chief Engineer

JH/DFJ/bw  
Encl: As stated

## Editorials

# A different perspective

Webster's dictionary describes the word perspective as a picture or figure that looks distorted except when viewed from some particular point. That definition, we expect, explains some of the differences in attitude toward the proposed WEB pipeline in north central South Dakota.

Elsewhere on this page today are two opinions that support WEB in vague and general terms. One is a letter from Oahe subdistrict chairman John Sieh, which addressed the project from the point of view of a long-time proponent. The second is an editorial from the Sioux Falls *Argus Leader* which views it from afar as a project estimated to cost between \$50 million and \$100 million dollars, to be financed by a combination of federal grants and loans. These opinions represent two perspectives.

Residents of this portion of the subdistrict who will receive no benefits at all from WEB, but who are expected to help pay for the project, are entitled to a little more detail. And very little detail has been released.

According to congressional sources, who have been given some detail, the WEB system would serve 51 towns (17,413 people), 2,913 rural meters (12,387 people plus livestock) and a state line water cooperative (North Dakota).

The plan being pushed would provide an average of 3.90 million gallons per day and a 5.37 MGD peak, a total of 1427 million gallons or about 4377 acre feet each year. It would

cost just over \$70 million to be financed by a federal grant of \$50.55 million, an FmHA loan of \$15.60 million and \$4 million from local sources — hook-up fees, the Oahe subdistrict and the State Department of Natural Resource Development.

The subdistrict board has already contracted to provide 5 percent of the first \$62 million for this project. That comes to just over \$3 million. With just over 11 percent of the assessed valuation in the subdistrict, Beadle County could expect to pay about a third of a million of the project costs if the plan were to work as projected.

But serious questions should be raised about the capacity of the system as planned and the reliability of the cost figures.

In terms of usage, the 3.90 million gallons per day average compares with a 7 million gallon a day capacity at the Huron water treatment plant. And the 5.37 MGD peak compares with a 10.5 MGD peak capacity at the treatment plant here. The question that comes to mind is just how well can WEB serve some 30,000 people with a little over half the capacity that is required to serve 15,000 here.

Put another way, the 3.90 MGD average would operate just three irrigation pivots which require about 1.25 million gallons per day. We appreciate the fact that this water is not programmed for irrigation; the comparison is used only to illustrate the paucity of benefits to accrue from a \$70 million investment.

From this vantage point the cost estimates are even more disturbing. We are told that inflation has pushed WEB costs up 50 percent since the study started. The \$70 million estimates, according to the chart supplied our congressional delegation, does not include: (a.) inflation allowance, (b.) interest during construction, (c.) initial operating expense, (d.) reserve.

Assuming that Congress took positive action this session and appropriated the money next year, the time lag could easily add anywhere from 20 percent to 50 percent to the total cost for those items not included in the estimate. Who would have to dig up the additional millions?

We expect that the subdistrict would be a prime target in the event of an almost certain and potentially very large inflation of construction costs.

These are the reasons that our perspective of the WEB plan is considerably different than that expressed by others on this page today.

The Beadle County commissioners, the last of three county boards to be taken to court by the subdistrict for refusing to levy taxes demanded by the subdistrict, which commissioners considered to be unfair or illegal, are in court today. A fourth county, Hughes, imposed the levy under protest. We submit that our perspective is apparently shared by most of our readers in this area of the state and subdistrict.

## Other opinions **WEB pipeline needs a push**

### Sioux Falls Argus-Leader

South Dakota's problem in gaining beneficial use of Missouri River water has been illustrated anew in red tape which has blocked the U.S. Department of Interior from funding a feasibility study for the proposed WEB (Walworth, Edmunds, Brown counties) pipeline.

Promoters of the pipeline and South Dakota's congressional delegation hope to get around this impasse by seeking construction authorization of the project. This will be explored at a meeting in Washington Monday when officers of the WEB Water Development Association will present results of their own initial study of the project.

Rep. Tom Daschle, D-S.D., said that if their presentation is favorable, he and Rep. James Abdnor, R-S.D., could try to attach WEB construction authorization as an amendment to a farm bill which is scheduled to be considered by the full House in early December.

Daschle said success of that tactic would almost certainly require support of the Carter administration. Interior officials hope to gain at least informal support from their department and the Department of Agriculture in time for the bill's consideration.

Congress has provided \$100,000 this year for the Interior Department to finance the WEB study. The remainder of the \$310,000 needed was to come from general department funds. But the department encountered legal problems in finding an agency through which to channel any of the money to the officials in charge of the study. The money cannot go to them directly, Interior officials concluded.

As envisioned now, the bill suggested by Daschle would provide special authorization to provide a mixture of loans and grants for the WEB project.

Money would go through the Interior Department to the Department of Agriculture where it would be ad-

ministered by the Farmers Home Administration. The latter agency has an existing program for rural domestic water projects through which the WEB project would be administered.

The pipeline would run 125 miles from the Missouri River south of Mobridge into the Webster area. Nearly 20,000 residents of 10 counties would use the pipeline. It would serve 51 towns and cities and 31,000 hookups. Estimated cost is between \$50 million and \$100 million.

The specific plans of the WEB Water Development Association enhance the project. It would help South Dakota gain some desirable and permanent benefits as an offset to half a million acres of bottomland given up for the four dams across the Missouri River. The Carter administration should be receptive to helping the project proceed.

Hopefully, next week's meeting will be successful in speeding up the WEB project.

## Open forum

### WEB support

#### To the Editor:

You have reprinted editorials and stories from other papers critical of myself and the Oahe board. Why aren't news items confirming our position printed? A Nov. 21 editorial in the Argus Leader is an example.

The Argus Leader editorial points out federal funding for the WEB pipeline project is possible and that legislation proposed would provide special authorization to provide a mixture of loans and grants for the WEB project."

The Oahe board has called for deauthorization of the Oahe project. We have asked that federal funds be

redirected to accepted projects, like WEB, and have worked for funding.

The Argus Leader acknowledges that WEB funding would "help South Dakota gain some desirable and permanent benefits as an offset to half a million acres of bottomland given up for the four dams across the Missouri River." It states "money would go through the Interior Department to the Department of Agriculture where it would be administered by the Farmers Home Administration."

The Carter administration's support of WEB is due in large part to the position of the Oahe board. If our congressional delegation will act, WEB can be funded and built. That is newsworthy and should be reported.

John Steh, chairman  
Oahe Conservancy Subdistrict  
Board of Directors  
Groton

PERMIT N° 4930-3 WAS APPROVED  
DEC 9, 1982 FOR DEVELOPMENT OF  
1,500 ACRE FEET.

THIS AMOUNT HAS BEEN DEDUCTED  
FROM F/U PERMIT N° 2671-3,  
LEAVING 2,500 ACRE FEET AVAILABLE  
FOR FUTURE DEVELOPMENT UNDER  
PERMIT N° 2671-3



## Department of Water & Natural Resources

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

January 22, 1987

Curt Hohn, Project Coordinator  
WEB Water Development Association, Inc.  
PO Box 1911  
Aberdeen SD 57401

Dear Mr. Hohn:

This letter is in regard to Future Use Water Permit Nos. (2671-3) and 3429-3 which were assigned to WEB on July 12, 1985 by the Board of Water and Natural Resources. Copies of Permit Nos. 2671-3 and 3429-3 are enclosed for your information.

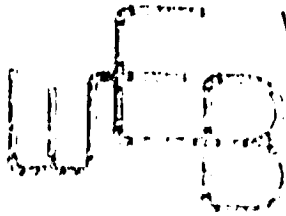
Future Use Permit No. 2671-3 and 3429-3 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permits. The Board will also consider amending Permit NO. 2671-3 to add the qualification that the permit be subject to review every seven years by the Board. No fee will be charged if Permit No. 2671-3 remains in effect after May 6, 1987. Thereafter, a fee of \$70.00 will be charged if the permit is to remain in effect following each seven year review. However, Permit No. 3429-3 will require a fee of \$435.00 if the permit is allowed to remain in effect after May 6, 1987.

Please advise in writing within 30 days of the Association's intentions regarding Future Use Permit Nos. 2671-3 and 3429-3. Let us know if you have any questions.

Very truly yours,

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

JH:rd



## WATER DEVELOPMENT ASSOCIATION INC.

WALWORTH • EDMUNDS • BROWN • DAY • SPINK • HAND  
CAMPBELL • FAULK • POTTER • McPHERSON • BEADLE • CLARK  
AND EMMONS & DICKEY COUNTY, N.D.

P.O. Box 51 — 806 No. Drive - Auto Plaza  
Aberdeen, South Dakota 57402-0051 — Phone (605) 229-4749 or 229-4847  
TOLL FREE PHONE NUMBER 1-800-233-7832

### CHAIRMAN

Morris Kurle  
P.O. Box 278  
Ravenna, SD 57428  
285-8577

### VICE-CHAIRMAN

Kenneth R. Brockel  
RR 1 - Box 18  
Java, SD 57452  
955-3597

### SECRETARY

Dean Lemburg  
RR 1 - Box 16  
Selby, SD 57472  
649-7804

### TREASURER

Oren Ausland  
RR 2 - Box 30  
Andover, SD 57422  
492-3397

### DIRECTORS:

Merle Kisters  
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Selby, SD 57472  
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225-7306

Jerome Fuhrmann  
RR 2 - Box 273  
Onaka, SD 57466  
447-5842

Dan Johnson  
RR 1 - Box 288  
Groton, SD 57445  
397-8405

Louis "Bill" Vollmer  
HCR 1 - Box 62  
Mellott, SD 57461  
887-3350

### STAFF:

Curt Hohn  
Manager  
229-4749  
or  
1-800-233-7832

April 28, 1987

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

RE: Future Use Permit #2671-3 and 3429-3

Dear Mr. Hatch,

Since your letter of January 22, 1987 we have received no additional information regarding the proposed hearing scheduled by the Water Management Board for May 6, 1987 on the above referenced Future Use Permits.

As previously stated, the WEB Water Development Association wishes to retain the water rights included in Future Use Permit #2671-3 and #3429-3 as they were issued and assigned in 1976 and 1977. The WEB Project is presently in the construction and development stage and the full water needs of the project area have yet to be fully defined.

At this point we feel it would be premature for the Water Management Board to in any way modify the above referenced permits.

Please provide us with a list of the names and addresses of the members or the State Water Management Board. In your letter of January 22, you state that the board will also consider amending permit #2671-3 to add the qualification that the permit be subject to review every seven years by the board. As issued in 1976 and 1977, did not include such a qualification, and was based on the premise that the future water right would remain intact as long as progress were being made toward construction of a project. What is the basis for your proposal that this permit be amended?

Further, in your letter you state that Future Use Water Permit Nos. 2671-3 and 3429-3 were assigned to WEB on July 12, 1985. The permits show that they were issued on August 19, 1977 and June 8, 1976 respectively. Where does the July 12, 1985 date come into the picture? The WEB Association would contend that the August 19, 1977 and the June 8, 1976 dates apply and should be recognized as the "Date of Record"



DATE MICROFILMED

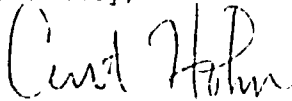
CAREPA OPERATOR

Mr. John Hatch  
April 28, 1987  
Page 2

for the water rights held by the WEB Water Development Association, which were secured on WEB's behalf by the Oahe Conservancy Subdistrict.

On another matter, what is the current status of the water right secured by the Oahe Conservancy Subdistrict in 1960 in anticipation of development of the Oahe Unit? The purpose of that permit was to provide for general development of the water resource in the Oahe Conservancy Subdistrict area which encompasses the now existing WEB Project boundaries. Since this permit was secured for general water resource development and carries with it an early priority date for Missouri River waters, would the board of Water Management consider assigning the earlier priority date to the Future Use Permits and Water Rights assigned to the WEB Project? Thank you for your consideration on this matter. We look forward to receiving the notice of the hearing so that we can attend and submit other testimony.

Sincerely,



Curt Hohn, Manager  
WEB Water Development Association, Inc.

CH:vs

cc w/attach: John Smith, DWNRD  
Governor Mickelson



## Department of Water & Natural Resources

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

May 26, 1987

Curt Hohn, Manager  
WEB Water Development Association, Inc.  
P.O. Box 51,  
806 N. Drive - Auto Plaza  
Aberdeen, South Dakota 57402-0051

Dear Mr. Hohn:

I am writing in response to your letter dated April 28, 1987 regarding Future Use Permit Nos. 2671-3 and 3429-3. We had received no response to the enclosed January 22, 1987 letter until we received your letter April 28. Letters similar to the January 22, 1987 letter were sent to several holders of future use water permits. All future use permits are subject to review at least every seven years based on SDCL 46-5-38.1. SDCL 46-5-38.1 became law in 1983. The Water management Board has also directed that all future use permits be reviewed each seven years. Review of future use permits is completed to determine if a reasonable need can be demonstrated to retain the future use permit. We are aware that WEB is under construction; however, the procedure to maintain the effectiveness of a future use permit requires Board consideration at a public hearing (Board rules 74:02:01:25 thru 74:02:01:25.03). The purpose of the January 22, 1987 letter was to establish a written record from WEB that WEB is interested in retaining Permit Nos. 2671-3 and 3429-3.

Future Use Permit Nos. 2671-3 and 3429-3 were assigned to WEB on July 12, 1985 by the Board of Water and Natural Resources due to the Oahe Conservancy Subdistrict being dissolved. The July 12, 1985 date has no effect on the established priority dates of April 7, 1976 and December 30, 1976 for the permits. The priority dates for the Oahe Conservancy Subdistrict future use permits approved in the 1960's cannot be assigned to the existing WEB future use permits. Permits are assigned priority dates based on the date each application is submitted to appropriate or reserve water.

page 2  
May 26, 1987  
Curt Hohn

The Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 at the time and place scheduled on the enclosed notice. The scheduled 10:20 a.m. agenda time is an estimate. The actual time of hearing may be delayed due to previous agenda items. The Chief Engineer's recommendation to the Board regarding review of the permits is also enclosed. Please contact us if you have any questions.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division

JH:RD:ms  
Enc.

2671-3  
3429-3



# Department of Water & Natural Resources

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

WATER RIGHTS DIVISION  
(605) 773-3352

May 27, 1987

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

Curt Hohn, Manager  
WEB Water Development Association, Inc.  
PO Box 51  
806 N. Drive - Auto Plaza  
Aberdeen, South Dakota 57401

Dear Mr. Hohn:

Notice of review of Future Use Permit Nos. 2671-3 and 3429-3 have been  
sent to the following newspapers:

|                           |                                      |
|---------------------------|--------------------------------------|
| The Prairie Pioneer       | printed at Pollock, South Dakota,    |
| Mobridge Tribune          | printed at Mobridge, South Dakota,   |
| Potter County News        | printed at Gettysburg, South Dakota, |
| McPherson County Herald   | printed at Leola, South Dakota,      |
| Ipswich Tribune           | printed at Ipswich, South Dakota,    |
| Miller Press              | printed at Miller, South Dakota,     |
| Aberdeen American News    | printed at Aberdeen, South Dakota,   |
| Redfield Press            | printed at Redfield, South Dakota,   |
| Webster Reporter & Farmer | printed at Webster, South Dakota,    |
| Faulk County Record       | printed at Faulkton, South Dakota.   |

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 YOUR NOTICE AND TO ARRANGE FOR PAYMENT.  
Early contact with the paper can eliminate delays. The publisher has been  
instructed to publish your 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 Water Management  
Board will review the permits.

Sincerely,

Ron Duvall  
Natural Resources Engineer

RD:ms  
Enc.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 2671-3

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. 2671-3, WEB Water Development Association, Inc., PO Box 51, 806 N Drive-Auto Plaza, Aberdeen SD.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) the WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Future Use Permit No. 2671-3 is approved with the stipulation that the permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.



JOHN HATCH, Chief Engineer  
May 26, 1987



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

May 27, 1987

The Prairie Pioneer  
Box 218  
Pollock, South Dakota 57648

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit Nos. 2671-3 & 3429-3 for WEB Water Development Association, Inc.. Please publish this notice each week for two consecutive weeks in your paper. The first publication should be on or before June 4, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before you make the first publication. The permit owner is to pay the cost of publication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching thereto a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed form to furnish Proof of Publication. The review cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL  
Natural Resources Engineer

enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Review Future Use Permit No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. ENCLOSID 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

Water Rights Division  
605 773-3352

May 27, 1987

Moabridge Tribune  
Box 250  
Moabridge, SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No. 2671-3 & 3429-3  
for WED Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
lication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching  
thereto a copy of the first publication so that it may be compared with the  
records. For your convenience, you may use the printed form below for this  
purpose.

After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Potter County News  
Box G  
Gettysburg, South Dakota 57442

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No. 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 4, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
lication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching  
thereto a copy of the first publication so that it may be compared with the  
records. For your convenience, you may use the printed form below for this  
purpose.

After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

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

NAME \_\_\_\_\_

NEWSPAPER \_\_\_\_\_



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

May 27, 1987

McPherson County Herald  
Box 170  
Leola, South Dakota 57456

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit Nos. 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 4, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
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After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVALL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57.01-3181

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Ipswich Tribune  
Box 7  
Ipswich, South Dakota 57451

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No\$ . 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
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Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Miller Press  
Box 196  
Miller, South Dakota 57362

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No. 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
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Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVALL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_ Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Aberdeen American News  
P.O. Box 4430  
Aberdeen, South Dakota 57401

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit Nos. 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 4, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
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Water Management Board until proof of publication has been received.

Sincerely,

RON DUVALL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Redfield Press  
Box 440  
Redfield, South Dakota 57469

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit Nos. 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
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After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVALL  
Natural Resources Engineer

enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use 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

Water Rights Division  
605 773-3352

May 27, 1987

Webster Reporter and Farmer  
Box 30  
Webster, South Dakota 57274

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No. 5 2671-3 & 3429-3  
for WFB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
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After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVALL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

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

NAME \_\_\_\_\_ NEWSPAPER \_\_\_\_\_



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

Water Rights Division  
605 773-3352

## Department of Water & Natural Resources

May 27, 1987

Faulk County Record  
Box 68  
Faulkton, South Dakota 57438

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No\$ . 2671-3 & 3429-3  
for WEB Water Development Association, Inc.. Please publish this  
notice each week for two consecutive weeks in your paper. The first  
publication should be on or before June 3, 1987.

The PERMIT OWNER must verify to you that the notice is to be published, before  
you make the first publication. The permit owner is to pay the cost of pub-  
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records. For your convenience, you may use the printed form below for this  
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After final publication please complete and mail to this office, the enclosed  
Form to furnish Proof of Publication. The review cannot be considered by the  
Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL  
Natural Resources Engineer  
enclosures

cc: permit owner

CUT HERE

NO. \_\_\_\_\_

Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing  
to Review Future Use Permit No. \_\_\_\_\_ 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 )

SS

County of Edmunds )

D. E. Gibson of said County and State, being first duly sworn on his oath says: The Ipswich Tribune; a weekly newspaper in general circulation, printed and published in Ipswich, in said County and State by the Gibson Publishing and Printing Company; and has been such newspaper during the times hereinafter mentioned; that said newspaper now has, and has had during the publication of the attached advertisement, a bonafide circulation of at least 200 copies weekly, and has been published within the said County of Edmunds fifty-two successive weeks prior to the publication of said attached advertisement, and was during the publications of said advertisement, and now is, printed in whole or in part, in an office maintained at said place of publication. That said newspaper is and has been during the publication of attached advertisement, a legal newspaper, as defined by the laws of the state of South Dakota.

That I, D. E. Gibson, the undersigned, am

Publisher of said newspaper and am in charge of the advertising

thereof and have personal knowledge of all the facts stated in this affidavit and

that the advertisement headed WEB

REVIEW OF FUTURE USE OF WATER PERMIT

a printed copy of which hereto attached, was printed and published in the said newspaper for two successive issues.

The first publication being made on the 3 day of June, 1987.

The Second publication being made on the 10 day of June, 1987.

The Third publication being made on the day of , 19.....

The Fourth publication being made on the day of , 19.....

The Fifth publication being made on the day of , 19.....

The Sixth publication being made on the day of , 19.....

The Seventh publication being made on the day of , 19.....

The Eighth publication being made on the day of , 19.....

The Ninth publication being made on the day of , 19.....

The Tenth publication being made on the day of , 19.....

That the full amount of the fee charged for publication of said annexed notice inures to the benefit of the publisher of the The Ipswich Tribune; that no agreement or understanding for the division of the fee thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

The charges for said legal publications are Fifty-two

Dollars and seventy-four cents (\$52.74)

D. E. Gibson

Subscribed and sworn to before me this 10 day of June, 1987

Jana M. Baizel

Notary Public Edmunds County, South Dakota

## PUBLIC NOTICE

NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
NOS. 2671-3 & 3429-3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4030-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Fcas Building, Pierre, SD on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing

in the ..... day of ..... , 19 .....

the ..... day of ..... , 19 .....

the ..... day of ..... , 19 .....

the ..... day of ..... , 19 .....

rged for publication of said annexed notice  
of the ..... The Ipswich Tribune ; that no  
division of the fee thereof has been made with  
roof has been agreed to be paid to any person

are ..... Fifty-two .....

..... cents (\$52.74 .....

is ..... 10 ..... day of June ..... , 19 .....

*Jena M. Beitel*

otary Public Edmunds County, South Dakota

The Water Management Board will  
conduct the hearing to review Future  
Use Permit Nos. 2671-3 and 3429-3 in  
Room 216, Joe Foss Building, Pierre,  
SD on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be  
informal, but it must include a  
statement describing the petitioner's  
interest in the future use permit, the  
reasons for 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 Nos. 2671-3 and 3429-3 will be  
conducted pursuant to the provisions  
of SDCL 46-1-14, 46-5-38.1, Board Rules  
ARSD 74:02:01:27 and contested case  
procedures contained in SDCL 1-26.

This hearing is an adversary pro-  
ceeding. 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 these permits  
or to assure access to the hearing by  
the handicapped can contact the Water  
Rights Division, DWR, Joe Foss  
Building, Pierre, SD 605-773-3352 for  
assistance prior to the hearing date.  
The time of the hearing will be  
automatically extended for at least 20  
days upon written request of the  
permit owner or any person who has  
filed a petition to oppose or support  
continuance of the Future Use Per-  
mits. The request for extension must  
be filed with the Chief Engineer by  
June 26, 1987.

No. 2671-3 & 3429-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Campbell ) ss.

I, Linda Meyer hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Prairie Pioneer

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

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

June 11, 1987  
June 11, 1987

Linda Meyer  
(Signature)  
Prod. Manager  
(Title)  
6-18-87  
(Date Signed)

Cost of Printing: \$49.43



**Notice of Hearing  
to Review Future  
Use Water Permit  
Nos. 2671-3 & 3429-3**

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, SD on July 8, 1987 at 10:20 a.m.

*Adrian Korman*

*June 4, 1987*

*June 11, 1987*

The recommendation 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671-3 and 3423-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foster Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

First insertion @ reg. rate. Subsequent insertions @ 20%

Length of line 12 picas

Size of type 8 point

Number of lines 122

Line rate .2367

### AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

County of Hand

Gary L. McFarlane of said county being first duly sworn, on oath says that he is the publisher of The Miller Press, a weekly newspaper printed and published in Miller, said County of Hand and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Hearing to review permit

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

June 3 19 87 : 19  
June 10 19 87 : 19  
19 : 19  
19 : 19  
19 : 19

that the full amount of the fees for the publication of the annexed notice is \$ 51.98

Gary L. McFarlane

Subscribed and sworn to before me this 12th day of June, 19 87

Carol A. Wagoner

Notary Public

County of Hand, South Dakota

### NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NOS. 2671-3 AND 3429-3

No. ce is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121 N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is a 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. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, SD on July 8, 1987 at 10:20 am.

The recommendation 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 qualification, 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

FPNO 39

LPNO 40



NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NOS. 2671-3 and 3429-3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R76W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, S.D. on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I Louella M. Aman, being first duly sworn under oath say: the Selby Record is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published by James L. MacKay in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice Of Hearing To Review Future Use  
Water Permit Nos. 2671-3 And 3429-3

A printed copy of which is hereto attached, was printed and published in said newspaper for Two successive weeks upon the following dates, to wit:

June 4 19 87  
June 11 19 87  
..... 19 .....  
..... 19 .....  
..... 19 .....

That the full amount of the fees charged for publishing the same

to wit: the sum of, \$51.56

inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person, and that no part of said sum has been agreed to be paid to any person whomsoever.

Louella M. Aman

subscribed and sworn to before me this

27 day of June, 1987

Ma B. Bickel



Selby Record (cont.)

June 4, 1987

June 11, 1987

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 these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, S.D. 505 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

64-611R

No. 155, June 3 & 10, 1987

**NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
NOS. 2671-3 and 3429-3**

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 20, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, S.D. on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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.

**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

County of Faulk

SS.

James Moritz

Jody Moritz of said county being first duly sworn, on oath says that he is the publisher of the FAULK COUNTY RECORD, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Hearing to Review  
Future Use Water Permit - WEB

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

Wednesday, June 3, 1987

Wednesday, June 10, 1987



that the full amount of the fees for the publication of the annexed notice is \$ 49.50

*James B. Moritz*

Subscribed and sworn to before me this 26th day of June 19 87

*Verne J. Hansen*

Notary Public  
Faulk County, South Dakota  
VERNE J. HANSEN  
NOTARY PUBLIC - FAULK COUNTY  
SOUTH DAKOTA  
My Commission Expires Sept. 16, 1992  
OFFICIAL SEAL

Frank County Board

June 3, 1987

June 10, 1987

The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

Form B. Proof of Publication - Notice of  
Intent to Appropriate Water

No. \_\_\_\_\_

PROOF OF PUBLICATION

PUBLIC NOTICE

STATE OF SOUTH DAKOTA )  
County of Edmunds ) ss

I, Edmunds, John, do hereby

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

Water was taken from the Edmunds Irrigation

A newspaper which during the whole time of publication of said notice  
has been stated, has been and is printed in \_\_\_\_\_

City of Jewell

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

June 3 and 10, 1937

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June 10, 1937

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NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
Nos. 26713 and 34293

Notice is hereby given that the  
Water Management Board will review  
Future Use Permit Nos. 26713 and  
34293 held by W.B. Water Develop-  
ment Association, Inc. 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. 26713 and  
34293. Permit No. 26713 was approved  
May 26, 1934 for reserve of 10,000 acre feet  
of water from the Missouri River for  
diversion from a point between Section  
7 T12N R79W and Section 17 T12N  
R79W. Permit No. 34293 authorizes  
beneficial use of 7500 acre feet of water  
reserved by Permit No. 26713. There-  
fore, 2500 acre feet remain for future  
use on Permit No. 26713. The Board  
will also consider amending Permit  
No. 26713 to add a qualification that  
the permit be subject to review every  
seven years by the Board. Permit No.  
34293 was approved July 28, 1937 to  
reserve 70,000 acre feet of water from  
the Missouri River for diversion from  
a point between Section 5 T12N R79W  
and Section 17 T12N R79W. The water  
reserved by Permit Nos. 26713 and  
34293 is for future use by the W.B.  
Water Development Association, Inc.  
and North Dakota.

Pursuant to SDCL 45-23-2 the Chief  
Engineer of the Water Rights Division  
recommends that Permit Nos. 26713  
and 34293 remain in effect because 1)  
the reserved water may be developed,  
2) there is need for the reserved water  
3) the proposed use will be a beneficial  
use and 4) it is in the public interest.

The Water Management Board will  
conduct the hearing to review Future  
Use Permit Nos. 26713 and 34293 in  
Room 210, Joe Foss Building, Pierre,  
SD on July 8, 1937 at 10:30 a.m.

The recommendation of the Chief  
Engineer is not final and pending 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 June 26, 1937. 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 Nos. 26713 and 34293 will be  
conducted pursuant to the provisions  
of SDCL 45-1-14, 45-5-23.1, Board Rules  
ARSD 74.02 01.27 and contested case  
procedures contained in SDCL 1-26.

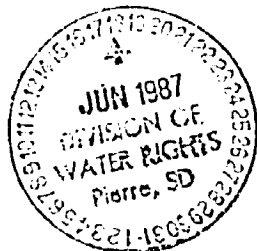
This hearing is an adversary pro-  
ceeding. The permit owner or any  
person, after filing a petition, has the  
right to be present or to be represented  
by a lawyer. These and other due  
process rights will be forfeited if they  
are not exercised. Decisions of the  
Board may be appealed to the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

Any person wishing a copy of the  
Chief Engineer's recommendation,  
further information on these permits  
or to assure access to the hearing by  
the handicapped can contact the Water  
Rights Division, DWR, Joe Foss  
Building, Pierre, SD 57501 for  
assistance prior to the hearing date.  
The time of the hearing will be  
automatically extended for at least 30  
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 Per-  
mits. The request for extension must  
be filed with the Chief Engineer by  
June 26, 1937.

*John Foss Building  
Pierre, SD  
Continued Construction  
P. 10*

RECEIVED JUL 1 1937

WDR-608-779  
Proof of Publication



No. 2671-3 & 3429-3

PROOF 1

## Hearing set

STATE OF SOUTH DAKOTA )  
County Day ) ss.

I, Larry Ingalls

certify that the annexed printed copy of Notice of Int  
Water was taken from the Reporter and F

A newspaper which during the whole time of publica  
herein after stated, has been and is printed and publish

City of Webster

County of Day and State :  
that the said notice was published in said newspaper  
two dates:

June 1, 1987

June 8, 1987

Larry Ingalls

(Signature)

(Title)

June 8, 1987

(Date Signed)



Cost of Printing: 55.40

WNR-808-7/79  
Proof of Publication

(First June 1)  
**NOTICE OF HEARING  
TO REVIEW FUTURE USE  
WATER PERMIT  
NOS. 2671-3 and 3429-3**

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7,500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2,500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Fursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, S.D. on July 8, 1987, at 10:20 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 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 ac-

cording to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

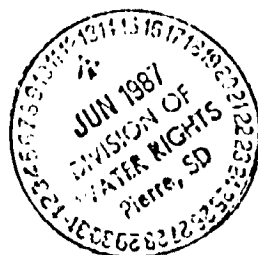
Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNRR, Joe Foss Building, Pierre, S.D. (605) 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

(Last June 8)

# Affidavit of Publication

STATE OF SOUTH DAKOTA  
County of Spink

SS



I, Roger Matz, of said County and State, being first duly sworn on oath, say that the REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0503 South Dakota Code 1939, as Amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by the SPINK COUNTY PRINTING CO., INC., and has been such newspaper during the time hereinafter

mentioned, and that I, Roger Matz, the undersigned am editor of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

NOTICE OF HEARING TO REVIEW FUTURE  
USE WATER PERMIT NOS. 2671-3 & 3429-3

a printed copy of which is hereto attached, was printed and published in said newspaper in two successive issues, to-wit:

The first publication being made on June 3, 1987

2nd June 10, 1987 5th 19

3rd 19 6th 19

4th 19 7th 19

that the full amount of the fee charged for publishing the same to-wit:

the sum of \$ 50.79, inures to the benefit of

the publisher of the REDFIELD PRESS, 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.

Roger Matz

Subscribed and sworn to before me this 10th day

of June 19 87

Judy Matz  
Notary Public, Spink County, South Dakota

(SEAL)

(over)

RECEIVED JUN 11 1987

No. 76

**NOTICE OF HEARING  
TO REVIEW FUTURE USE WATER  
PERMIT NOS. 2671-3 & 3429-3**

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3.

Permit No. 2671-3 was approved May 20, 1976 to reserve 19,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre SD on July 8, 1987 at 10:20 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for

no development or 4) 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 SDCL 46-1-14, 46-5-33.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit Engineer by June 26, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

(June 3, 1987)



# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

ss.

Viola Benson

BEING DULY SWORN, ON HIS OATH SAYS:

That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned, that affiant is an employee and principal clerk of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Notice of Hearing

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof once each week for 2 successive weeks

The first publication being made on the 3rd day of June, 1987

The second publication being made on the 16th day of June, 1987

The third publication being made on the        day of       

The fourth publication being made on the        day of       

The fifth publication being made on the        day of       

The sixth publication being made on the        day of       

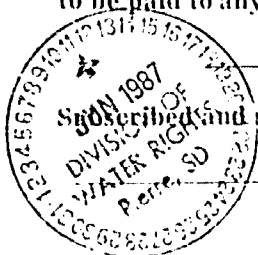
The seventh publication being made on the        day of       

The eighth publication being made on the        day of       

The ninth publication being made on the        day of       

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$ 67.38, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Viola Benson



Subscribed and sworn to before me this 10th day of

June 87

Edna D. Smith

Notary Public, Brown County, S. D.

My commission expires 7-13-87  
daily circulation 19,930

(No 965, June 3, 1987)  
NOTICE OF HEARING  
TO REVIEW FUTURE USE  
WATER PERMIT NOS.  
2671.3 & 3429.3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671.3 and 3429.3 held by WEB Water Development Association, Inc. 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. 2671.3 and 3429.3. Permit No. 2671.3 was approved May 25, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5 T124N R79W and Section 17 T121N R78W. Permit No. 3429.3 authorizes beneficial use of 7300 acre feet of water reserved by Permit No. 2671.3. The Board will also consider amending that the permit be subject to review every seven years by the Board. Permit No. 3429.3 was approved July 28, 1977 to reserve 70,000 acre feet of water from the Missouri River for diversion from a point between Section 5 T124N R79W and Section 17 T121N R78W. The water reserved by Permit Nos. 2671.3 and 3429.3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671.3 and 3429.3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671.3 and 3429.3 in Room 214, Joe Foss Building, Pierre SD on July 8, 1987 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 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 June 25, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671.3 and 3429.3 will be conducted pursuant to the provisions of SDCL 46-1-1, 46-5-2, Board Rules WRSD 74-02-01.27 and contested case procedures described 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 these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD 57501 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

**Notice of Hearing  
To Review Future Use  
Water Permit Nos. 2671-3 & 3429-3**

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., 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. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 4930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, SD on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARS 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, S.D. 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for extension must be filed with the Chief Engineer by June 26, 1987.

(Published June 4, 11, 1987)

**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA  
COUNTY OF POTTER--SS.

LEONA C. WAGER, of said county being first duly sworn, on oath says that he is publisher of The Hoven Review, a weekly newspaper printed and published in Hoven in said County of Potter and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or part in an office maintained at said place of publication; that the

*WEB*

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at

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

*6. 4 - 19<sup>th</sup> 8-2-80*  
*6. 11 - 19<sup>th</sup> 8-2-80*

that the full amount of the fees for the publication of the annexed notice is \$ 6.00

*Leona C. Wager*  
\_\_\_\_\_  
Leona C. Wager  
Publisher

Subscribed and sworn to before me this 15<sup>th</sup>  
day of June, 1987

*Notary Public*  
\_\_\_\_\_  
Notary Public  
Potter County, South Dakota

My commission expires 7.1.87

## NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 & 3429-3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., for progress made in the development of the water reserved by the Permit Nos. 2671-3 and 3429-3. Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Permit No. 1930-2 authorizes beneficial use of 7500 acre-feet of water reserved by Permit No. 2671-3. Therefore, 2500 acre-feet remain for future use on Permit No. 2671-3. The Board will also consider amending Permit No. 2671-3 to add a qualification that the permit be subject to review every seven years by the Board. Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River for diversion from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. The water reserved by Permit Nos. 2671-3 and 3429-3 is for future use by the WEB rural water system in South Dakota and North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2671-3 and 3429-3 in Room 216, Joe Foss Building, Pierre, SD on July 8, 1987 at 10:20 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 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-331, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation,

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

6/3, 10

## Affidavit of Publication

STATE OF SOUTH DAKOTA )  
County of McPherson )

I, James H. Hefner, of said county and State, first duly sworn, on oath, says: That the McPherson County Herald is a weekly newspaper of general circulation, and a legal newspaper as defined by Section 7070, 1919 Revised Code printed and published in Leola in said County and State by

James H. Hefner, and has been such newspaper during the time hereinafter mentioned, and

James H. Hefner, the undersigned publisher of said newspaper, in charge of the printing department thereof, and have personal knowledge of all facts stated in this affidavit, and

the advertisement headed: Notice of Hearing to Review Future Use Water Permits Nos. 2671-3 and 3429-3

was published in said newspaper on June 3, 1987 and on June 10, 1987

and published in the said newspaper for consecutive issues, to-wit: The first publication be

made on June 3, 1987

second on June 10, 1987

third on June 17, 1987

fourth on June 24, 1987

fifth on July 1, 1987

sixth on July 8, 1987

and the full amount of the fees charged for publication of the same, to-wit: the sum of \$40.00

is solely to the benefit of the publisher of the McPherson County Herald. That no agreement or understanding of any division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whatsoever.

Subscribed and sworn to before me this 11th day of June, 1987

James H. Hefner  
Publisher

James H. Hefner  
Notary Public

Commission expires June 30, 1991



**South Dakota**  
**Department of**  
**Water & Natural Resources**

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

July 10, 1987

**NOTICE**

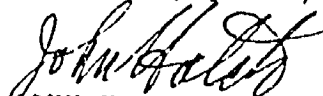
Curt Hohn, Manager  
WEB Water Development Association, Inc.  
PO Box 51  
Aberdeen SD 57402-0051

Dear Mr. Hohn:

This letter is in response to action taken by the Water Management Board at the July 8, 1987 hearing regarding review of Future Use Permit Nos. 2671-3 and 3429-3. The Board allowed both permits to remain in effect and amended Permit No. 2671-3 by adding the enclosed qualification which should be placed with Permit No. 2671-3. Future Use Permit Nos. 2671-3 and 3429-3 will again be subject to review after seven years. Thank you for promptly sending the \$435.00 fee to maintain the effectiveness of Permit No. 3429-3.

Please contact us if you have any questions.

Very truly yours,



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

enclosure

**AMENDMENT TO FUTURE USE PERMIT NO. 2671-3  
WED WATER DEVELOPMENT ASSOCIATION, INC.**

Pursuant to the July 8, 1987 Water Management Board hearing, Future Use Permit No. 2671-3 was allowed to remain in effect and amended by adding the following qualification:

1. That Future Use Permit No. 2671-3 is allowed to remain in effect with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.

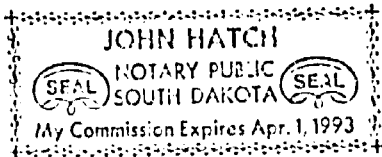
CERTIFICATION

I hereby certify that on July 13, 1987 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice pertaining to Future Use Permits No. 2671-3 and 3429-3.

*Karen Schlaak*  
KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) SS

Sworn to, before me, this 10<sup>th</sup> day of July, 1987.



*John Hatch*  
Notary Public

 **Department of  
Water & Natural Resources**

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

March 2, 1989

Willis Nelson  
WEB Water Development Assoc., Inc.  
Box 51  
Aberdeen, SD 57402

Dear Mr. Nelson:

This letter is in reference to our telephone conversation yesterday concerning the water rights permits currently held by WEB Water Development Association.

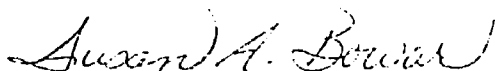
Upon reviewing our files, it appears you currently hold the following water rights permits:

- (1) # 2671-3 - This is a future use permit, approved on May 20, 1976. It reserves 10,000 acre-feet of water for future use.
- (2) # 3429-3 - This is a future use permit, approved on July 28, 1977. It reserves 20,000 acre-feet of water for future use.
- (3) # 4930-3 - This water right permit was approved on December 9, 1982, for an annual withdrawal of 7500 acre-feet of water. It was deducted from the 10,000 acre-feet of water reserved by Future Use Permit No. 2671-3, leaving 2500 acre-feet of reserved water remaining under this permit.

I am enclosing copies of these permits for your information as well as application forms as you requested.

Feel free to contact us if you have any more questions.

Sincerely,



Susan A. Bowar  
Natural Resources Engineer  
Water Rights Division  
(605) 773-3352

enclosures

2671-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 25, 1994

Arden Wallum, Manager  
WEB Water Development Association  
PO Box 51  
Aberdeen SD 57402-0051

Dear Mr. Wallum:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 2671-3 and 3429-3 which are held by WEB Water Development Association, Inc. Currently, our records show that *should be 2,500* 7,500 acre-feet remain in reserve under No. 2671-3 and 20,000 acre-feet remain in reserve under No. 3429-3.

Permit Nos. 2671-3 and 3429-3 will be scheduled for review by the Water Management Board in July, 1994 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve for each permit.

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

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Natural Resources Analyst  
605 773-3352

File No 2671-3

**Water Rights Division  
File Documentation**

NAME OF PERSON OR FILE: Arden Wallum, Manager, WEB Water Development Assoc.

ADDRESS: Aberdeen COUNTY: Brown

DATE: 4-8-94 TELEPHONE:

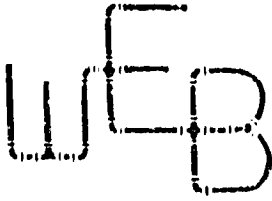
RE: Future Use Review

**COMMENTS:**

Mr. Wallum called concerning my letter dated February 25, 1994. Mr. Wallum stated he believed the figure of 7,500 acre-feet remaining in reserved under No. 2671-3 was incorrect. I checked our records and told Mr. Wallum he was right. The figure should be 2,500 acre-feet.

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist



# Water Development Association, Inc.

P.O. Box 51 • 806 North Drive • Auto Plaza  
Aberdeen, S.D. 57402-0051  
(605) 229-1749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-1492

## CHAIRMAN

Leonard Bessig  
Rt. 1 - Box 114  
Webster, S.D. 57274  
415-3561

## VICE CHAIRMAN

Maurice Hammer  
HCR 1 - Box 56  
Mellette, S.D. 57461  
887-3592

## SECRETARY

William D. Johnson  
Rt. 1 - Box 26  
Stratford, S.D. 57474  
395-6668

## TREASURER

Oscar E. Jeschke  
HCR 1 - Box 4A  
Roscoe, S.D. 57471  
287-1330

## DIRECTORS

Howard "Bill" Thomas  
P.O. Box 117  
Conde, S.D. 57434  
382-5936

Otto Hoch  
Rt. 1 - Box 49  
Hornet, S.D. 57118  
283-2731

Daniel Lender  
Rt. 1 - Box 46  
Seneca, S.D. 57473  
436-6731

Arnold Schurr  
HCR 2 - Box 71  
Roscoe, S.D. 57471  
287-4282

Gary Carlson  
P.O. Box 467  
Bristol, S.D. 57219  
492-3464

## STAFF

Arden Wallum  
Manager

Bruy Bloucke  
Accountant

Lyle Schumack  
Construction  
& Operations Supt

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

April 11, 1994

Ms. Karen Schlaak  
Natural Resources Analyst  
Department Environment Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

RE: Future Use Water Permit Nos. 2671-3 and 3429-3

Dear Ms. Schlaak:

I want to first thank you and your staff for being very helpful to us in this process. As per your instructions, we are requesting that the Future Use Water Permits Nos. 2671-3 and 3429-3 remain in effect. We believe that 1) the water may be developed, 2) there is a need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

WEB Water Development Association, Inc. (hereinafter WEB) has nearly doubled in size from what was expected when these permits were issued nearly seven years ago. The growth of WEB over the past seven years is over 275%. Even though we don't expect the same rate of growth over the next seven years, we have expanded WEB every year since its beginning and have just obtained funding for two projects totaling over \$3,000,000 which will provide water to over one hundred new users and two communities.

Estimating WEB's draw from the reservoir would basically utilize flow and new membership projections. We have prepared a graph (G-A) to show you by category what our new membership trend has been over the last seven years but keep in mind that there is not a "straight line" relationship between these membership numbers and the usage we may expect. One example of this would be the fact that approximately 70 of the 5300 members presently use a majority of the water. Also, there are communities on the system that use WEB to supply only a portion of their needs. The trend for these communities has been to become more dependent on WEB and in most cases these communities are requesting more water.



Looking at just our historic flows can also be misleading. WEB is in its embryonic stage and consequently, it is difficult to use our records to project any future flows. The weather patterns during much of WEB's existence have been colder and wetter than normal. In fact, some usage patterns we have seen are very atypical. Frankly, we are concerned that if we have normal conditions, we may see times when our system utilizes most of its permit capacity. If the plant operated at its design peak of 7.7 mgd, WEB would use 8625 acre feet each year. This is 1125 acre feet more than what we have been allowed to use from permit 2671-3.

The output from our plant over the past seven years (see graph G-B) has increased from 1004 acre feet to 3815 acre feet. This is a 280% increase which is similar to the increase in the number of users. Averaging this trend would result in a 40% increase each year.

Because of the weather conditions I previously mentioned, this usage is probably lower than would be expected in a normal year. Graphs G-C and G-D also show the unusual trends we have been experiencing. Furthermore, the fact that WEB is so young would make it subject to a phenomena called "creep" which is a tendency for individuals to use more water the longer they stay on a system. This, coupled with the weather conditions, would probably indicate that our flows would be low compared to what we may expect with normal weather patterns and maturity of our utility. Our per capita usage is low compared to other rural water companies which further supports this conclusion. Based on this information and using the historical flow data for the past seven years, we expect to exceed the future use permit allocation for permit 2671-3. Using the 7.7 mgd capacity at the plant, our estimated use over the next seven years (again using the growth trends) would require over 24,000 acre feet which would exceed our allowance under the second permit 3429-3.

Realistically we are probably going to be somewhere between these two estimates but the beneficial uses of WEB leave the potential for substantial increases if any major project is initiated. WEB provides water to 5300 users including approximately 70 communities. Most of these users depend on WEB for their businesses as well as their personal use. You can also assume that many of these 5300 users have or will abandon their wells. This does not account for many users who still rely to some extent on their wells for livestock use. Our experience has been that when these wells do fail, many will not be replaced and as a result, this phenomena will add substantially to their use of WEB water. Many of these wells are contaminated.

The public will benefit from this service. As previously

stated, many of WEB's customers are now drinking safe potable water and have no other source available to them. In the case of some of our bulk users the testing costs alone are extremely high. There is a beneficial economic effect to having good quality water available in this area to maintain and attract businesses. The health benefits of providing good safe drinking water are difficult to determine. You can safely conclude, however, that this impact is great since it alone would be virtually impossible to monitor the 5,000 wells WEB has replaced.

Again I want to thank you for your assistance and guidance in this process. We have tried to provide you with as much information as we have available and hopefully it is in a format that is easily understood. The late Governor Mickelson in his testimony to the Corp of Engineers stated that South Dakota is only utilizing 2% of the water that was committed in the original Oahe Project. Even though the quantities in our two permits are very minimal compared to what is available, the members of WEB need the water provided by these permits. It would be too early in WEB's existence to make any changes in these permits since any major project may have a profound effect on usage. Please contact me by phone at 1-800-658-3957 if you need any additional information.

Sincerely,



Arden Wallum, P.E.

Manager

WEB Water Development Association, Inc.

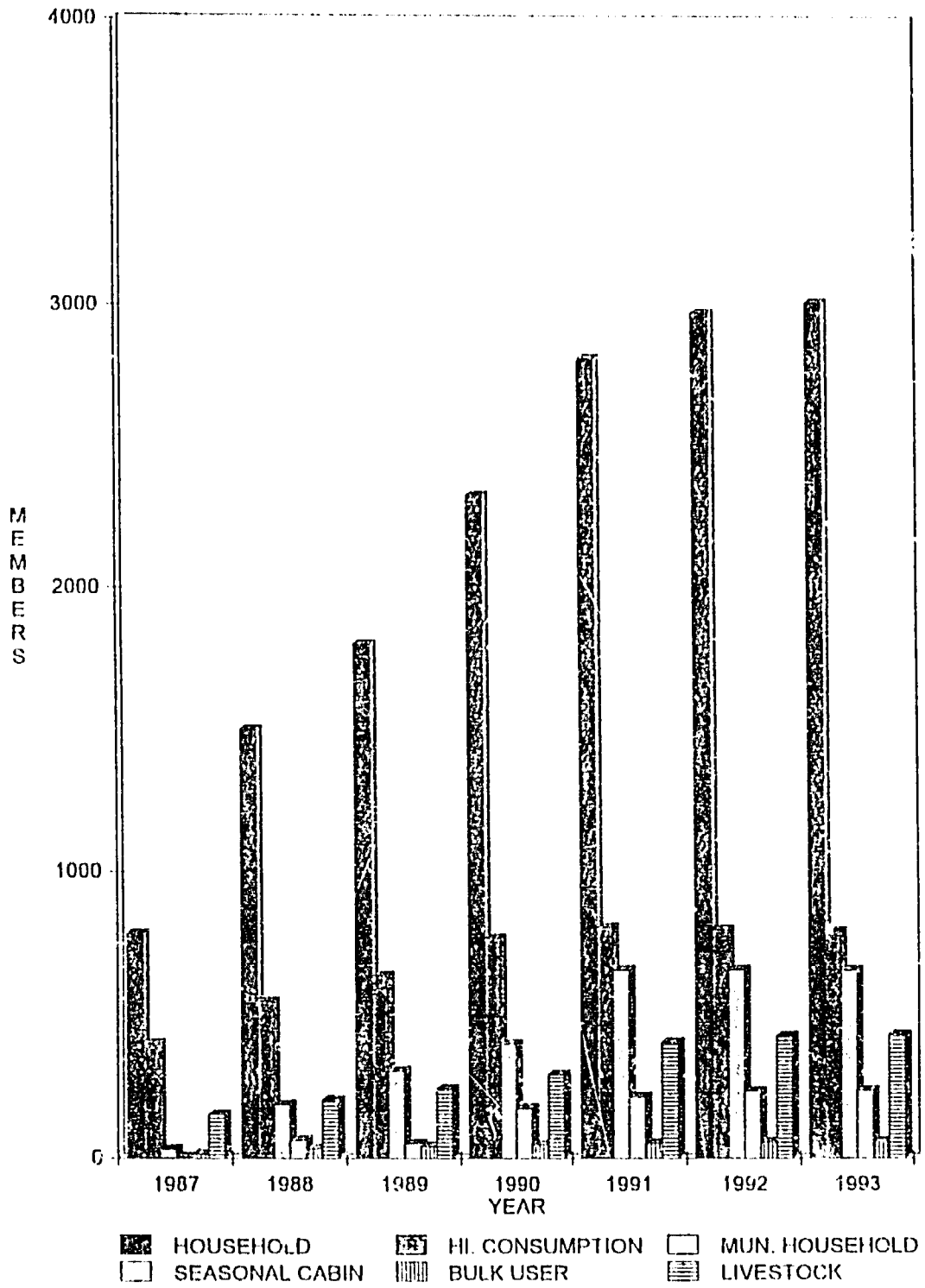
Enclosures

AW:bn

cc: DEHR File

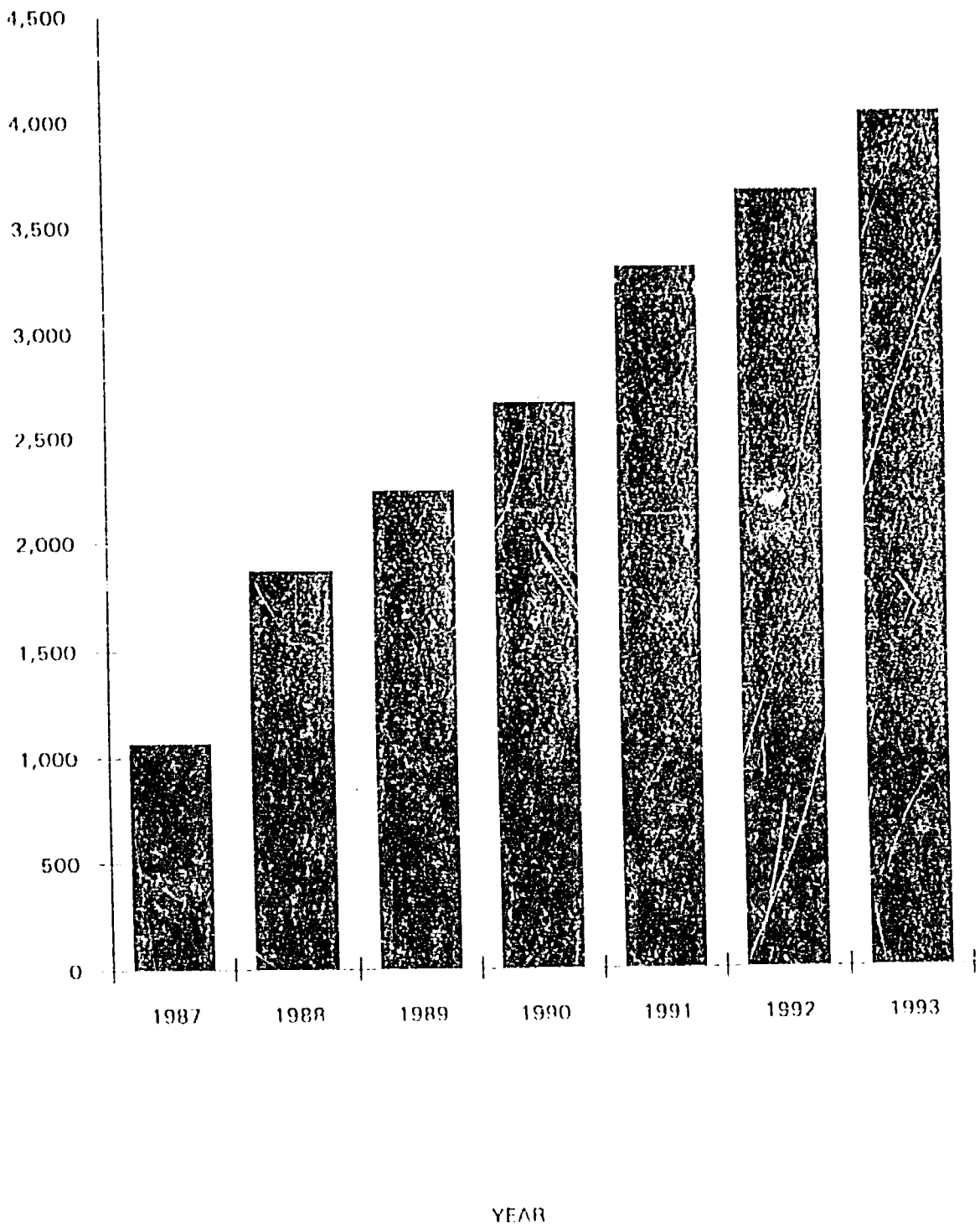
# MEMBERSHIP BY CATEGORY

## G-A



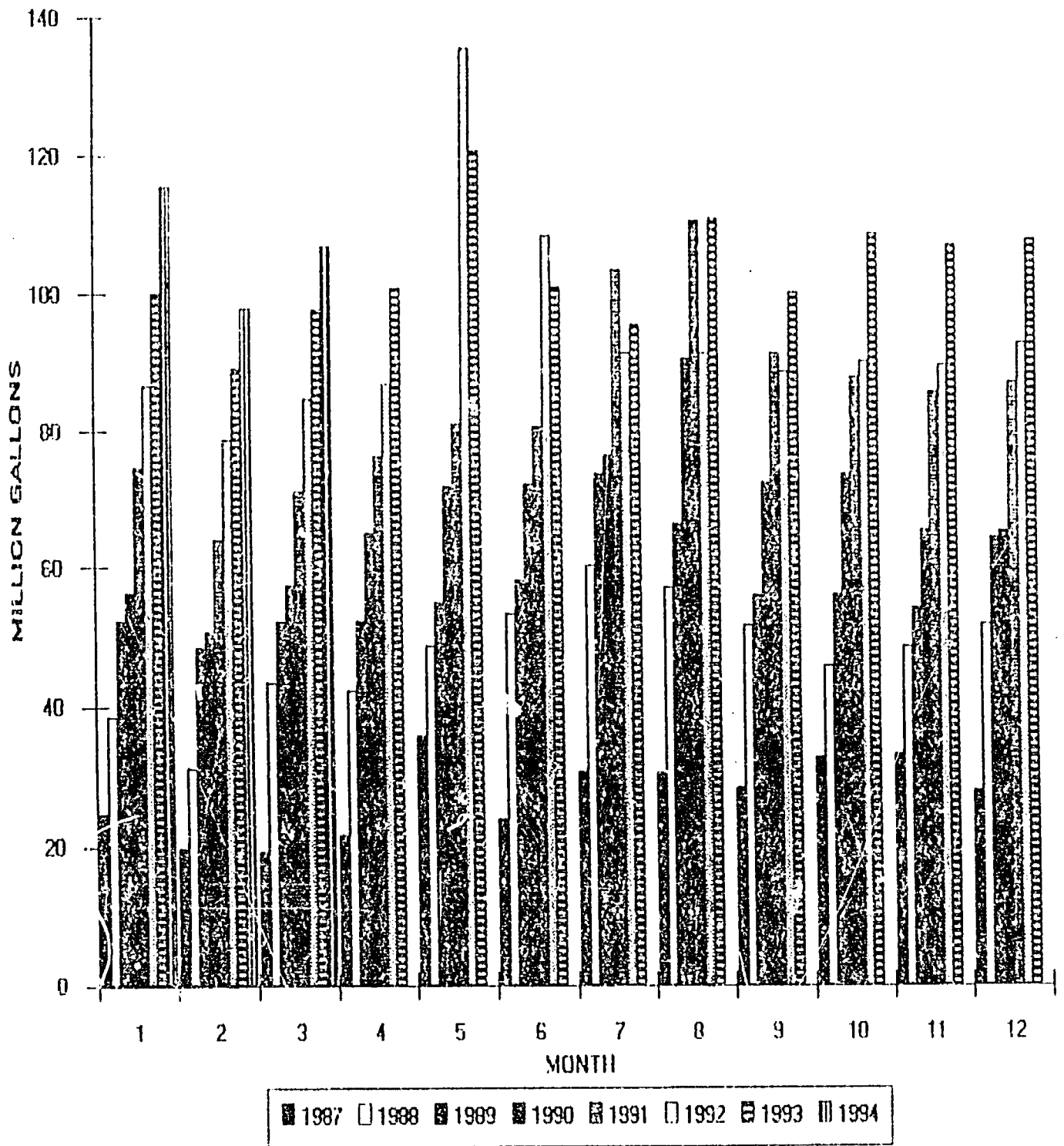
PLANT FLOWS  
G-B

MAF.XLC

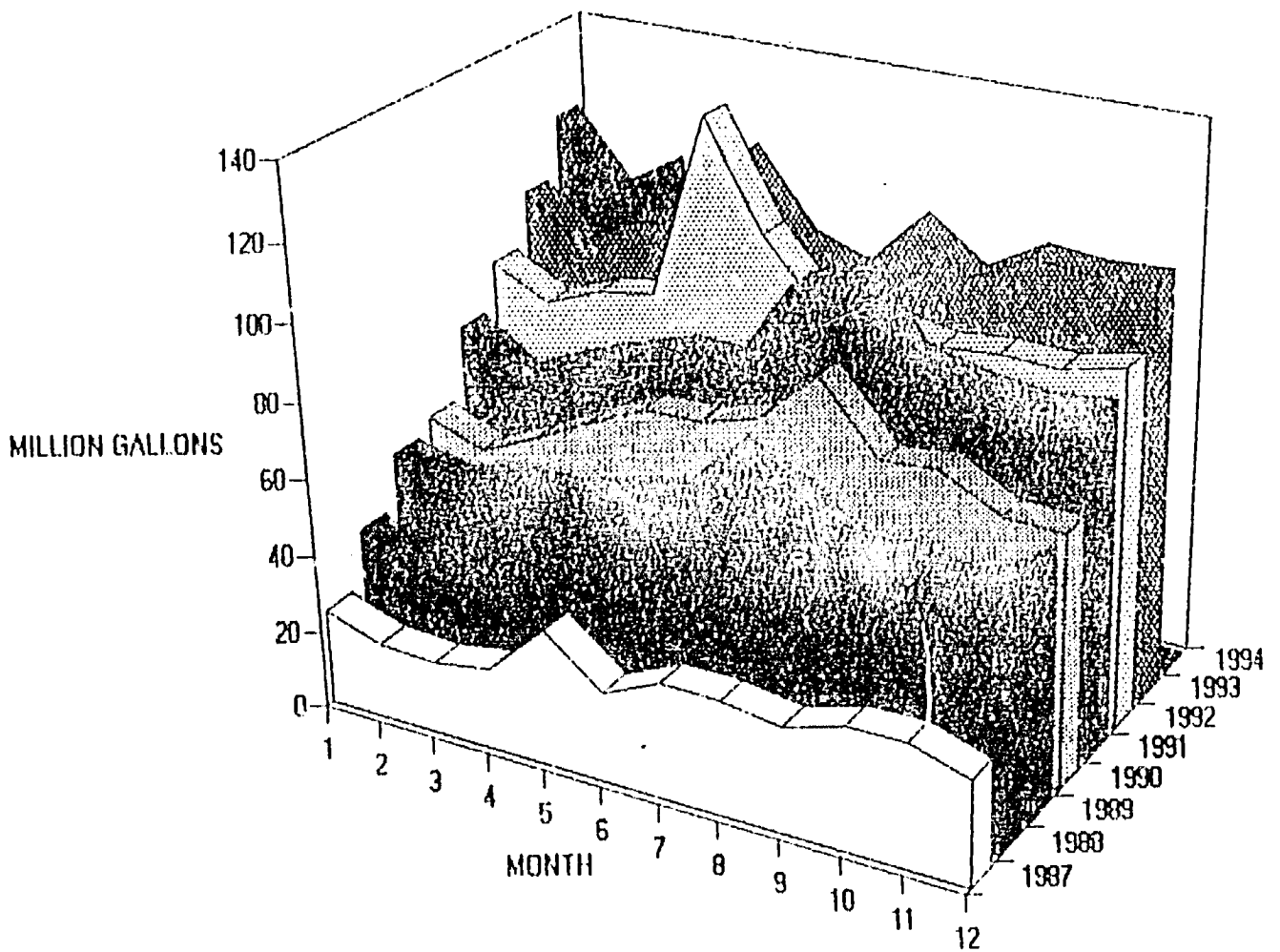


# MONTHLY WED PLANT EFFLUENT FLOWS

G-C



# MONTHLY WEB PLANT EFFLUENT FLOWS G-D



|      |      |      |      |      |      |      |      |
|------|------|------|------|------|------|------|------|
| 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 |
|------|------|------|------|------|------|------|------|

Instruction to Newspaper-Publish first publication of the following Notice on May 25, 1994 with 2nd publication 7 days later. The permit owner is responsible for payment.

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NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 at 10:00 am.

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 June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 Nos. 2671-3 and 3429-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

# Affidavit of Publication

COUNTY OF McPHERSON

STATE OF SOUTH DAKOTA

Arlo C. Mehlhoff of said county being duly sworn, on oath says that he is the publisher of The Northwest Blade, a weekly newspaper published in Eureka in said County of McPherson and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least 200 copies weekly, and has been published within said County for fifty-two successive weeks next to prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for 52 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

|        |       |    |
|--------|-------|----|
| May 25 | 19 94 | 19 |
| June 1 | 19 94 | 19 |
|        | 19    | 19 |
|        | 19    | 19 |
|        | 19    | 19 |
|        | 19    | 19 |
|        | 19    | 19 |

that the full amount of the fees for the publication of the annexed notice is \$ 66.51

Arlo C. Mehlhoff

Subscribed and sworn to before me this 6th

day of June, 19 94

L. B. Stone  
Notary Public

County of McPherson, South Dakota

NOTARY PUBLIC, SOUTH DAKOTA  
My Commission Expires Oct. 11, 1996

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, S.D. 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, S.D. on June 23, 1994 at 10 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 permitowner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 Nos. 2671-3 and 3429-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre, S.D. 605-773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

5-25-94  
6-1-94

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County of Potter ) ss

I, Jack L. Stoner

certify that the attached printed Notice was  
 taken from the Potter County News

printed and published in Gettysburg

County of Potter and State of

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

May 26 and  
June 2, 1994

Cost of Printing: 77.58

Jack L. Stoner  
 (Signature)

Publisher  
 (Title)

June 6, 1994  
 (Date Signed)

# NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Abundoon S.D. 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre S.D. on June 28, 1994 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 the 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 Chief Engineer by June 20, 1994. The Chief Engi-

neer's address is the Water Rights Division, 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 Nos. 2671-3 and 3429-3 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. Those 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre S.D. 605-773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

Russell L. Stone  
 Acting Secretary,  
 Department of Environment  
 and Natural Resources.

(Published in the Potter County News, May 26, and June 2, 1994)



# **PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 County of EDMUNDS ) ss

I, Dwain E. Gibson

certify that the attached printed Notice was  
 taken from the Ipswich Tribune

printed and published in Ipswich

County of Edmunds and State of

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

May 25, 1994

June 1, 1994

Cost of Printing: 59.79

Dwain E. Gibson  
 (Signature)

Publisher  
 (Title)

June 1, 1994  
 (Date Signed)



## **PUBLIC NOTICE**

### **NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS NOS. 2671-3 AND 3429-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R-79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 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 June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 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.

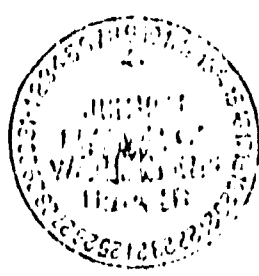
The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74 02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

(Publish T 5-25; 6-1)

Length of line 12 p/6  
Size of type 6 p/1  
Number of lines 111  
Line rate 2.972/7



AFFIDAVIT OF PUBLICATION  
STATE OF SOUTH DAKOTA

County of Hand

Gary L. McFarlane of said county being first duly sworn, on oath says that he is the publisher of The Miller Press, a weekly newspaper printed and published in Miller, said County of Hand and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Hearing water use  
permit 2671-3-3429-3

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

|               |              |   |              |           |
|---------------|--------------|---|--------------|-----------|
| <u>May 31</u> | <u>19 94</u> | ; | <u>19 93</u> | <u>ab</u> |
| <u>June 6</u> | <u>19 94</u> | ; | <u>19 94</u> | <u>4</u>  |
| <u>19</u>     |              | ; | <u>19</u>    |           |
| <u>19</u>     |              | ; | <u>19</u>    |           |
| <u>19</u>     |              | ; | <u>19</u>    |           |

that the full amount of the fees for the publication of the annexed notice is \$ 59.50

Gary L. McFarlane  
Subscribed and sworn to before me this 6th

day of June, 19 94  
Steven R. Sorensen

Notary Public BY COMMISSION EXPIRES MAY 8, 2001  
County of Hand, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 AND 3429-3  
Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEH Water Development Association, Inc., P.O. Box 51, Aberdeen, SD 57402-0051 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. 2671-3 and 3429-3.  
Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T124N-R78W. Water Permit No. 4530-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.  
Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T124N-R78W.  
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 am.  
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 June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 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 Nos. 2671-3 and 3429-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Otonlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 57501 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources. 111 1 PNO 41

sent evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 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 Nos. 2671-3 and 3429-3 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.  
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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Otonlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 57501 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources. 111 1 PNO 41

# **PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 ) ss  
 County of Campbell )

I, Brenda Larson

certify that the attached printed Notice was  
 taken from the Prairie Pioneer

printed and published in Pollock

County of Campbell and State of

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

May 26, 1994

June 2, 1994

Cost of Printing: \$56.76

Brenda Larson  
 (Signature)

Production Manager  
 (Title)

6-17-94  
 (Date Signed)

## **Notice of Hearing**

**To Review Future Use Water Permit Nos. 2671-3 and 3429-3**  
 Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn East Western, Gallery D, 920 W Sioux, Pierre, SD on June 28, 1994 at 10 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, cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 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 Nos. 2671-3 and 3429-3 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.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the

handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre, SD 605/773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

**Russell L. Stone**  
 Acting Secretary,  
 Department of Environment  
 and Natural Resources



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) ss  
 County of Clark )



I, David Moritz

certify that the attached printed Notice was

taken from the Clark County Courier

printed and published in Clark

County of Clark and

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

May 25, 1994

June 1, 1994

Cost of Printing: \$59.45

121 lines 2 times

(Signature)

(Title)

(Date Signed)

My commission expires  
 7-15-1999

### Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 6-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 6-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 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 June 20, 1994. The Chief Engineer's address is the Water Rights Division, 623 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

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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-6, 46-2-9, 46-2-11, 46-6-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.09 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell T. Stone, Acting Secretary, Department of Environment and Natural Resources. 6-25-21

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Beadle ) ss

I, Mary Walz

certify that the attached printed Notice was  
taken from the Huron Plainsman

printed and published in Huron

County of Beadle and State of

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

May 25, 1994

June 1, 1994

Cost of Printing: \$134.96

Mary B. Walz  
(Signature)

Business Manager  
(Title)

June 1, 1994  
(Date Signed)

### FP 625-01 LP 6-1-01 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NOB. 2671-3 and 3429-3  
Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEG Water Development Association, Inc., PO Box 61, Aberdeen, SD 57402-0061 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1978 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R70W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R70W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Hamkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 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 June 20, 1994. The Chief Engineer's address is the Water Rights Division, 523 E Capitol Ave., Pierre, SE 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 Nos. 2671-3 and 3429-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DEHR, Joe Foss Building, Pierre, SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person, who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

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Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Harshall ) ss

I, Charles L. Cord

certify that the attached printed Notice was  
taken from the Dillon Journal

printed and published in City of Dillon

County of Harshall and State of  
South Dakota. The notice was published in  
the newspaper on the following two dates:

May 25, 1994

June 1, 1994

Cost of Printing: \$54.00

Charles L. Cord  
(Signature)

Paul Echow  
(Title)

June 1, 1994  
(Date Signed)

2T(May 25-June 1)

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Permits Nos. 2671-3 and 3429-3 held by WRB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 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 restrictions, 3) cancel the permits for non-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 must examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 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 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 Nos. 2671-3 and 3429-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre, SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Brown ) ss

1. Roberta Demsey

certify that the attached printed Notice was

taken from the June 1, 1994

edition of Aberdeen American News

printed and published in Aberdeen

County of Brown and State of Missouri

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

May 25, 1994

June 1, 1994

**Cost of Printing: 96.46**

*Roberta E. Dempsey*  
(Signature)

Receptionist \_\_\_\_\_  
(Title)

6/1/94

(Date Signed)

[illegible]

**2671-3 and 3429-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57102-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 16,000 acre-feet of water from the Missouri River located from a point between Section 6-T12N-R79W and

Section 17-T12N-R76W.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 6-T12N-R79W and Section 17-T12N-R76W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permits Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Rumkota Inn Best Western Gallery D, 920 W. Sioux, Pierre, SD on June 23, 1994 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 present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 623 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 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 45-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board rules ARSD 74:01:01:25.01 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre, SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

County of Faulk

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

**WEB Water Development Association  
Notice of Hearing to Review future Use  
Water Permit Nos. 2671-3 and 3429-3**

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

**Two (2)**

successive weeks, on the day of each week on which said newspaper was regularly published to-wit

**Wednesday, May 25, 1994**

**Wednesday, June 1, 1994**

that the full amount of the fees for the publication of the annexed notice is

**\$ 59.94**

*James B. Moritz*

Subscribed and sworn to before me this

**15th day of June, 1994**

*[Signature]*

Notary Public  
Faulk County, South Dakota

**My Commission Expires  
Sept. 16, 2000**

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Day ) ss

I, Larry Ingalls

certify that the attached printed Notice was

taken from the Register and Farmer

Newspaper

printed and published in Register

County of Day and State of South Dakota

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

May 30, 1994

June 6, 1994

Cost of Printing: \$95.24

*Larry Ingalls*

(Signature)

Editor

(Title)

June 10, 1994

(Date Signed)

*Orville Swenson*

ORVILLE SWENSON, Notary Public  
Day County, South Dakota  
My Commission Expires May 1, 1995

14 June 6, 1994

# Public Notices

Public Notice Advertising Protects Your Right To Know

## Board to review use permits

Future Use Water Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use, and 4) it is in the public interest with the following qualifications:

That Permit No. 2671-3 reserve for future use a total of 20,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$235.00 fee pursuant to SDCL 26-2-13 (2) within 60 days of notice to the WEB Water Development Association, Inc.

John Hatch, Chief Engineer  
May 16, 1994

RECOMMENDATION OF  
CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 2671-3

Pursuant to SDCL 26-2-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use, and 4) it is in the public interest with the following qualifications:

That Permit No. 2671-3 reserve for future use a total of 20,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$235.00 fee pursuant to SDCL 26-2-13 (2) within 60 days of notice to the WEB Water Development Association, Inc.

John Hatch, Chief Engineer  
May 16, 1994  
(Last June 6)

Future Use Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use, and 4) it is in the public interest with the following qualifications:

That Permit No. 2671-3 reserve for future use a total of 20,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$235.00 fee pursuant to SDCL 26-2-13 (2) within 60 days of notice to the WEB Water Development Association, Inc.

John Hatch, Chief Engineer  
May 16, 1994

RECOMMENDATION OF  
CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 2671-3

Pursuant to SDCL 26-2-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use, and 4) it is in the public interest with the following qualifications:

That Permit No. 2671-3 reserve for future use a total of 20,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$235.00 fee pursuant to SDCL 26-2-13 (2) within 60 days of notice to the WEB Water Development Association, Inc.

John Hatch, Chief Engineer  
May 16, 1994  
(Last June 6)

RECOMMENDATION OF  
CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 2671-3

Pursuant to SDCL 26-2-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use, and 4) it is in the public interest with the following qualifications:

That Permit No. 2671-3 reserve for future use a total of 20,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$235.00 fee pursuant to SDCL 26-2-13 (2) within 60 days of notice to the WEB Water Development Association, Inc.

John Hatch, Chief Engineer  
May 16, 1994  
(Last June 6)

# Affidavit of Publication

STATE OF SOUTH DAKOTA  
COUNTY OF WALWORTH



JUN 13 1994

I, Cindi Volk, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing Co., Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice

WEB

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

May 25 & June 1, 1994

that the full amount of the fees charged for publishing the same to-wit: the sum of \$1.37 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

1CB The M. Bridge Tribune May 25, 1994

## PUBLIC NOTICES

# WEB to review perm

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051, 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between section 3-T124N-R79W and Section 17T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre SD on June 18, 1994 at 10:00 am.

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 persons who may be affected by a Board decision and who intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 323 E. Capitol AVE., Pierre SD 57501 (605 773-3332) and the permit holders mailing address is given above. The petition may be informal, but 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 retained. The permit owner need not file a petition.

The hearing to review Future Nos. 2671-3 and 3429-3 will be pursuant to the provisions of SD 46-2-3, 46-2-9, 46-3-11, 46-5 Rules, ARSD 74.02.01-2 74.02.01-25.03 and contested cases contained in SDCL 1-26.

This hearing is an adversary. The permit owner, or any person a petition, has the right to be represented by a lawyer. These process rights will be forfeited if exercised. Decisions of the Board appealed to the Circuit Court Supreme Court as provided by 1.

Any person with a copy of the Chief Engineer's recommendation information on the permits, to a to the hearing by the hearing, an interpreter for the hearing in control. Eric Greenland, Wa Division, DEER, Joe Foss Hall, 820 603-772 3332 by June 20, 1994 of the hearing will be automatic for at least 20 days upon written the permit owner or any person w a petition to oppose or support e of the Future Use Permit. The p delay must be filed with the Chi by June 20, 1994. Russell L. St Secretary, Department of Envir Natural Resources

Subscribed and sworn to before me this 2 day of June, 1994.

Seal expires 21st of July, 1997

(Seal)

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Spiro ) ss

Margaret M. Munkitich

certify that the attached printed Notice was

taken from the Redfield Press

printed and published in Redfield

County of Spiro and State of

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

May 15, 1994

June 1, 1994

Cost of Printing: \$51.29

Margaret M. Munkitich  
(Signature)

Brookings  
(Title)

6-10-94  
(Date Signed)



## Water permit hearing June 28

No. 78  
NOTICE OF HEARING  
TO REVIEW FUTURE USE  
WATER PERMITS NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., P.O. Box 51, Aberdeen, SD 57402-0051 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved Mar. 20, 1976 to reserve 19,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N R79W and Section 17-T121N R78W. Water Permit No. 4930 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 11,500 acre-feet held in reserve.

Future Use Permit No. 3429-3 was approved July 28, 1977 to reserve 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N R79W and Section 17-T121N R78W.

Pursuant to SDCL 48-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 acre-feet annually located: 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 Nos. 2671-3 and 3429-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 a.m.

The recommendations of the Chief Engineer are 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 BOH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, 623 E. Capitol Ave., Pierre, SD 57501-606 773-3351; and the permit holder 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 Nos. 2671-3 and 3429-3 will be conducted pursuant to the provision of SDCL 48-1-14, 48-2-5, 48-2-9, 48-2-11, 48-5-35.1; Board Rules ARSD 74.02.01-25.01 through 74.02.01-25.03 and related case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner of any portion, 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DEHR, Joe Foss Building, Pierre, SD 57501-606 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request. The permit owner of any portion who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

Russell L. Stone  
Acting Secretary  
Department of Environment  
and Natural Resources

(May 25, June 1)

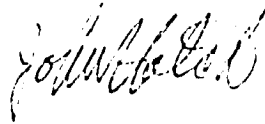
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 2671-3, WEB Water Development Association, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 2671-3 reserve for future use a total of 2,500 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 2671-3 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the WEB Water Development Association, Inc.



JOHN HATCH, Chief Engineer  
May 16, 1994



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

July 7, 1994

NOTICE

Arden Wallum, Manager  
WEB Water Development Association, Inc.  
PO Box 51  
Aberdeen SD 57402-0051

Dear Mr. Wallum:

I am writing in response to action taken by the Water Management Board at the hearing on June 28, 1994 to review Future Use Permit Nos. 2671-3 and 3429-3. The Board allowed the permits to remain in effect and amended the Permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 2671-3 and 3429-3 are subject to review in another seven years.

The fee for maintaining the effectiveness of the Future Use Permits pursuant to SDCL 46-2-13(2) is \$70.00 for Permit No. 2671-3 and \$435.00 for Permit No. 3429-3. Please remit the total fee (\$505.00) within 60 days.

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

Very truly yours,

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

enclosures

## **AMENDMENT TO FUTURE USE PERMIT NO. 2671-3**

### **WEB Water Development Association, Inc.**

Pursuant to the June 28, 1994 Water Management Board hearing, Future Use Permit No. 2671-3 was allowed to remain in effect and amended by adding the following qualification.

That Permit No. 2671-3 reserve for future use a total of 2,500 acre-feet annually.

CERTIFICATION

I hereby certify that on July 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated July 7, 1994, regarding action taken by the Water Management Board at the hearing on June 28, 1994, to review Future Use Permits, along with the Amendment for these Future Use Permits, addressed as stated below:

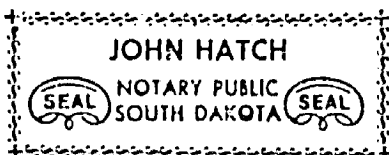
- 1442-2: Mike Kurle, Manager, West River Water Development District,  
Box 523, Murdo, SD 57559.
- 1622-2: Ernie Schweigert, Mayor, City of Gregory, Box 436, Gregory, SD  
57533-0436.
- 2671-3 & 3429-3: Arden Wallum, Manager, WEB Water Development  
Association, Inc., P.O. Box 51, Aberdeen, SD  
57402-0051.
- 3984-3: Leonard Heinemann, Manager, Big Sioux Community Water  
Corporation, Box 158, Egan, SD 57024.
- 4456-3: Wade J. Blasius, Manager, Aurora-Brule Rural Water System,  
Inc., P.O. Box 140, Kimball, SD 57355.
- 5113-3: Bonnie Nielsen, Finance Officer, Town of Pickstown, P.O. Box  
107, Pickstown, SD 57367-0107.

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA    )  
                                      )   SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 11<sup>th</sup> day of July, 1994.



*John Hatch*  
Notary Public

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

# RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2671-3  
414253

Pierre, \_\_\_\_\_ August 18, 19 94

RECEIVED OF WLB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402-0051  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                      |       |       |
|----------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                   |       |       |
| Fee to retain Future Use Permit No. <u>2671-3</u> after period of seven years.                                       | 70    | 00    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                  |       |       |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 70 00 |

By John W. Hatch  
Chief Engineer

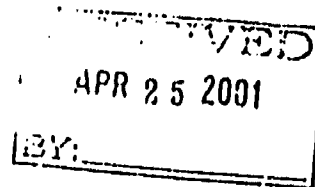


**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 23, 2001

WEB Water Development Assoc., Inc.  
Curt Holm, Manager  
PO Box 51  
Aberdeen SD 57402-0051



Dear Mr. Holm:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 2671-3 and 3429-3 from the Missouri River which are held by WEB Water Development Assoc., Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years. These permits reserve water for future water supply needs for WEB. Currently, our records show that 2,500 acre-feet remain in reserve under No. 2671-3 and 20,000 acre-feet remain in reserve under No. 3429-3.

→ Please respond in writing by May 15, 2001, regarding WEB's intention for the future use permits. If WEB plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits including an estimate of future needs.

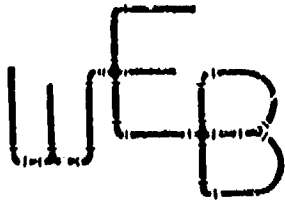
Permit Nos. 2671-3 and 3429-3 will then be public noticed in counties served by WEB and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352



# Water Development Association, Inc.

P.O. Box 51 — 38462 US Hwy 12  
Aberdeen, SD 57402-0051  
(605) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492  
Emergency/After Hours: (605) 229-4749 or 1-800-658-3957  
email: office@webwater.org

## CHAIRMAN

Arnold Schurr  
11671 129th Street  
Roscoe, SD 57471  
287-4282  
(Edmunds & Faulk)

## VICE CHAIRMAN

Gary Gilbert  
18807 404th Avenue  
Carpenter, SD 57322  
352-7374  
(Spink, Beadle & Hand)

## SECRETARY

Brett Anderson  
P.O. Box 166  
Groton, SD 57145  
397-4458  
(Municipal at large)

## TREASURER

Milbert Neuharth  
503 G Avenue  
P.O. Box 576  
Eureka, SD 57437  
284-2893  
(Municipal at Large)

## DIRECTORS

James Hendrickson  
Rt 1 Box 16  
Roslyn, SD 57261  
486-4528  
(Day, Clark & Marshall)

Jim Mochling  
1319 E. 2nd Street  
Redfield, SD 57469  
472-1250  
(Municipal at Large)

Orland Geigle  
11350 296th Avenue  
Pollock, SD 57648  
889-2438  
(Campbell, McPherson,  
Emmons & Dickey)

Sherla Frey  
12558 290th Avenue  
Mobridge, SD 57601  
762-3280  
(Walworth & Potter)

Paul Fischbach  
38814 148th Street  
Mansfield, SD 57460  
887-3271  
(Brown)

## STAFF:

Curt M. Hohn  
General Manager

Tom Tollefson  
Water Treatment Plant  
& Main Line Supt.

Dennis Arend  
Rural System Operations  
& Construction Supt.

May 14, 2001

Karen Schlaak  
Water Rights Program  
Department of Environment & Natural Resources  
Joe Foss Building - 523 East Capitol  
Pierre, South Dakota 57501-3182

RE: Future Water Use Permit # 2671-3 and 3429-3

Dear Karen,

This will respond to your letter of April 23, 2001 regarding the Future Use Water Permits from the Missouri River held by the WEB Water Development Association, Inc., Permit 2671-3 with 2,500 acre-feet remaining and Permit 3429-3 with 20,000 acre-feet remaining. We understand that the Water Management Board reviews future use water permits every seven years. Please inform the Water Management Board that WEB intends to make use of the water secured under both future use water permits;

- To meet the growing needs of our existing customers
- To meet the needs of value-added agricultural industry that we are working with local groups and producers to develop in our area to sustain the economy
- To meet the growing needs of recreational development along the Missouri River within our service area
- To meet the needs of livestock in our service area in the event that markets and prices result in an increase in livestock in our service area
- To provide for water service to the City of Aberdeen should they decide to select WEB to meet all or part of their water supply source to meet their current peak needs of 8,800,000 gallons of water per day and potential future water needs which could be in excess of 16,000,000 gallons per day
- To provide water needed to attract new industry to the area that need quality water

We would respectfully request that the Water Management Board leave the future use water permits that WEB holds in place to assure that adequate water is available to meet the future domestic water needs of the 17 county area served by the WEB rural water system. We would request to be informed by written notice of the date and time of any hearings regarding these permits and fees that may be assessed to maintain the permits.

Sincerely,

Curt Hohn  
General Manager  
WEB Water Development Association, Inc.





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 3429-3, WEB Water Development Association, Inc.

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. 3429-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 3429-3 REMAIN in EFFECT for 20,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3429-3, 2) WEB has demonstrated a reasonable need for the water reserved by Permit No. 3429-3, 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. 3429-3 is subject to payment of the \$435.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to WEB after the Board hearing.

Garland Erbele, Chief Engineer  
May 29, 2001

# Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

I, Billy G. Hanson, of said first duly sworn on oath, say that THE RED weekly newspaper as defined in Sec. 65.0 1939, as amended by Chapter 298 of the S printed and published in the English language in said County and State, by THE REDFIELD such newspaper during the time hereinafter

Billy G. Hanson, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

NO. 25 NOTICE OF HEARING

FE 192571

a printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit:

The first publication being made on JULY 6, 2001

2nd JULY 13, 2001 5th 20

3rd 20 6th 20

4th 20 7th 20

that the full amount of the fee charged for publishing the same to-wit: the sum of \$ 1.94, insures to the benefit of the publisher of THE REDFIELD PRESS, 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.

Billy G. Hanson

Subscribed and sworn to before me this 17th day of JULY, 2001.

Janice K. Fackler  
Notary Public, Spink County, South Dakota

(SEAL)

13 in.

34 57 ROCK RIVER

MY COMMISSION EXPIRES 12/31/06

## Notice of Hearing

No. 25  
NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
Nos. 2671-3 and 3429-3

Notice is given that the water management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently

reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 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 Nos. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 the 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352); and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, 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. 2671-3 and 3429-3 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.

2001222324252627282930  
JUL 11 2001  
GHTS  
141  
1-160025282930

## PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF LEADLE: ss.

I, Cheri Bjorko, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

Web Water Development Inc.,  
Notice of Hearing to Review Future Use  
Water Permit No. 2671-3 and 3429-3

was published for two days, once each week, on the same day in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 6th day of June, 2001, and the last publication on the 13th day of June, 2001. That the full amount of the fee charged for publishing the same, to wit One Hundred Forty-One and 48/100 Dollars 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 thereof has been agreed to be paid to any person whomsoever.

Cheri Bjorko

Subscribed and sworn to before me this 13th day of  
June, 2001.

Debbie L. Laver  
Notary Public, South Dakota

My term expires 7/15/2004

Legal # 217



FP. 6-6-01 L.P. 6-13-01  
NOTICE OF HEARING TO  
REVIEW FUTURE USE  
WATER PERMIT NOS. 2671-3  
AND 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1978 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 48-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 July 7, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57601 (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 the continuing the future 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. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 48-1-14, 48-2-5, 48-2-9, 48-2-11, 48-5-38.1; 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001.

Steven M. Pimer, Secretary  
Department of Environment and  
Natural Resources  
No. 217 (adv.)

## AFFIDAVIT OF PUBLICATION

County of Day  
State of South Dakota,

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Water Permit for Future Use, WEB Water, a printed copy of which is hereunto attached, was printed and published in the said newspaper two successive and complete issues as follows:

First Publication June 4, 2001;  
Second Publication June 11, 2001;  
Third Publication  
Fourth Publication  
Fifth Publication

That the full amount of fees notice is \$72.23 and inures solely published by The Day County Printing or understanding for a division the other person, and that no part there any person whomsoever.

Subscribed and sworn to before me

2001.

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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001.

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

(Last June 11)

LeAnn A. Suhr  
Day County, South Dakota  
My Commission Expires May 15, 2005

Notary Public, Day County, South Dakota

## Water permit

### (First June 4) NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,600 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,100 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:30 a.m., Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605) 773-3352 and the permit 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 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. 2671-3 and 3429-3 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.

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

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

27(June 6-13)

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen, SD 57402 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit No. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 a.m., Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 F

that the Britton Journal published on June 6-13, 2001

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once each week for 52 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

June 6, 2001  
June 13, 2001

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Fifty-seven and 7/8 DOLLARS  
Douglas M. Card

Subscribed and sworn to before me this 13th day of

June A.D., 2001  
[Signature]  
Notary Public, Marshall County, S. D.

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 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. 2671-3 and 3429-3 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 Rule 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 proceedings. 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

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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**LPNO 4**

STATE OF SOUTH DAKOTA  
COUNTY OF CAMPBELL

**Notice of Hearing—Published Twice**

The recommendations of the Chief Engineer are 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 evi-

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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Mr. Sep. C. S. ...  
... 10. 12. 1900 ...



**NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
NOS. 2671-3 AND 3429-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51,

Aberdeen SD 57402 for progress made in the development of the water reserved by the permits and future plans for the development of the water reserved by Permit Nos. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN IN EFFECT for 2,500 acre-feet and 20,000 acre-feet annually because 1) the reserved water may be developed, 2) there is a 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 Permits Nos. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 of cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2001. The Chief Engineer's address is "Water Rights

Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773 3352) and the permit 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 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. 2671-3 and 3429-3 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001.

Steve M. Pirner  
Secretary  
Department of Environment  
and Natural Resources

(Published in the Potter County News, June 7, and 14, 2001)



# Affidavit of Publication

STATE OF SOUTH DAKOTA,  
COUNTY OF POTTER, ss.

DAVID B. CLAUSEN being first duly sworn, on oath says, that he is the publisher of the POTTER COUNTY NEWS, a weekly newspaper published in Gettysburg, County of Potter, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

*Notice of Hearing to Review  
Future Use Water Permit*

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

*June 7 and 14, 2001*

that the full amount of the fees for the publication of the annexed notice is \$ 64.26

*Carol D. Clausen*

Subscribed and sworn to before me this 14th

day of June, 2001

*Carol D. Clausen*

Carol D. Clausen, Notary Public

State of South Dakota

My commission expires Oct. 15, 2004

Length of line: 12 picu  
Size of type: 8 pt.  
Number of lines: \_\_\_\_\_  
Line rate: \_\_\_\_\_

## AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 )SS  
County of Hand )

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

Web Water Hearing  
Notice

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

6-13 2001; \_\_\_\_\_ 20\_\_\_\_

6-20 2001; \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_ 20\_\_\_\_; \_\_\_\_\_ 20\_\_\_\_

that the full amount of the fees for the publication of the annexed notice is

\$ 62.71

George McFarlane  
Subscribed and sworn to before me this

21 day of 6 2001.

Paula L. McFarlane  
Paula L. McFarlane, Notary Public  
My Commission expires: Oct. 11,

2004

State of South Dakota

# Future Use Water hearing set

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Water Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 a.m., Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3372) 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 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. 2671-3 and 3429-3 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 and 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 impediment may contact Eric Grolund, Water Rights Program, (605 773-3352) by July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

FPNO 41 I PNO 47



**NOTICE OF HEARING TO  
REVIEW FUTURE USE WATER  
PERMIT NOS. 2671-3 AND 3429-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 61, Aberdeen, SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit no. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:30 a.m., Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use 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.

**Affidavit of Publication**

State of South Dakota

§

County of Clark

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

**SD Water Rights Commission  
WEB Water Development  
Notice of Hearing to Review  
Future Use Water Permits**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-6-38.1; 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.

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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001.

Steven M. Pirner, Secretary  
Dept. of Environment  
and Natural Resources  
6-6-21

successive weeks, on the day of each week on said newspaper was regularly published, to-

June 6  
June 13

full amount of the fees for the publication  
indexed notice is **\$65.70**

*William J. Krikac*

and sworn to before me this

27th day of June, 2001

*Notary Public*

Clark County, South Dakota

## PUBLIC NOTICE

NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT  
NOS. 2671-3 AND 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R79W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, 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. 2671-3 and 3429-3 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 74:02:01:26.01 thru 74:02:01:26.03 and contested case procedures contained in SDCL 1-26.

The 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
(Publish T 6-6, 13)

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Edmunds ) SS

I, Ruth Lakson  
certify that the attached printed Notice was taken

from the Spurlock Tribune

printed and published in Spurlock, SD

County of Edmunds and  
state of South Dakota. The notice was published  
in the newspaper on the following two dates:

June 6 and 13, 2001

Cost of Printing \$64.55

Ruth Lakson  
(Signature)

Brookhagen  
(Title)

6-27-01  
(Date Signed)

No. 144, June 6 & 13, 2001  
**NOTICE OF HEARING**  
**TO REVIEW FUTURE USE**  
**WATER PERMIT**

**NOS. 2671-3 and 3429-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 61, Aberdeen SD 57402 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Perm's Nos. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R70W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use 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.



Form 8

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )

County of Faulk )

I, James B. Moritz

certify that the attached printed Notice was taken

from the Faulk County Record

printed and published in Faulkton

County of Faulk and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, June 6, 2001

Wednesday, June 13, 2001

Cost of Printing \$66.83

*James B. Moritz*  
 (Signature)

Publisher  
 (Title)

6-14-01  
 (Date Signed)

The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Carla Essex, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing to Review

WEB Water Development Association, Inc.

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

June 6, 13, 2001

that the full amount of the fees charged for publishing the same to-wit: the sum of \$4.86 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

*Carla Essex*

Subscribed and sworn to before me this 26th day of June, 2001.

*Robert R. C. Johnson*

Seal expires 19th May, 2006

(Seal)

## Water permit numbers to be reviewed

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 7733352) 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 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. 2671-3 and 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 46-2-9, 46-2-11, 46-5-3 1, 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

-0606-0613



# Affidavit of Publication

COUNTY OF McPHERSON

STATE OF SOUTH DAKOTA

Arlo C. Mehlhoff of said county being duly sworn, on oath says that he is the publisher of The Northwest Blade, a weekly newspaper published in Eureka in said County of McPherson and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least 200 copies weekly, and has been published within said County for fifty-two successive weeks next to prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

|         |       |    |
|---------|-------|----|
| June 6  | 20 01 | 20 |
| June 13 | 20 01 | 20 |
|         | 20    | 20 |
|         | 20    | 20 |
|         | 20    | 20 |
|         | 20    | 20 |

that the full amount of the fees for the publication of the annexed notice is \$ 66.19

Arlo C. Mehlhoff  
Subscribed and sworn to before me this 19th day of

June 20 01

Arnold J. Lapp  
Notary Public

County of McPherson, South Dakota

ARNOLD J. LAPP

Notary Public-South Dakota  
My commission expires Aug. 1, 2004

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., P. O. Box 51, Aberdeen, S. D. 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001, at 10:00 a.m. Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S. D.

The recommendations of the Chief Engineer are 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 July 2, 2001. 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 peti-

tion 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 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. 2671-3 and 3429-3 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 Rule ARSD 74:02.01:25.01 thru 74:02.01:25.03 and contested case procedures contained in SDCL 1-26.

The 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 Cronlund, Water Rights Program, (605 773-3352) by July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

6-6-13--2001



OK

**124 South Second Street — P.O. Box 4430  
ABERDEEN, SOUTH DAKOTA 57402-4430  
TELEPHONE: 605-225-4100**



67. 6. 11

Attached is a clipping from our edition

showing first insertion of

Notes of Hearing to Adverse Parties

115c. Hunter, J. M. 1891: 6-16-1911

which we shall publish as ordered as follows: *June 6 - 13 2001*

Kindly check notice immediately and return if incorrect, noting corrections to be made.

ABERDEEN AMERICAN NEWS

ACCOUNTING DEPARTMENT

TOTAL PUBLICATION COST 117 90

Notice is given that the Water Allocation Board will review Future Use Permit No. 2571-3 and 2459-3 filed by WEIS Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 for projects made in the development of the water required by the permit and future plans for development of the water required by Permit Nos. 2571-3 and 2459-3.

Future Use Permit No. 2571-3 was approved in 1978 and currently has reserves 2,500 acre-feet of water from the Missouri River located in water right No. 11-21204-R7584 and Section 17-11-21204-R7582.

Figure Two, Exhibit No. 3426-3 was prepared in 1977 and currently reflects 21,002 net-bushels of wheat from the Mission that resulted from a pool between Dec. - 5/71/24/4-7/23/4 and Section 17-11/11-15/24.

Pursant to SOG, 46-24-2 the Chief Engineer of the Texas Regatta Program recommended that Texas Regatta Program and 3-23-3 REMARKS in EFFECT for 2,500 net-bushels and 21,000 net-bushels annually be added to the wheat pool for the 1977-78 season. It was noted that the wheat pool for the 1977-78 season was processed into flour at a beneficial use, and 41/8 is in the public interest.

The Wheat Management Board will conduct the hearing to review the recommendation of the Chief Engineer of the Texas Regatta Program and 3-23-3 REMARKS in EFFECT for 2,500 net-bushels and 21,000 net-bushels annually be added to the wheat pool for the 1977-78 season on July 11, 2001 at 10:00 am, P.O. Box 10000, Austin, Texas 78768-0000, for the Wheat Management Board, 525 E. Capitol Plaza 5D, Building 525 E. Capitol Plaza 5D.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to allow the permits to remain in effect. 2) amend the permits by additional conditions. 3) amend the permit conditions. 4) no development or no change in the development of 41/8 line 1. 5) more development or 41/8 line 1. 6) more after it reaches a conclusion.

The hearing is to receive affidavits from the public hearing. Any interested person who may be affected by a Board decision and who wishes to participate in the hearing before the Board and the hearing before the Commission. According to SDCL 1-326, written notice to SDCL 1-326, must be a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Farris Building, 523 E. Grand Ave, Pierre SD 57501 6005. ARSD 74:02:01:25.01 (this need not be a petition)

This hearing is an advisory 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 assume access to the hearing by the handicapped or obtain an interpreter for the hearing inquired may contact the Chief Clerk, Water Rights Program, 6065 773-3352 by July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Penick, Secretary, Department of Environment and Natural Resources.

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2671-3 and 3429-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 2671-3 and 3429-3 held by WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402 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. 2671-3 and 3429-3.

Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2671-3 and 3429-3 REMAIN in EFFECT for 2,500 acre-feet and 20,000 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. 2671-3 and 3429-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are 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 July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, 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. 2671-3 and 3429-3 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 July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



May 29, 2001

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

Curt Hohn, General Manager  
WEB Water Development Association, Inc.  
PO Box 51  
Aberdeen SD 57402-0051

Dear Mr. Hohn:

Future Use Permit Nos. 2671-3 and 3429-3 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 the review has been sent to the publisher of the following papers:

Mobridge Tribune, Mobridge 605 845-3546  
American News, Aberdeen 605 225-4100  
Redfield Press, Redfield 605 472-0822  
Highmore Herald, Highmore 605 852-2927  
Faulk Co. Record, Faulkton 605 598-6525  
Northwest Blade, Eureka 605 284-2632  
Clark Co. Courier, Clark 605 532-3654

Ipswich Tribune, Ipswich 605 426-6471  
Reporter & Farmer, Webster 605 345-3356  
Miller Press, Miller 605 853-3575  
Prairie Pioneer, Pollock 605 889-2320  
Potter Co. News, Gettysburg 605 765-2464  
The Plainsman, Huron 605 352-6401  
Britton Journal, Britton 605 448-2281

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. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
623 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 2671-3, WEB Water Development Association, Inc.**

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. 2671-3, WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

The Chief Engineer is recommending that Future Use Permit No. 2671-3 REMAIN in EFFECT for 2,500 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2671-3, 2) WEB has demonstrated a reasonable need for the water reserved by Permit No. 2671-3, 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. 2671-3 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to WEB after the Board hearing.

Garland Erbele, Chief Engineer  
May 29, 2001



July 17, 2001

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denn](http://www.state.sd.us/denn)

NOTICE

Curt Hohn, General Manager  
WEB Water Development Association, Inc.  
PO Box 51  
Aberdeen SD 57402-0051

Dear Mr. Hohn:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2001 to review Future Use Permit Nos. 2671-3 and 3429-3. The Board allowed the permits to remain in effect for 2,500 acre-feet and 20,000 acre-feet, respectively. These Future Use Permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2671-3 is \$70.00 and for No. 3429-3 is \$435.00 pursuant to SDCL 46-2-13(2). Please remit the fees within 60 days.

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

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

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

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NR 416876

Pierre, August 3, 20 01

RECEIVED OF Web Water Development Association Inc., PO Box 51, Aberdeen, SD 57402  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                         |       |       |
|-------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                  |       |       |
| Fee to retain Future Use Permit No. <u>2671-3</u> after period of seven years.                                          | 70    | 00    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. _____                  |       |       |
| Fee for Filing Transfer Form _____                                                                                      |       |       |
| Fee for Filing Extension Request _____                                                                                  |       |       |
| Fee for _____                                                                                                           |       |       |
| _____                                                                                                                   |       |       |
| _____                                                                                                                   |       |       |
| (Any Other Work Provided by Law)                                                                                        | Total | 70 00 |

By

Chief Engineer

Harland Erbe  
gm