

Water Right Number

3429-3

~~3429-3~~

1. Considered 1-26, 19 77
2. Name of Applicant OAHE CONSERVANCY SUB-DISTRICT
3. Post Office Address HURON
4. Amount of Water claimed 20,000 AC FT ANNUALLY
5. Source of Water supply MISSOURI RIVER
6. Water to be used for FUTURE USE-- R.W S & MUN. WER  
Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in DIV-- WAILWORTH County  
about NEAR miles \_\_\_\_\_ of MOBRIDGE
8. Proof of Publication  
Received 1-20-77  
Not Received \_\_\_\_\_
9. Application  
Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_
10. Remarks:

No. 3429-3  
 Map No. 2036-3 Water Division No. 3 JAMES RIVER District \_\_\_\_\_  
 (Blanks to be filled by the Engineer for the V. H. C.)



## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Oahe Conservancy Sub-District  
 Postoffice address P.O. Box 78 Huron, State South Dakota  
 If a corporation show date and place of incorporation Organized 1961 under Sec. 46-18, SXCL 1967  
 Contract  
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract  
 3. Name of diversion work W.E.B. Water Development Project  
 4. Amount of water claimed (cubic feet per second) 20,000 Acre feet per year  
 5. Source of water supply Missouri River  
 6. Location of point of diversion Between 5-124-29 and 17-121-78

- County Walworth  
 7. Annual period or periods during which water is to be used Continual 12 Month Operation  
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal-Domestic  
 9. For irrigation use, Total number of acres to be irrigated \_\_\_\_\_

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description                         | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------------------------------|----------------|------------------|----------------|
| Population to be served <u>± 100,000</u> |                |                  |                |
| also will serve several                  |                |                  |                |
| hundred thousand head of                 |                |                  |                |
| livestock.                               |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N/A years. Additional time required to complete application of water to the proposed beneficial use N/A years.  
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News  
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumping plant and treatment facilities to be constructed on east bank of Missouri River near Mohridge, S.D.

B. Works proposed to transport water to place of use.

Buried pipeline to be constructed in the general vicinity of US Highway 12; to provide potable water to municipalities and farmsteads along the proposed route in Walworth, Edmunds, Brown, Day, Spink and Campbell Counties.

C. Works proposed to apply water to beneficial use.

Lateral pipelines will be tapped into the mainline to serve the contracted users along the proposed route of the project.

Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Beadle  
Oahe Conservancy Sub-District

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

Signed [Signature]  
 Chairman  
 December 1976

Subscribed and sworn to before me this 27

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3429-3  
DAKE CONSERVANCY SUB-DISTRICT P.O. Box 78 HURON  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57350 With the following modifications:  
 (State)

THIS FUTURE USE PERMIT NO. 3429-3 IS APPROVED WITH THE STIPULATION THAT THE PERMIT TO APPROPRIATE WATER IS SUBJECT TO REVIEW BY THE WATER RIGHTS COMMISSION AS TO ACCOMPLISHMENT THEREUNDER UPON EXPIRATION OF SEVEN (7) YEARS AT SUCH TIME AS DEFINITE PLANS ARE MADE, SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE WATER GRANTED UNDER THIS WITHDRAWAL, MUST BE SUBMITTED PRIOR TO CONSTRUCTION OF FACILITIES.

Date of first receipt of application DECEMBER 30, 1976  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19\_\_\_\_  
 Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_  
 Approved JULY 28, 19 77, Recorded in Book 19 Page 73  
 WATER RIGHT PERMIT NO. 3429-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3429-3 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 DECEMBER 30, 1976
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 MUNICIPAL & RURAL WATER SYSTEM 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 20,000 ACRES FEET ANNUALLY cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ DEVELOPED FOR FUTURE MUNICIPAL & RURAL WATER SYSTEM USE

will be actually and beneficially applied for irrigation CONTINUOUSLY said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 19TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch  
 Chief Engineer, Executive Officer

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

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

No. 3429-3

Publish first publication, on or before January 13, 1977

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 13, 1977

Notice is hereby given that the Oahe Conservancy Sub-District  
whose post office address is Huron, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
20,000 acres cubic feet of water annually future use  
from the Missouri River through the  
W. E. P. Water Development Project the point of diversion of which is to be located in the  
between points in Section 5, T124, R75W, and in  
at Section 17, Twp. 121N, Range 78W. Said water to be used for the purpose  
of providing irrigation portions of  
supplies for municipal and rural water systems in Walworth, Campbell,  
Edmunds, Brown, Day & Spink counties.

This application No. 3429-3 will be considered by the Water Rights Commission at their office at  
Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested  
persons may appear and be heard.  
**for submission to the SD legislature**

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw

cc: Oahe Conservancy Sub-District, P. O. Box 78, Huron, SD 57350

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:

January 11, 1977

January 18, 1977

Dianne Brenden  
(Signature)

Principal Clerk  
(Title)

January 18, 1977  
(Date Signed)

(No. 32 - Jan. 11, 1977 - 21)  
NOTICE  
INTENT TO APPROPRIATE WATER  
January 3, 1977  
Notice is hereby given that the Oahe  
Conservancy Sub District whose post  
office address is Huron, 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 70,000  
acre-feet of water annually from the  
Missouri River through the WEB Water  
Development Project, the point of  
diversion of which is to be located be-  
tween points in Section 5, T124, R75W,  
and in Section 17, T20, R21N, Range 75W.  
Said water to be used for the purpose of  
providing supplies for municipal and  
rural water systems in Walworth,  
Campbell, Edmunds, Brown, Day &  
Spink counties.  
This application No. 3429-3 will be  
considered by the Water Rights Com-  
mission at their office at Pierre upon the  
26th day of January, 1977, at 10:00 A.M.  
for submission to the SD Legislature.  
All interested persons may appear and  
be heard.  
Water Rights Commission  
By: Burton F. Jones, Water Rights  
Specialist.





# Department of Natural Resource Development

## WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 31, 1977

Lowell Hansen  
Speaker of the House  
State Capitol Building  
Pierre, South Dakota 57501

Dear Sir:

In accordance with SDCL 46-5-20.1, I am submitting herewith copies of the following water right applications with proposed resolution drafts, and the recommendations of the Water Rights Commission.

| Number | Name                                                 | Priority<br>Date | Hearing<br>Date       | Recommendations<br>Water Rights<br>Commission |
|--------|------------------------------------------------------|------------------|-----------------------|-----------------------------------------------|
| 1442-2 | Energy Transportation System,<br>Inc.                | 9/ 3/76          | 9/30/76<br>& 11/18/76 | Deny                                          |
| 1492-2 | City of Rapid City<br>(Future Use)                   | 12/ 3/76         | 1/26/77               | Approve                                       |
| 1507-2 | West River Conservancy Sub-<br>District (Future Use) | 1/ 5/77          | 1/26/77               | Approve                                       |
| 1508-2 | West River Conservancy Sub-<br>District (Future Use) | 1/ 5/77          | 1/26/77               | Approve                                       |
| 3370-3 | Lewis & Clark Irrigation<br>District                 | 12/22/76         | 1/26/77               | Approve                                       |
| 3371-3 | City of Yankton<br>(Future Use)                      | 12/21/76         | 1/26/77               | Approve                                       |
| 3428-3 | City of Aberdeen<br>(Future Use)                     | 12/30/76         | 1/26/77               | No<br>Recommendati                            |
| 3429-3 | Oahe Conservancy Sub-<br>District (Future Use)       | 12/30/76         | 1/26/77               | Approve                                       |
| 3434-3 | Harvey Sheehan                                       | 12/30/76         | 1/26/77               | Approve                                       |

Mr. Lowell Hansen  
Speaker of the House

Page 2.

The applications have been filed with the Water Rights Commission, advertised and public hearing held, and are in proper form.

Very truly yours,

JOHN HATCH, Chief Engineer  
Division of Water Rights  
Department of Natural Resource  
Development

JH/bw

Encl: As stated

cc: Governor Kneip  
Lt. Governor Harvey Wollman  
Don Wagner, Chairman, Water Rights Commission

Proposed Resolution - Approval of a Water Right Application  
Submitted by WATER RIGHTS COMMISSION, DEPARTMENT OF NATURAL  
RESOURCE DEVELOPMENT

A JOINT RESOLUTION, approving an application for a water right pursuant to SDCL § 46-5-20.1.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA THE SENATE CONCURRING THEREIN:

WHEREAS, pursuant to S.D.C.L. § 46-5-20.1 the Legislature of the State of South Dakota has required that any application for appropriation of water in excess of ten thousand acre feet annually shall be presented by the Water Rights Commission to the Legislature for approval prior to acting on the application, and

WHEREAS, Future Use Water Right Application No. 3429-3 (Oahe Conservancy Sub-District) has been received by the Water Rights Commission, and

WHEREAS, said application is for an amount in excess of ten thousand acre feet annually, and

WHEREAS, the Water Rights Commission by motion on January 26, 1977 at its regular meeting in Pierre recommended to the Legislature that it approve said application,

NOW BE IT HEREBY RESOLVED that Future Use Application No. 3429-3 be and it hereby is APPROVED,

AND FURTHER BE IT RESOLVED that the Water Rights Commission may issue permits covering all or any part of the water granted by this future use water right permit upon proper application and hearing, without further consideration by the Legislature.

~~South Dakota~~  
~~Department of Natural Resources~~  
Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

July 11, 1977

TO: Persons Concerned With Water Right Application No. 3429-3  
Oahe Conservancy Sub-District, Aberdeen, South Dakota  
(WEB Pipeline)  
FROM: John Hatch, Chief Engineer, Water Rights Commission  
SUBJECT: Notice of Reconsideration Hearing on Application No.  
3429-3

The Water Rights Commission will reconsider Future Use Water Right Application No. 3429-3 at 10:00 a.m., July 28, 1977 at the Stauro-lite Inn, Brookings, SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21.

Application No. 3429-3 was considered by the Water Rights Commission January 25, 1977 and sent to the Legislature in accordance with 46-5-20.1 with a recommendation for approval. The 1977 Legislature approved Application No. 3429-3 without change, Chapter 361, 1977 Session Laws.

After reconsideration of Future Use Application No. 3429-3 the Commission can approve, defer, or deny all or part of the Application.

Yours very truly,

JOHN HATCH, Chief Engineer  
Water Rights Commission

JH/GY

cc: WEB Pipeline, Mae Zemlicka, Meniciple Building, Aberdeen, SD  
57401

P. A. Kunze, Alpena, SD 57312

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B. W. Lyle, SD 57428

Vice-Chairman  
Wilfred Birch  
Selby, SD 57472

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Aberdeen, CB 97401

Treasurer  
A. G. Weathy  
Aberdeen, SD 57401

Director-at-Large  
Herson Smith  
Andover, SD 57422

Director-at-large  
Russell Shoemaker  
betator, SD 5127.

Director-at-Large  
Bruce Herman  
Cunda, SD 57435

Director-at-Large  
Myron Johnson  
Pollock, SD 57649

Director-at-large  
Dorothy Allen  
Bedfield, SD 57429



March 7, 1977

TO WHOM IT MAY CONCERN:

We are happy to provide the WEB Water Supply and Transmission Pipeline Feasibility Study, completed March 8, 1977.

The WEB Water Development Association of local governments and agencies in six counties have voluntarily joined together to develop a regional water supply under the State Joint Cooperative Agreement Act of 1966.

The objective is to draw fresh raw water from the Missouri to a treatment plant located near Mobridge or Selby. This potable water would then be piped eastward for approximately 200 miles along the right-of-way of Highway 12 and 281 to Aberdeen, Waubay, and Redfield. Lateral pipelines would extend into rural areas to serve 43 communities in 9 rural water districts with a 1970 population of 70,000 people with domestic and livestock needs for the next 50 years.

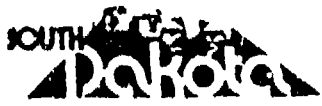
Water treated at the Missouri River source would be piped for distribution. Agricultural land would be protected as the pipes would be buried along highway and/or railroad right-of-ways. Water would meet Federal water standards.

sincerely,

MacZemliaka

Mae Zemlicka  
Secretary

Report on file  
in this office



## 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,

A handwritten signature in cursive script, appearing to read "John Hatch".

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 229-4647  
TOLL FREE PHONE NUMBER 1-800-233-7832

## CHAIRMAN

Morris Kurle  
P.O. Box 278  
Bowdle, SD 57428  
285-6577

## 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

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

## DIRECTORS:

Merle Kosters  
P.O. Box 232  
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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  
Melleite, 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 of 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"

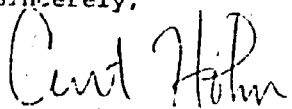


Mr. John Hatch  
April 28, 1987  
Page 2

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 1950 in anticipation of development of the Oahe Unit? The purpose of that permit was to provide for general development of water resource in the Oahe Conservancy Subdistrict area which encompassed the now existing WEE 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 Ouhe 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 Ouhe 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.

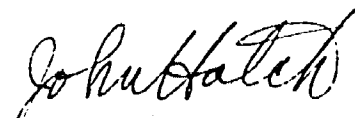
*publication notices  
on filed with 2671-3*

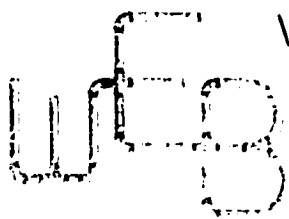
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 3429-3

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. 3429-3, 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. 3429-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3429-3, 2) the WEB Water Development Association, Inc. 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 with the following qualification:

1. That the fee of \$435.00 for maintaining the effectiveness of Future Use Permit No. 3429-3 is paid within 60 days of notice to the WEB Water Development Association, Inc.

  
JOHN HATCH, Chief Engineer  
May 26, 1987



# 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 229-4647  
TOLL FREE PHONE NUMBER 1-800-233-7832

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397-3405

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

## STAFF:

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

July 1, 1987

South Dakota Dept. of  
Water & Natural Resources  
Joe Foss Bldg.  
523 East Capitol  
Pierre, SD 57501-3181

Attn: John Hatch

Dear Mr. Hatch,

Enclosed find our check #1582 in the amount of \$435.00 for Permit  
# 3429-3. I have attached a copy of your letter for reference.  
Please sign and return the enclosed voucher to us.

If you have any questions please contact us.

Sincerely,

Curt Hohn, Manager  
WEB Water Development Association, Inc.

CH:vs



# RECEIPT

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

410230

Pierre, July 6, 1937

RECEIVED OF WEB Water Development Assoc., 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 works and to put water to beneficial use _____ | 435 | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |     |    |
| Fee to retain Future Use Permit No. <u>3429-7</u> after period of seven years.                                             |     |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |     |    |
| Fee for Filing Transfer Form _____                                                                                         |     |    |
| Fee for Filing Extension Request _____                                                                                     |     |    |
| Fee for Certified Copy of _____                                                                                            |     |    |
| Fee for Print Copy of Map _____                                                                                            | 435 | 00 |
| Fee for Certifying _____                                                                                                   |     |    |
| Fee for _____                                                                                                              | 435 | 00 |
| (Any Other Work Provided by Law)                                                                                           |     |    |
| Total                                                                                                                      | 435 | 00 |

By [Signature]  
Chief Engineer JOHN HATCH (HS)

**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

113129-3

**South Dakota**  
**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*

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

enclosures

3429-3



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 (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

*should be*

*2,500*

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) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492



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Rt. 1 - Box 114  
Webster, S.D. 57274  
345-3561

### VICE CHAIRMAN

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HCR 1 - Box 56  
Mellefte, S.D. 57461  
887-3592

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HCR 2 - Box 71  
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287-4282

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

### STAFF:

Arden Wallum  
Manager

Jerry Blencke  
Accountant

Lyle Schumack  
Construction  
& Operations Supv

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.

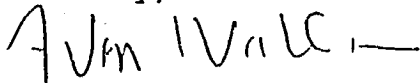
Realistically we are probably going to be somewhere between these two estimates but the beneficial uses of WEB leave the potential for substantial increases if any major project is initiated. WEB provides water to 5300 users including approximately 70 communities. Most of these users depend on WEB for 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.

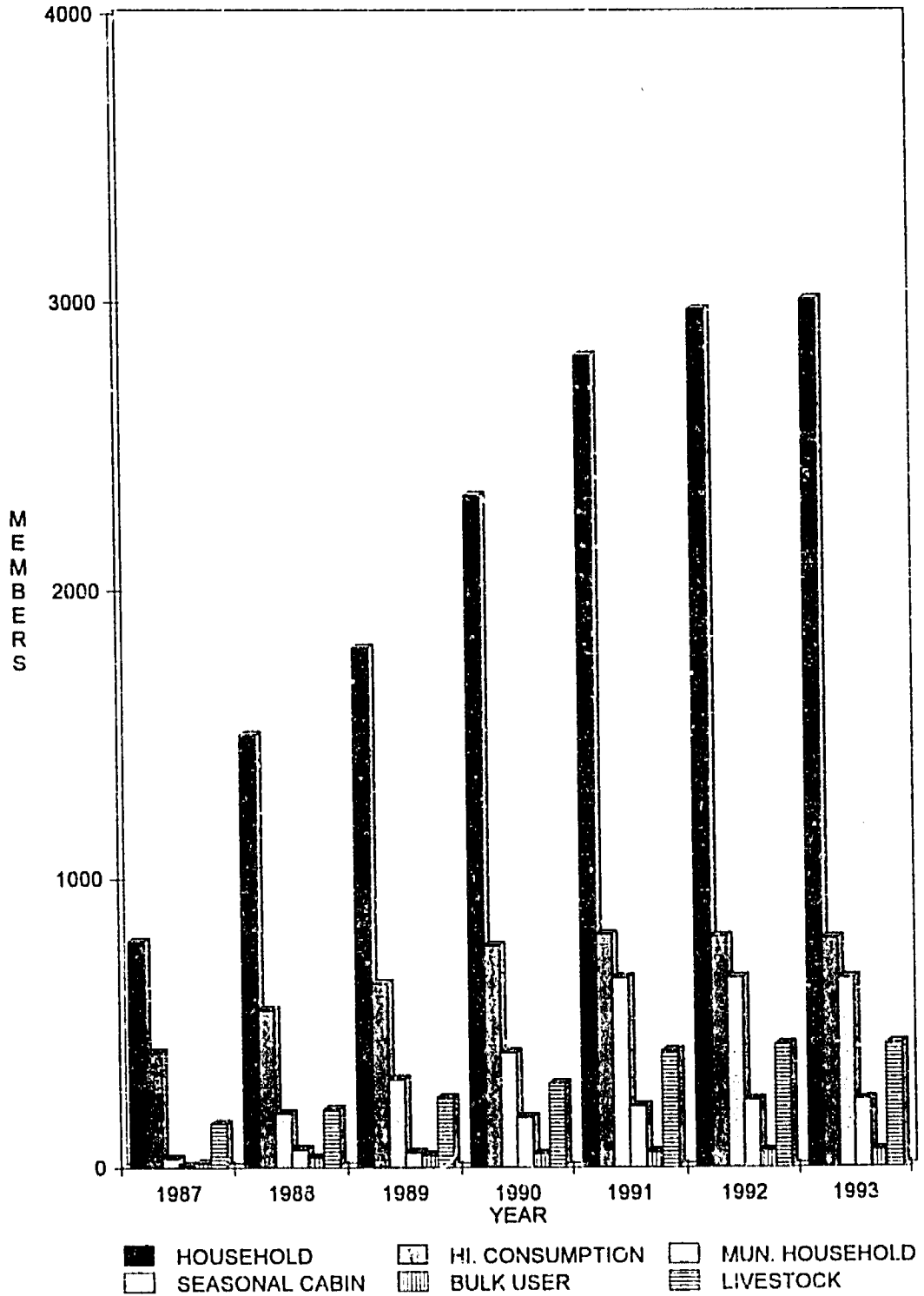
Enclosures

AW:bn

cc: DENR File

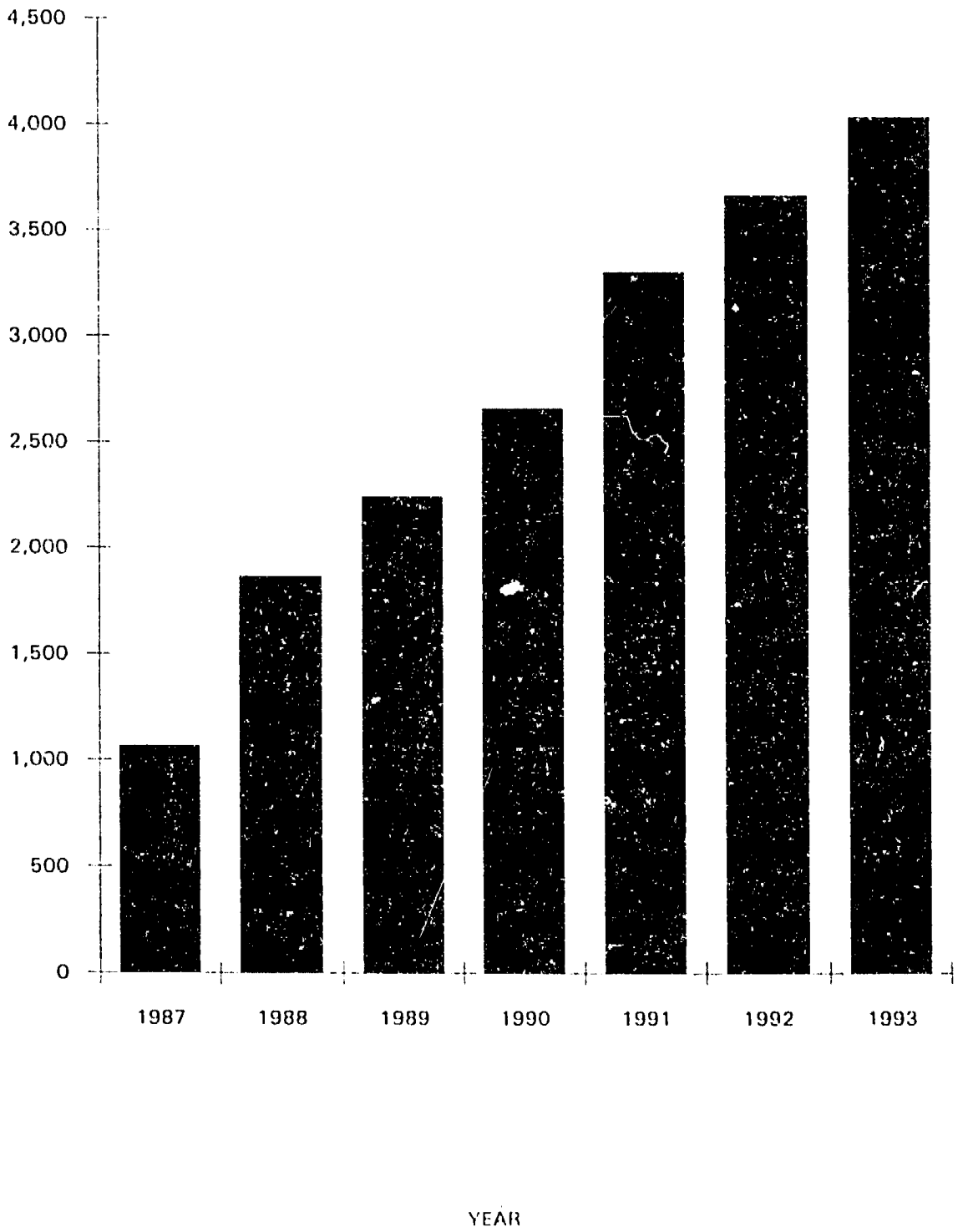
# MEMBERSHIP BY CATAGORY

G-A

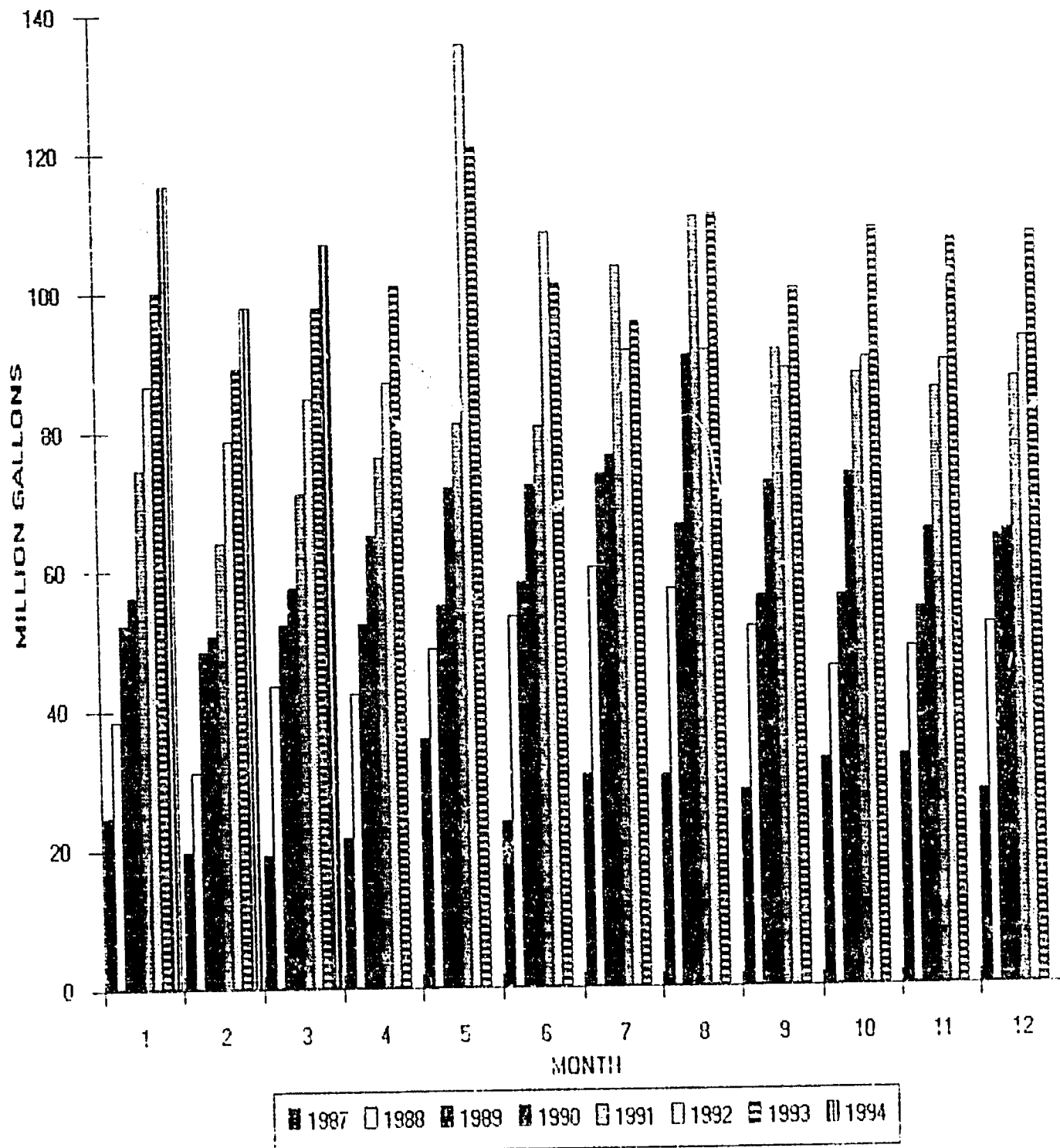


PLANT FLOWS  
G-B

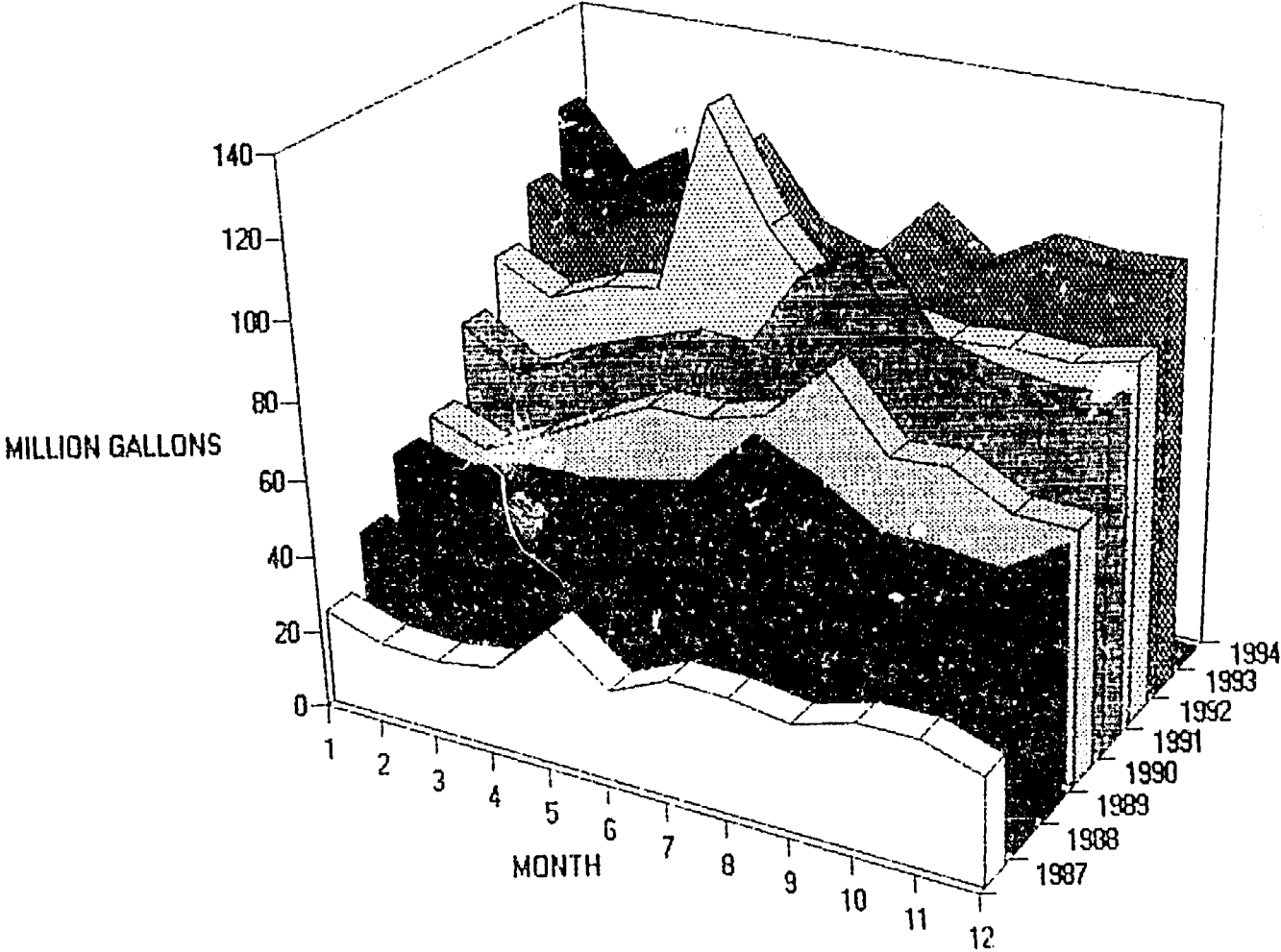
MAF.XLC



# MONTHLY WEB PLANT EFFLUENT FLOWS G-C



MONTHLY WEB PLANT EFFLUENT FLOWS  
G-D



1987 1988 1989 1990 1991 1992 1993 1994

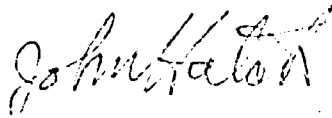
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 3429-3, WEB Water Development Association, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, 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 because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3429-3, 2) WEB Water Development Association, Inc. 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 with the following qualification:

That Permit No. 3429-3 reserve for future use a total of 20,000 acre-feet annually.

And that 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 the WED 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

May 17, 1994

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

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

Dear Mr. Wallum:

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. The notice of this review has been sent to the Publishers of the following papers: Mobridge Tribune, Mobridge SD (Ph # 845-3646), Ipswich Tribune, Ipswich SD (Ph # 426-6471), American News, Aberdeen SD (Ph # 225-4100), Reporter & Farmer, Webster SD (Ph # 345-3356), The Redfield Press, Redfield SD (Ph # 472-0822), The Miller Press, Miller SD (Ph # 853-3575), Prairie Pioneer, Pollock SD (Ph # 889-2320), Faulk Co. Record, Faulkton SD (Ph # 598-6525), Potter Co. News, Gettysburg SD (Ph # 765-2464), Northwest Blade, Eureka SD (Ph # 284-2631), The Plainsman, Huron (Ph # 352-6401), Clark County Courier, Clark SD (Ph # 532-3654) and The Britton Journal, Britton SD (Ph # 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 with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Reporter & Farmer  
Box 30  
Webster SD 57274-0030

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 30, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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

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

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

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

Name \_\_\_\_\_

Newspaper \_\_\_\_\_



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 17, 1994

American News  
PO Box 4430  
Aberdeen SD 57402-4430

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

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

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Ipswich Tribune  
Box 7  
Ipswich SD 57451-0007

Dear Sir:

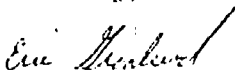
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Sincerely,

  
Eric Grönlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_ TO: Water Rights Division  
Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181  
Date \_\_\_\_\_  
We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to to  
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Name \_\_\_\_\_

Newspaper \_\_\_\_\_

L



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 17, 1994

Mobridge Tribune  
Box 250  
Mobridge SD 57601-0250

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

THE APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

Date \_\_\_\_\_

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

The Britton Journal  
Box 69  
Britton SD 57430-0069

Dear Sir:

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The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

Date \_\_\_\_\_

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

Name \_\_\_\_\_

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Clark County Courier  
117 1st St East  
Clark SD 57225-0172

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-G051.

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FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

Date \_\_\_\_\_  
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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

The Plainsman  
Box 1278  
Huron SD 57350-1278

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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

Date \_\_\_\_\_  
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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Northwest Blade  
Box 797  
Eureka SD 57437-0797

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
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Date \_\_\_\_\_  
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TO: Water Rights Division  
Joe Foss Building  
523 E. Capitol  
Pierre SD 57501-3181

Name \_\_\_\_\_

Newspaper \_\_\_\_\_



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Potter Co. News  
Box 190  
Gettysburg SD 57442-0190

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 26, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

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

Date \_\_\_\_\_

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

Name \_\_\_\_\_

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Faulk Co. Record  
Box 68  
Faulkton SD 57438-0068

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

Date \_\_\_\_\_

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

Prairie Pioneer  
Box 218  
Pollock SD 57648-0218

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 26, 1994 with the second publication 7 days later.

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Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

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

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

Date \_\_\_\_\_  
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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

The Redfield Press  
Box 440  
Redfield SD 57469-0440

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_ TO: Water Rights Division  
Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181

Date \_\_\_\_\_  
We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to to  
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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 17, 1994

The Miller Press  
Box 196  
Miller SD 57362-0196

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 2671-3 and 3429-3 to be published twice. Please publish the first notice on May 30, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is WEB Water Development Association, Inc., PO Box 51, Aberdeen SD 57402-0051.

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Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_

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

Date \_\_\_\_\_  
We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to to  
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of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on May 30, 1994 with 2nd publication 7 days later. The permit owner is responsible for payment.

-----

**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.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Spink ) ss

I, Margaret Mundstuck

certify that the attached printed Notice was  
taken from the Redfield Press

printed and published in Redfield

County of Spink 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: \$51.29

Margaret Mundstuck  
(Signature)

Brad Schaefer  
(Title)

6-10-94  
(Date Signed)



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

(May 25; June 1)

Water permit  
hearing June 28

No. 76  
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 WFB 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-R73W and Section 17-T121N-R76W. 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 No. 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 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 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 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.

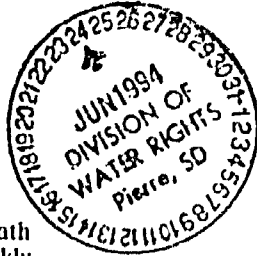
The hearing to review Future Use Permit Nos. 2671-3 and 3429-3 will be conducted pursuant to the provision of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARS0 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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.

# 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:

16B The Mobridge Tribune-May 25, 1994

## WEB to

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.

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. 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 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

Cindi Volk

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

Notary Public  
Seal expires 21st of July, 1997

(over)

(Seal)

## PUBLIC NOTICES

# review permits

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. 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.

0525A601

14 June 6, 1994

PROOF OF PUBLICATION

**Publi**

Public Notice Adve

**Board to**

STATE OF SOUTH DAKOTA )  
County of Day ) ss

I, Larry Ingalls

certify that the attached printed Notice was  
taken from the Reporter and Farmer  
Newspaper

printed and published in Webster

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)

*Orvilla Syverson*  
*Emahiser*

ORVILLA SYVERSON, Notary Public  
Day County, South Dakota  
My Commission Expires May 1, 1996

(First May 30)  
**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, 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.

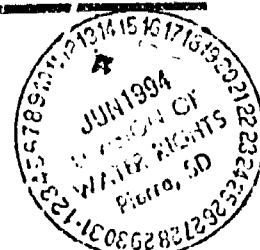
Future Use Permit No. 2671-3 was approved May 20, 1976 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Water Permit No. 4930-3 places 7,500 acre-feet to beneficial use reserved by No. 2671-3 leaving 2,500 acre-feet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

Future 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 West 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



*(over)*

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.

#### **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 Division, 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 because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3429-3, 2) WEB Water Development Association, Inc. 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 with the following qualification:

That Permit No. 3429-3 reserve for future use a total of 20,000 acre-feet annually.

And that 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 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**

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

(Last June 6)

## Notice of Hearing

No. 164, May 25 & June 1, 1994  
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 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 1/2 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 74:01:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-28.

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.

## Affidavit of Publication

State of South Dakota

§

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 a 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



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 Grenlund, Water Rights Division, DENR, Joe Foss Building, Pierre, SD 505 773-3352 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

I, Roberta Dempsey

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

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)



(No 122 - May 25, June 1 - 27)  
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, 1975 to reserve 10,000 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R73W and Section 17-T121N-R73W. Water Permit No. 1350-3 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-R73W and Section 17-T121N-R73W.

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, 520 W. Sioux, Pierre, SD on June 23, 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 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, 46-5-361; 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, other than a petitioner, 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 in 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, DEWA, Joe Foss Building, Pierre, SD 57501-3352 by June 21, 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.

Length of line 12 pica

Size of type 6 pt

Number of lines 111

Line rate 12.97217

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

|              |   |       |
|--------------|---|-------|
| May 31 19 94 | : | 19 94 |
| June 6 19 94 | : | 19 94 |
| 19           | : | 19    |
| 19           | : | 19    |
| 19           | : | 19    |

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

Gary L. McFarlane

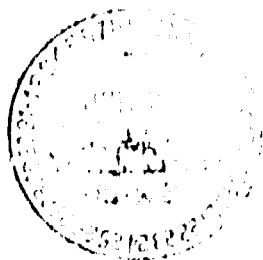
Subscribed and sworn to before me this 6th

day of June, 19 94

Notary Public

Notary Public BY COMMISSION EXPIRES MAY 6 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 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 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 pre-

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, 46-2-11, 46-3-38, 1) Board R. ARSD 74-02-01:25.01 thru 74-02-23.03 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.

FPNO 40

LPNO 41



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County of Clark ) ss

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

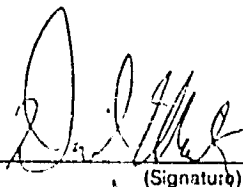
South Dakota. The notice was published in the newspaper on the following two dates:

May 25, 1994

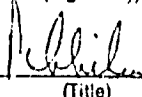
June 1, 1994

Cost of Printing: \$59.45

121 lines 2 times



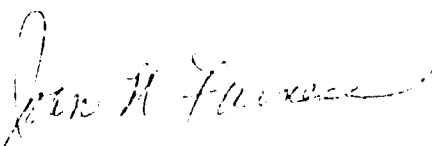
(Signature)



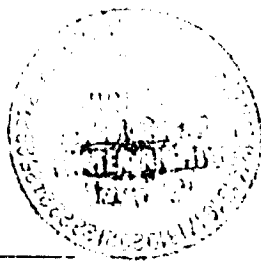
(Title)

6-1-94

(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 WEP 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 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. 5-25-21

# 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, Abardeen, 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 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



## 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



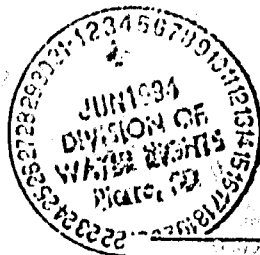
(Signature)

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-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, 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, 46-6-38.1; 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)

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

# 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;

2T (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., P.O. 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. at the 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.

that the

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

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 7/10 DOLLARS

Subscribed and sworn to before me this 13th day of

June A.D. 2001

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 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, 11, 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 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.

## 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, 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, 1975 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-

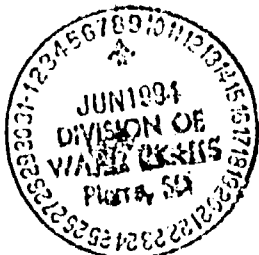
near's address is the Water Rights Division, 523 E. Capitol Ave, Pierre, S.D. 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's 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, 46-5-3, 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 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)



# Affidavit of Publication

COUNTY OF McPHERSON

STATE OF SOUTH DAKOTA

Arlis 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:

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

Subscribed and sworn to before me this 6th

day of June, 19 94

Notary Public

County of McPherson, 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 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 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 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 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, 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

WEB

# Water Development Association, Inc.

P.O. Box 51 — 806 North Drive • Auto Plaza  
Aberdeen, S.D. 57402-0051  
(605) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492

## CHAIRMAN

Leonard Naessig  
Rt. 1 - Box 114  
Webster, S.D. 57274  
345-3561

## 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  
287-4330

## DIRECTORS

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

Otto Hieh  
Rt. 1 - Box 49  
Hosmer, S.D. 57448  
283-2731

Daniel Lemler  
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

Jerry Blomeke  
Accountant

Lyle Schumack  
Construction  
& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

The Redfield Press  
Box 440  
Redfield, S D 57469-0440

Dear Sir or Madam::

Jeff Bonn has previously contacted your newspaper authorizing the publication of the Notice of Hearing for the future use review to be considered by the Water Management Board. Please send the Proof of Publication to the Water Rights Division as instructed in the attached letter. Send the billing for the publication of Notice of Hearing, to WEB Water Development Association, Inc., PO Box 51, 806 No. Drive Auto Plaza, Aberdeen, SD 57402-0051, along with a copy of the publication. Thank you.

Sincerely,

*Arden Wallum*

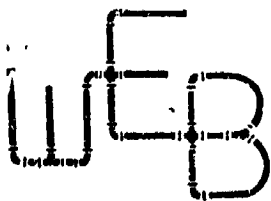
Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

AW:bn

Enclosures

cc: board of Directors  
DENR





## Water Development Association, Inc.

P.O. Box 51 — 806 North Drive • Auto Plaza

Aberdeen, S.D. 57402-0051

(605) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492

### CHAIRMAN

Leonard Naessig  
Rt. 1 - Box 114  
Webster, S.D. 57274  
345-3561

### VICE CHAIRMAN

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

### SECRETARY

William D. Johnson  
Rt. 1 - Box 26  
Strafford, S.D. 57474  
395-6568

### TREASURER

Oscar E. Jeschke  
HCR 1 - Box 4A  
Roscoe, S.D. 57471  
287-4330

### DIRECTORS

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

Otto Hieb  
Rt. 1 - Box 49  
Hosmer, S.D. 57448  
283-2731

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

Arnold Schurr  
HCR 2 - Box 71  
Roscoe, S.D. 57471  
237-4282

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

### STAFF:

Arden Wallum  
Manager

Jerry Bloncke  
Accountant

Lyle Schumack  
Construction  
& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Reporter & Farmer

Box 30

Webster S D 57274-0030

Dear Sir or Madam::

Jeff Bonn has previously contacted your newspaper authorizing the publication of the Notice of Hearing for the future use review to be considered by the Water Management Board. Please send the Proof of Publication to the Water Rights Division as instructed in the attached letter. Send the billing for the publication of Notice of Hearing, to WEB Water Development Association, Inc., PO Box 51, 806 No. Drive Auto Plaza, Aberdeen, SD 57402-0051, along with a copy of the publication. Thank you.

Sincerely,

Arden Wallum, P.E.

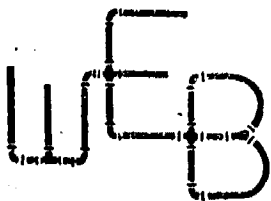
Manager

WEB Water Development Association, Inc.

AW:bn

Enclosures

cc: Board of Directors  
DENR



## Water Development Association, Inc.

P.O. Box 51 — 806 North Drive • Auto Plaza  
Aberdeen, S.D. 57402-0051  
(605) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492

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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

Jerry Blomeke  
Accountant

Lyle Schunack  
Construction  
& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

American News  
Box 4430  
Aberdeen S D 57402-4430

Dear Sir or Madam::

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Sincerely,

Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

AW:bn

Enclosures

cc: Board of Directors  
DENR



## Water Development Association, Inc.

P.O. Box 51 -- 806 North Drive • Auto Plaza

Aberdeen, S.D. 57402-0051

(605) 229-4749 • Toll Free: 1-800-658-3957 • FAX: (605) 229-4492

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345-3561

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Mellott, S.D. 57461  
887-3592

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Rt. 1 - Box 26  
Stratford, S.D. 57474  
395-6665

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HCR 1 - Box 4A  
Roscoe, S.D. 57471  
287-4330

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283-2731

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Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Ipswich Tribune  
Box 7  
Ipswich, S D 57451-0007

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Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Mobridge Tribune  
Box 250  
Mobridge, S D 57601-0250

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Construction  
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Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

The Plainsman  
Box 1278  
Huron, S D 57350-1278

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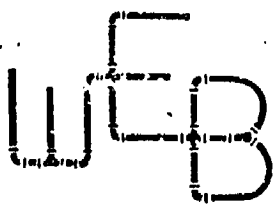
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395-6668

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HCR 1 - Box 4A  
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287-4330

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P.O. Box 117  
Conde, S.D. 57434  
582-5936

Otto Hieb  
Rt. 1 - Box 49  
Hosmer, S.D. 57448  
283-2731

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Rt. 1 - Box 45  
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

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Accountant

Lyle Schumack  
Construction  
& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Clark County Courier  
117 1st East Street  
Clark, S D 57225-0172

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Sincerely,

Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

AW:bn

Enclosures

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DENR



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Webster, S.D. 57274  
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887-3592

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

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287-4330

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Conde, S.D. 57434  
382-5936

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283-2731

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Bristol, S.D. 57219  
492-464

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Jerry Blomeke  
Accountant

Lyle Schumack  
Construction  
& Operations Supt.

Jeff Bc...n  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

The Britton Journal  
Box 69  
Britton, S D 57430-0069

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Sincerely,

Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

AW:bn

Enclosures

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DENR



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Rt. 1 - Box 114  
Webster, S.D. 57274  
345-3561

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HCR 1 - Box 56  
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HCR 1 - Box 4A  
Roscoe, S.D. 57471  
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P.O. Box 117  
Conde, S.D. 57434  
382-5936

Otto Hieb  
Rt. 1 - Box 49  
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283-2731

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287-4282

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

## STAFF:

Arden Wallum  
Manager

Jerry Blomeke  
Accountant

Lyle Schumack  
Construction  
& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

The Northwest Blade  
Box 797  
Eureka, S D 57437-0797

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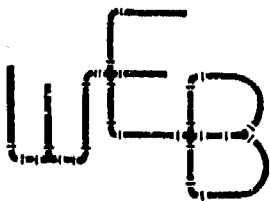
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Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

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P.O. Box 467  
Bristol, S.D. 57219  
492-3454

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Manager

Jerry Blomeke  
Accountant

Lyle Schumack  
Construction  
& Operations Supv.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

The Miller Press  
Box 196  
Miller, S D 57362-0196

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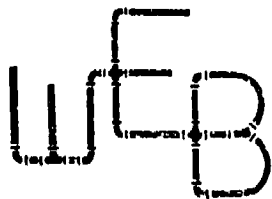
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& Operations Supt.

Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Faulk County Record  
Box 68  
Faulkton, S D 57438-0068

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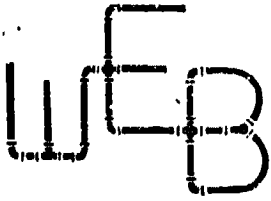
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Jeff Bonn  
Plant Operator

Vernon H. Meyer  
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May 23, 1994

Potter County News  
Box 190  
Gettysburg, S D 57442-0190

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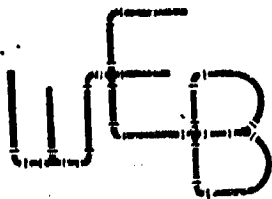
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Jeff Bonn  
Plant Operator

Vernon H. Meyer  
Administrative Engineer

May 23, 1994

Prairie Pioneer  
Box 218  
Pollock, S D 57648-0218

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Sincerely,

Arden Wallum, P.E.  
Manager  
WEB Water Development Association, Inc.

AW:bn

Enclosures

cc: Board of Directors  
DENR

**AMENDMENT TO FUTURE USE PERMIT NO. 3429-3**

**WEB Water Development Association, Inc.**

Pursuant to the June 28, 1994 Water Management Board hearing, Future Use Permit No. 3429-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3429-3 reserve for future use a total of 20,000 acre-feet annually.



**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,

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

enclosures

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:

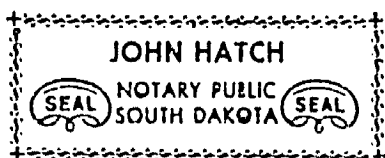
- 1442-2: Mike Kurle, Manager, West River Water Development District,  
Box 523, Murdo, SD 57559.
- 1622-2: Ernie Schweigert, Mayor, City of Gregory, Box 436, Gregory, SD  
57533-0436.
- 2671-3 & 3429-3: Arden Wallum, Manager, WEB Water Development  
Association, Inc., P.O. Box 51, Aberdeen, SD  
57402-0051.
- 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

3429-3  
414254

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

RECEIVED OF WEB 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<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>3429-3</u> after period of seven years.                                          | 435   | 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 | 435 00 |

By *John Hatch*  
Chief Engineer

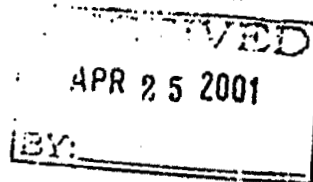


**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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 Hohn, Manager  
PO Box 51  
Aberdeen SD 57402-0051



Dear Mr. Hohn:

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

# AFFIDAVIT OF PUBLICATION

County of Day  
State of South Dakota,

ss.

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 lished by The Day County Printing or understanding for a division th other person, and that no part ther any person whomsoever.

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)

Subscribed and sworn to b  
2001.

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

Notary Public, Day County, South Dakota

## Water permi

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

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 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.



# 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  
34671 129th Street  
Roscoe, SD 57471  
287-4282  
(Edmunds & Faulk)

## VICE CHAIRMAN

Gary Gilbert  
18807 406th Avenue  
Carpenter, SD 57322  
352-7374  
(Spink, Beadle & Hand)

## SECRETARY

Brett Anderson  
P.O. Box 166  
Gorton, SD 57445  
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 Moehring  
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)

Sheila Frey  
12558 296th Avenue  
Mohrville, SD 57601  
762-3280  
(Wadsworth & Potter)

Paul Erschbach  
38814 148th Street  
Mansfield, SD 57360  
887-3271  
(Brown)

## STAFF:

Curt M. Hohn  
General Manager

Tom Tollefson  
Water Treatment Plant  
& Main Line Supt.

Dennis Atend  
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/dcnr](http://www.state.sd.us/dcnr)

**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

HE 125571 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 June 10, 2001  
2nd June 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 \$ 129.14, 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.

James K. Fackel  
Notary Public, Spink County, South Dakota

(SEAL)

13 in.  
34 57 each run

MY COMMISSION EXPIRES 10/20/06

## 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 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 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 1-28, 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 1-28.

320122234252671-3  
GHTS  
WM  
D  
320122234252671-3

## PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss.

I, Cheri Björke, 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 Björke

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

Jessie L. Lauer  
Notary Public, South Dakota

My term expires 7/15/2004

Legal #217



F.P. 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 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-R79W.

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-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 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 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (805 773-3352) 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 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 or the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (805 773-3352) 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. Pimer, Secretary  
Department of Environment and  
Natural Resources  
No. 217 (adv.)

# 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;

2T(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 E.

that the

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 \_\_\_\_\_ 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 3/4 DOLLARS

Douglas M. Card

Subscribed and sworn to before me this 13th day of

June A.D., 2001

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 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 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.

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF HYDE

MARY ANN MOFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher 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 advertisement entitled

## Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on June 7 2001, the last publication on June 14 2001, that \$ 68.74 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.



Mary Ann Morford  
Mary Ann Morford, Publisher  
Subscribed and sworn to before me this 29  
day of June 2001  
Mary E. Hark  
Notary Public, Hyde County, South Dak  
My Commission Expires July 8, 2005

## 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, 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 10:00 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 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 Avenue, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reason 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, 46-3-9, 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 for 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 the hearing will be automatically delayed for at least 30 days upon written request of the permit owner or a 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

FPNO 40

LPNO

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF CAMPBELL

ss:

## 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 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 evi-

dence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and 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 and 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 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.

23-24

I, Leah Burke, being first duly sworn under oath say: the Prairie Pioneer is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published to Allan and Leah Burke 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—Published Twice

A printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive weeks upon the following dates, to wit:

6/7 ..... 2001 ..... 20 .....  
6/14 ..... 2001 ..... 20 .....

That the full amount of the fees charged for publishing the same to wit: the sum of \$60.12

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.

Leah P. Burke

subscribed and sworn to before me this

28 day of June, 2001

My Comm. Expires  
10.17.2001



# 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



## 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 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 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. Pimer  
Secretary  
Department of Environment  
and Natural Resources

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

Length of line: 12 pica  
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 20: \_\_\_\_\_ 20

6-20 20: \_\_\_\_\_ 20

\_\_\_\_\_ 20: \_\_\_\_\_ 20

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

\$ 62.71

Gary L. McFarlane  
Subscribed and sworn to before me this

21 day of 6 2004.

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 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 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 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.



LPNO 42  
FPNO 41

**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 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

9

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)

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*

Subscribed and sworn to before me this

27th day of June, 2001

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

Expires

*Notary Public*  
Clark County, South Dakota

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Edmunds ) SS

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

from the Spawich Tribune

printed and published in Spawich, 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 Gibson  
(Signature)

Brookhagen  
(Title)

6-27-01  
(Date Signed)

## 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-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 Ctr., 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 perm't 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 perm't's, 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.

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)

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Faulk ) SS

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

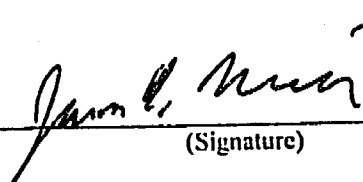
state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, June 6, 2001

Wednesday, June 13, 2001

Cost of Printing \$66.83



(Signature)

Publisher  
(Title)

6-14-01  
(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 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.

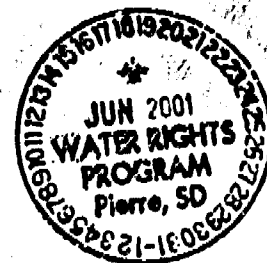
Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W.

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, Foss 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. Pimer, Secretary, Department of Environment and Natural Resources.

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

## Water permit numbers to be reviewed

I, Carlin 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.

*Carlin Essex*

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

*Robert R. O'Hara*  
Seal expires 19th May, 2006

(Seal)

### 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, 46-2-5, 46-2-9, 46-2-11, 46-5-3 8, 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. Mehlhaff 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. Mehlhaff  
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.

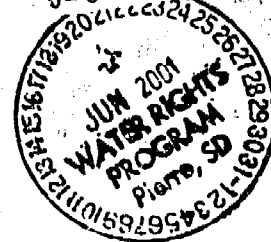
Future Use Permit No. 2671-3 was approved in 1976 and currently reserves 2,500 acre-feet of water from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W. Future Use Permit No. 3429-3 was approved in 1977 and currently reserves 20,000 acre-feet of water from 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 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 continuance of 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. 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. Pimer, Secretary, Department of Environment and Natural Resources.

6-6-13-2001



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

Date 6.6.01

6-6-01  
FIRST PUBLICATION

FIRST

Attached is a clipping from our edition  
of Wednesday June 6, 1961  
insertion of \_\_\_\_\_

of USA Navy  
showing first insertion of                       
                    

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

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

ABERDEEN AMERICAN NEWS  
ACCOUNTING DEPARTMENT

TOTAL PUBLICATION COST 717 90

[illegible][illegible][illegible]

## 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.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by 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.



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

July 17, 2001

**NOTICE**

Curt Hohn, General Manager  
W&L 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.

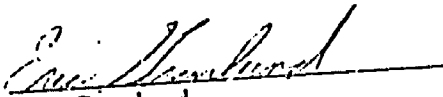
Sincerely,

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

# CERTIFICATION

I hereby certify that on July 17, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 17, 2001 regarding Notice of review of Future Use Permit Nos. 2671-3 and 3429-3 addressed as stated below:

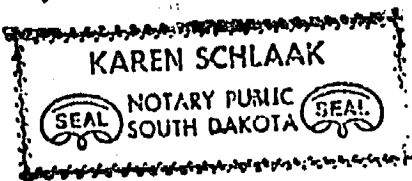
Curt Hohn, General Manager  
WEB Water Development Association Inc.  
PO Box 51  
Aberdeen, SD 57402-0051

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 20<sup>th</sup> day of July, 2001.

  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

416877

Pierre, August 3, 2001

RECEIVED OF Red 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  
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. 3679-2 after period of seven years.

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

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

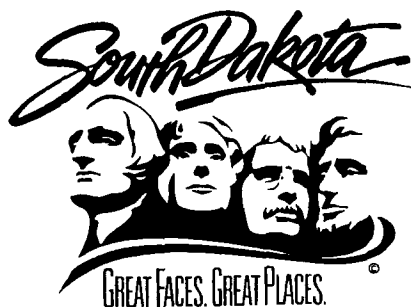
(Any Other Work Provided by Law)

Total

435 00

By Darland Erbe  
Chief Engineer

gm



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 28, 2008

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

Dear Mr. Hohn:

I am writing in regard to the seven year review of Future Use Water Permit No. 3429-3 from the Missouri River which is held by WEB Water Development Association, Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 15,000 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2001.

Please respond in writing by May 1, 2008, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

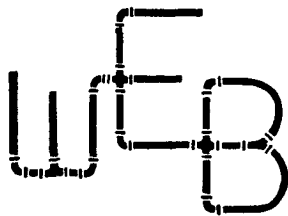
Permit No. 3429-3 will then be public noticed at the association's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)



# 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

Paul Fischbach  
38802 147th Street  
Mansfield, SD 57460  
887-3271  
(Brown)

## VICE CHAIRMAN

James Hendrickson  
302 E. 3rd Street  
Roslyn, SD 57261  
486-4528  
(Day, Clark & Marshall)

## SECRETARY

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

## TREASURER

Jerry Pulling  
321 Main Street  
Mellette, SD 57461  
887-3701  
(Municipal)

## DIRECTORS

Derek Eisenbeisz  
32512 127th Street  
Bowdle, SD 57428  
285-6738  
(Edmunds & Faulk)

Greg Rahm  
40604 161st Street  
Turton, SD 57477  
897-6628  
(Spink, Beadle, & Hand)

Scott Campbell  
PO Box 577  
Frederick, SD 57441  
329-2030  
(Municipal)

Gordon Quaschnick  
PO Box 656  
Herried, SD 57632  
437-2701  
(Municipal)

Mike Neuarth  
33839 107th Street  
Eureka, SD 57437  
284-2043  
(Campbell, McPherson,  
Emmons & Dickey)

## STAFF:

Curt M. Hohn  
*General Manager*

Tom Tollefson  
*Water Treatment Plant  
& Main Line Supt.*

Mark Lindseth  
*Rural System  
Operations Manager*

Cathi Podoll  
*Business Manager*

April 29, 2008

**RECEIVED**

**APR 30 2008**

**WATER RIGHTS  
PROGRAM**

Karen Schlaak

Water Rights Program

Department of Environment & Natural Resources

Joe Foss Building — 523 East Capitol

Pierre, S.D. 57502-3182

RE: Future Water Use Permit # 2671-3 and # 3429-3 March 1, 2007

Dear Karen,

This will respond to your letter dated March 28, 2008 regarding the Future Use Water permits from the Missouri River held by the WEB Water Development Association, Inc., Permit 2671-3 and Permit 3429-3. This is to inform the Water Management Board that WEB intends to make uses of the water secured under both future use permits. Below is a list of the intended uses of the water that we anticipate.

1. To meet the growing water needs of our existing customers.
2. To meet the growing water needs of the value-added agricultural industry that is developing in the rural communities we serve, which include ethanol plants, soy processing plants, livestock confinement feeding operations, livestock genetics plants, meat processing plants, and other business opportunities.
3. To meet the growing needs of recreational development along the Missouri River within our service area.

4. To meet the growing needs of the cow-calf industry in this area of the state.
5. To help meet the water needs of electrical power plants, including gas fired peaking plants, heat recovery plants and a possible coal fired power plant being proposed and planned near Selby, SD in Walworth County.
6. To provide the water service needed to attract new industry and business to the 17 county area WEB serves.

We would respectfully request that the Water Management Board leave all future water use permits that WEB holds in place to assure that adequate water supply is available to meet the future needs of the 17 county area that WEB serves.

We would ask to be informed by written notice of the date and time of any hearings or meetings regarding these permits as well as any notice that may need to be published and any costs or fees that need to be paid by WEB to maintain the permits in good standing.

Included with this letter is a list of the counties currently served by the WEB water system. If you have any questions or need any additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Curt Hohn", written in a cursive style.

Curt Hohn

General Manager

WEB Water Development Association, Inc.

## **WEB Service Area - Counties Served**

### **South Dakota**

Walworth

Edmunds

Brown

Campbell

Potter

McPherson

Faulk

Spink

Day

Marshall

Hand

Hyde

Clark

Beadle

### **North Dakota**

Emmons

McIntosh

Dickey

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

The hearing to review Future Use Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402.

The Chief Engineer is recommending that Future Use Permit No. 3429-3 REMAIN in EFFECT for 15,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3429-3, 2) the Association 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 \$327.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Association after the Board hearing.

Garland Erbele, Chief Engineer  
May 14, 2008



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

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

Dear Mr. Hohn:

Future Use Permit No. 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 this review has been sent to the Publishers 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 County Record, Faulkton 605 598-6525 ✓  
Northwest Blade, Eureka 605 284-2632 ✓✓  
Clark County Courier, Clark 605 532-3654 ✓✓

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

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Mobridge Tribune  
PO Box 250  
Mobridge SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published twice. Please publish the first notice on May 21, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402.

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

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

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

Date \_\_\_\_\_

We are in receipt of your letter of May 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 3429-3 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

American News  
PO Box 4430  
Aberdeen SD 57402

Dear Sir:

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Natural Resources Engineer  
605 773-3352

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Joe Foss Building  
523 E Capitol  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

The Redfield Press  
PO Box 440  
Redfield SD 57469

Dear Sir:

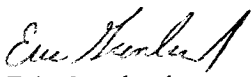
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Natural Resources Engineer  
605 773-3352

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Date \_\_\_\_\_

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

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Highmore Herald  
PO Box 435  
Highmore SD 57345

Dear Sir:

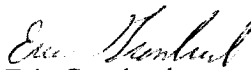
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Natural Resources Engineer  
605 773-3352

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Date \_\_\_\_\_

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

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DEPARTMENT of ENVIRONMENT  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Faulk County Record  
PO Box 68  
Faulkton SD 57438

Dear Sir:

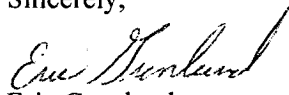
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605 773-3352

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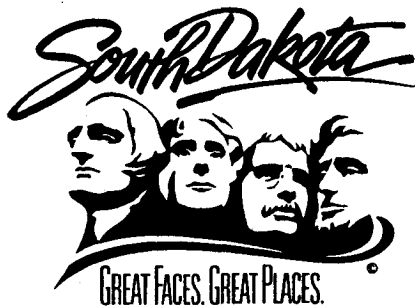
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DEPARTMENT of ENVIRONMENT  
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PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Northwest Blade  
PO Box 797  
Eureka SD 57437

Dear Sir:

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Natural Resources Engineer  
605 773-3352

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Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Clark County Courier  
119 1<sup>st</sup> Ave  
Clark SD 57225

Dear Sir:

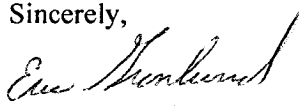
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Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

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

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Ipswich Tribune  
PO Box 7  
Ipswich SD 57451

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published twice. Please publish the first notice on May 21, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Natural Resources Engineer  
605 773-3352

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Date \_\_\_\_\_

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

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Reporter & Farmer  
PO Box 30  
Webster SD 57274

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published twice. Please publish the first notice on May 26, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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DEPARTMENT of ENVIRONMENT  
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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

The Miller Press  
PO Box 196  
Miller SD 57362

Dear Sir:

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Prairie Pioneer  
PO Box 218  
Pollock SD 57648

Dear Sir:

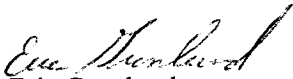
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The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402.

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

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

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

We are in receipt of your letter of May 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 3429-3 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

Potter County News  
110 S Exene St  
Gettysburg SD 57442

Dear Sir:

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 14, 2008

The Plainsman  
PO Box 1278  
Huron SD 57350

Dear Sir:

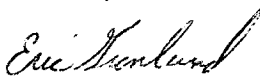
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Name

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Newspaper



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and NATURAL RESOURCES

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

May 14, 2008

The Britton Journal  
PO Box 69  
Britton SD 57430

Dear Sir:

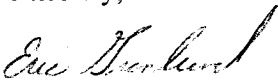
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523 E Capitol  
Pierre SD 57501-3181

Date \_\_\_\_\_

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

RECEIVED

JUN 16 2008

WATER RIGHTS  
PROGRAM

No. 123, May 21 & 28, 2008

**NOTICE OF HEARING  
TO REVIEW FUTURE USE  
WATER PERMIT NO. 3429-3**

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

sion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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

**Affidavit of Publication**

State of South Dakota

§

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

**Notice of Hearing  
to Review Future Use  
Water Permit No. 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)**

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

**Wednesday, May 21, 2008  
Wednesday, May 28, 2008**

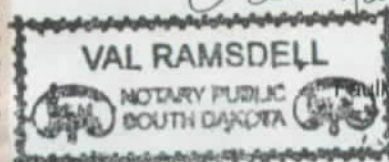
that the full amount of the fees for the publication of the annexed notice is **\$ 67.96**

*James B. Moritz*

Subscribed and sworn to before me this

**13th day of June, 2008**

*Val Ramsdell*



Notary Public

Faulk County, South Dakota

**My Commission Expires  
Jan. 17, 2011**

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JUN - 2 2008

Form 8

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Campbell ) SSI, Lesh Burkecertify that the attached printed Notice was  
takenfrom the Prairie Pioneerprinted and published in PollockCounty of Campbell andstate of South Dakota. The notice was  
published

in the newspaper on the following two dates:

May 22, 2008May 29, 2008Cost of Printing \$69.98L. Burke

(Signature)

publisher

(Title)

5/29/08

(Date Signed)

Notice of  
Hearing to  
Review Future  
Use Water  
Permit No. 3429-3

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The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 at 10:00 a.m., July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

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

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JUN - 3 2008

WATER RIGHTS  
PROGRAM**PROOF OF PUBLICATION**STATE OF SOUTH DAKOTA )  
County of Hyde ) SS1. Mary Ann Morfordcertify that the attached printed Notice was  
takenfrom the Highmore Heraldprinted and published in HighmoreCounty of Hyde andstate of South Dakota. The notice was  
published

in the newspaper on the following two dates:

May 22, 2008May 29, 2008Cost of Printing \$68.85Mary Ann Morford  
(Signature)Owner/Publisher  
(Title)May 30, 2008  
(Date Signed)

the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Steven M. Pirner  
Secretary  
Department of Environment  
and Natural Resources  
FPNO 39 LPNO 40

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WATER PERMIT NO. 3429-3**

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JUN - 2 2008

WATER RIGHTS  
PROGRAM

## Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Elizabeth Rische, 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:

Future use Water Permit Hearing Water Permit No. 3429-3  
Attn: Curt Hohn, WEB  
WEB Water

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 21 & 28, 2008

that the full amount of the fees charged for publishing the same to-wit: the sum of \$108.58 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.

*Elizabeth Rische*

Subscribed and sworn to before me this 29<sup>th</sup> day of May, 2008

*Roberta R. Atkinson*

Roberta R. Atkinson, Notary Public  
State of South Dakota  
My commission expires May 19<sup>th</sup>, 2012

(Seal)

The Mobridge Tribune - May 21, 2008 ■ 13B

## PUBLIC NOTICES

# Future use water permit hearing set

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

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-052108-052808

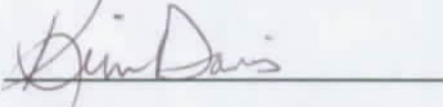
**PRINTER'S AFFIDAVIT**

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss.

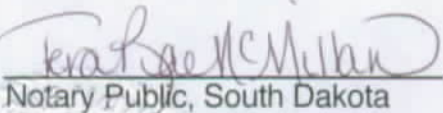
I, Kim Davis, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks 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 – Water review web water dev.

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said 21 st day of May, 2008 and the last publication was on the 28 th day of May, 2008. That the full amount of the fee charged for publishing is Ninety Two & 12/100 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there of has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.



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

  
Notary Public, South Dakota

My term expires 08/27/2010

Legal # 225

RECEIVED

JUN 10 20

WATER RIGHTS  
PROGRAM

F.P. 05-21-08

L.P. 05-28-08

**NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NO. 3429-3**

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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to

SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

No. 225(adv.)

**NOTICE OF HEARING TO  
REVIEW FUTURE USE WATER  
PERMIT NO. 3429-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 a.m., July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

**Affidavit of Publication**

State of South Dakota

§

County of Clark

RECEIVED  
JUN - 2 2008  
WATER RIGHTS  
PROGRAM

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 a 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**

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:

**MAY 21, 2008**

**MAY 28, 2008**

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

**66.64**

*William J. Krikac*

Subscribed and sworn to before me this

**29TH DAY OF MAY, 2008**

*Anne Helke*

Notary Public

Clark County, South Dakota

My commission expires: 06/04/2013

The hearing to review Future Use Permit No. 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.

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

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

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

5-21-2t



# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) ss  
County of Edmunds )

RECEIVED

JUN - 2 2008

WATER RIGHTS  
PROGRAM

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 NOTICE OF HEARING

TO REVIEW FUTURE USE

WATER PERMIT NO. 3429-3

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 21 day of May, 2008

The Second publication being made on the 28 day of May, 2008

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 ,

The Tenth publication being made on the day of ,

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 Sixty-five

Dollars and seventy cents (\$65.70)

*D.E. Gibson*

Subscribed and sworn to before me this 29 day of May, 08

*Jena M. Gibson*

Notary Public Edmunds County, South Dakota.

My Comm. Exp. 2-26-2013

## PUBLIC NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

The hearing to review Future Use Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

Steven M. Pirner, Secretary,  
Department of Environment  
and Natural Resources.  
(Publish T 5-21, 28)



# Affidavit of Publication

RECEIVED

MAY 22 2008

WATER RIGHTS  
PROGRAM

COUNTY OF McPHERSON

STATE OF SOUTH DAKOTA

Arlo C. Mehlhaff 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 twice successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

|        |       |    |
|--------|-------|----|
| May 21 | 20 08 | 20 |
| May 28 | 20 08 | 20 |
|        | 20    | 20 |
|        | 20    | 20 |
|        | 20    | 20 |
|        | 20    | 20 |

that the full amount of the fees for is \$ 70.24

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen, S. D. 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 a.m., July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, S. D.

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

The hearing to review Future Use

Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

5-21-28-2008

Subscribed and sworn to before me

Ma

*Barry Lapp*

Notar

County of McPh

My commission expires June 5, 2010

# Review of future use of Water Permit No. 3429-3

## NOTICE OF HEARING TO REVIEW FUTURE USE

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Holm, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg. 523 E Capitol, Pierre SD

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

-052208-052908

RECEIVED  
JUN - 4 2008  
WATER RIGHTS  
PROGRAM

## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
COUNTY OF POTTER, ss.

Elizabeth Rische being first duly sworn, on oath says, that she is the bookkeeper 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 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; that the

Notice of Hearing, Water Permit #3429-3

Web Water

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

May 22<sup>nd</sup> and 29<sup>th</sup>, 2008

That the full amount of the fees for the publication of the annexed notice is \$51.97

Elizabeth Rische

Subscribed and sworn to before me this 30<sup>th</sup>

day of May, 2008

Roberta R. Atkinson

Roberta R. Atkinson, Notary Public

State of South Dakota

My commission expires May 19, 2012

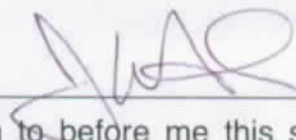
# AFFIDAVIT OF PUBLICATION

County of Day }  
State of South Dakota, } ss.

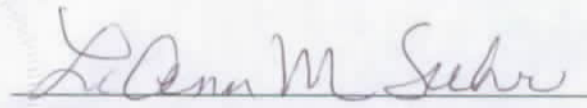
John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company 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 Review, 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  | May 26, 2008; |
| Second Publication | June 2, 2008; |
| Third Publication  | ;             |
| Fourth Publication | ;             |
| Fifth Publication  | ;             |

That the full amount of fees for publication of the annexed notice is \$75.24 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

  
Subscribed and sworn to before me this second day of June, 2008.

LeAnn M. Suhr  
Day County, South Dakota  
My Commission Expires November 2, 2011

  
Notary Public, Day County, South Dakota

RECEIVED

JUN 10 2008

WATER RIGHTS  
PROGRAM

# Public Notices

## Review of future use water permit

(First May 26)  
**NOTICE OF HEARING TO  
REVIEW FUTURE USE  
WATER PERMIT NO. 3429-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association Inc., c/o Curt Hohn, PO Box 51, Aberdeen, SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends

that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 a.m. July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit 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 petition's opposition to or support of continuing the future use permit and the signature and mailing address of the petitioner or his legal counsel if

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

The hearing to review Future Use Permit No. 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.

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

Any person wishing a copy of the Chief Engineer's recom-

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

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

(Last June 2)

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

COUNTY OF BROWN}

RECEIVED

JUN 11 2008

WATER RIGHTS PROGRAM

Mary Barker being duly sworn, on his/her oath says: That the 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 facts stated in this affidavit; That the advertisement headed:

Legal Note 4 1663158

Hearing

Water Permit 4 3429-3

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 Mon day of 21, 2008.

The second publication being made on the Mon day of 28, 2008.

The third publication being made on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

The fourth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

The fifth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

The sixth publication being made on the \_\_\_\_\_ day of \_\_\_\_\_, 2008;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and 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 \$ 150.82, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Mary Barker

Subscribed and sworn to before me this 28 day of May, 2008.

Daily Circulation 18,000

Shirley

Notary Public, Brown County,

My commission expires March 20, 2013

(No. 1663158)  
(May 21, 28, 2008 - 27)

NOTICE OF HEARING  
TO REVIEW FUTURE USE  
WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R79W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

The hearing to review Future Use Permit No. 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 ARS D 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

SEAL

LPNO 39

# Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

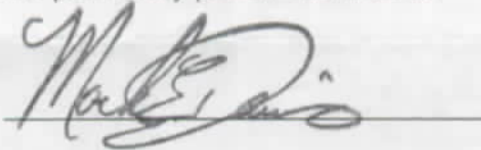
JUN 18 2008

WATER RIGHTS  
PROGRAM

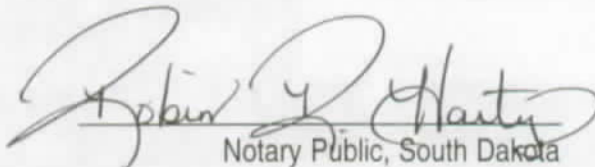
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher 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:

## #340 Notice

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 May 21<sup>st</sup>, 2008 and the last publication being made on May 28<sup>th</sup>, 2008 that the full amount of Sixty Four and .77/100 Dollars, 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.



Subscribed and sworn to before me this 11<sup>th</sup> day of May, 2008.

  
Notary Public, South Dakota

My commission expires 06/20/2012

## Notice

#340

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifica-

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

The hearing to review Future Use Permit No. 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 may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

(May 21, 28)

# AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 17 2008

2T(May 21, 28)

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Curt Hohn, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 and currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use.

Pursuant to SDCL 46-2 A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3

REMAIN in EFFECT for 15,000 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.

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County of Marshall.

## WATER RIGHTS PROGRAM

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;

that the Notice of Hearing To Review  
Future Use Water Permit No 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 each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

May 21, 2008  
May 28, 2008

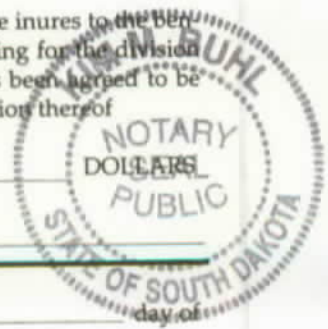
that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever,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

Fifty-six and 88/100  
Douglas M. Lued

Subscribed and sworn to before me this 28<sup>th</sup>

May A.D., 2008  
Kim M Buhl

My Notary Public, Marshall County, S.D.  
My Commission Expires March 12, 2010



The hearing to review Future Use Permit No. 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 recommendation, further information on this permit, to assure access to the hearing by the handicapped

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/19, 20 08

RECEIVED OF WEB Development Assn 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 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>3429-3</u> after period of seven years.                                 | 327 | 50 |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |     |    |
| Fee for Filing Transfer Form _____                                                                             |     |    |
| Fee for _____                                                                                                  |     |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |     |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |     |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |     |    |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |     |    |
| (Any Other Work Provided by Law) TOTAL                                                                         | 327 | 50 |

No.

03663

By

*John Paul Erdahl*  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 7, 2008

**NOTICE**

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

Dear Mr. Hohn:

I am writing in response to action taken by the Water Management Board at the hearing on July 2, 2008 to review Future Use Permit No. 3429-3. The Board allowed the permit to remain in effect for 15,000 acre-feet of water annually. Future Use Permit No. 3429-3 is subject to another review in seven years.

Enclosed is the receipt for the fee for maintaining the effectiveness of Future Use Permit No. 3429-3 which was submitted May 15<sup>th</sup>.

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

Sincerely,

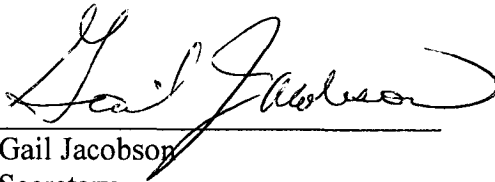
Garland Erbele, Chief Engineer  
Water Rights Program  
605 773-3352

enclosure

CERTIFICATION

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

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



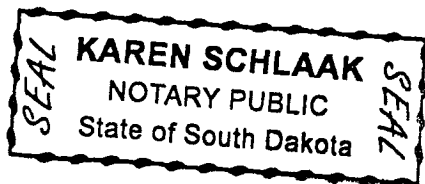
Gail Jacobson  
Secretary  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                                      ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 7<sup>th</sup> day of July, 20 08.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2015

Steve Harper, General Manager  
WEB Water Development Association  
PO Box 51  
Aberdeen SD 57402

Dear Mr. Harper:

I am writing in regard to the seven year review of Future Use Water Permit No. 3429-3 from the Missouri River held by the WEB Water Development Association. This permit was originally held by Oahe Conservancy Sub District and assigned to WEB in 1985. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for WEB. Currently, our records show that 15,000 acre-feet remain in reserve under this future use permit that was issued in 1976 and last reviewed in 2008.

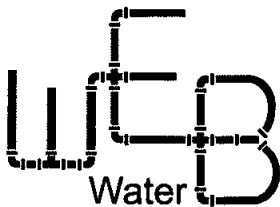
Please respond in writing by April 15, 2015 regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3429-3 will then be public noticed at WEB's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 15,000 acre-feet remain in reserve, the fee will be \$1,305.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)



# WEB Water Development Association, Inc.

P.O. Box 51 — 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](mailto:office@webwater.org)

[www.webwater.org](http://www.webwater.org)

**RECEIVED**

**APR 24 2015**

**WATER RIGHTS  
PROGRAM**

**CHAIRMAN**  
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33839 107th Street  
Eureka, SD 57437  
(605) 284-2043  
(Campbell, McPherson,  
Emmons, Dickey & McIntosh)

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PO Box 435  
Akaska, SD 57420  
(605) 762-3352  
(Walworth & Potter)

**SECRETARY**  
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42449 133rd Street  
Pierpont, SD 57468  
(605) 492-3521  
(Day, Clark & Marshall)

**TREASURER**  
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12892 Fairfield Drive  
Aberdeen, SD 57401  
(605) 225-7884  
(Brown)

**DIRECTORS**  
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Onaka, SD 57466  
(605) 442-2549  
(Edmunds, Faulk & Hyde)

Bob Schuetzle  
PO Box 213  
Herreid, SD 57632  
(605) 437-2440  
(Municipal-Bulk)

Tim Van Hatten  
PO Box 171  
Conde, SD 57434  
(605) 382-5816  
(Municipal-Bulk)

Harold Loewen  
18653 408th Avenue  
Carpenter, SD 57322  
(605) 352-6356  
(Spink, Beadle & Hand)

Les Hinds  
PO Box 331  
Groton, SD  
(605) 397-8311  
(Municipal-Bulk)

**STAFF**  
Steve Harper  
General Manager

Clayton Larson  
Water Treatment Plant Manager

Shane Phillips  
Operations Manager

Eric Hansen  
Construction Manager

Angie Hammrich  
Business Manager

April 22, 2015

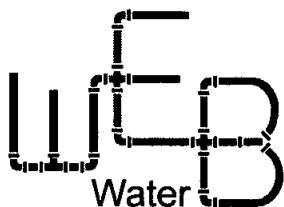
Karen Schlaak  
Water Rights Program  
Department of Environment and Natural Resources  
Joe Foss Building — 523 East Capitol  
Pierre, SD 57501-3182

Re: Future Use Water Permit #3429-3

Dear Karen,

This letter is in response to your correspondence dated March 12, 2015 regarding the Future Use Water Permit from the Missouri River held by WEB Water Development Association, Inc. We would like to inform the Water Management Board that WEB Water intends to make use of the water secured under Future Use Permit #3429-3. Below is a list of the intended uses of this water that we currently anticipate.

1. To meet the growing needs of our existing customers.
2. To meet the growing water needs of the value-added agricultural industry that is developing in the rural communities we serve. This includes ethanol plants, soybean processing facilities, livestock confinement feeding operations, livestock genetics plants, meat processing plants, dairies and other business opportunities.
3. To meet the growing needs of recreational development along the Missouri River and other lakes within our service area.
4. To meet the growing needs of the cow-calf industry in the area.
5. To provide the water service needs to attract new industry and businesses to the 17 county area WEB Water serves.



# WEB Water Development Association, Inc.

P.O. Box 51 — 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](mailto:office@webwater.org)

[www.webwater.org](http://www.webwater.org)

## CHAIRMAN

Mike Neuharth  
33839 107th Street  
Eureka, SD 57437  
(605) 284-2043  
(Campbell, McPherson,  
Emmons, Dickey & McIntosh)

## VICE CHAIRMAN

Daryl Thompson  
PO Box 435  
Akaska, SD 57420  
(605) 762-3352  
(Walworth & Potter)

## SECRETARY

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(Edmunds, Faulk & Hyde)

Bob Schuetzle  
PO Box 213  
Herreid, SD 57632  
(605) 437-2440  
(Municipal-Bulk)

Tim Van Hatten  
PO Box 171  
Conde, SD 57434  
(605) 382-5816  
(Municipal-Bulk)

Harold Loewen  
18653 408th Avenue  
Carpenter, SD 57322  
(605) 352-6356  
(Spink, Beadle & Hand)

Les Hinds  
PO Box 331  
Groton, SD  
(605) 397-8311  
(Municipal-Bulk)

## STAFF

Steve Harper  
General Manager

Clayton Larson  
Water Treatment Plant Manager

Shane Phillips  
Operations Manager

Eric Hansen  
Construction Manager

Angie Hammrich  
Business Manager

We would respectfully request that the Water Management Board leave Future Use Water Permit #3429-3 in place to ensure that adequate water supply is available to meet the future needs of the 17 county area that WEB Water serves.

We would ask to be informed by written notice of the date, time and location of any hearings or meetings regarding this permit, as well as any notices that may need to be published and any costs associated with maintaining this permit in good standing.

Thank you in advance for your time and consideration in this matter.

Sincerely,

Steve Harper  
General Manager  
WEB Water Development Association, Inc.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

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.

The Chief Engineer is recommending that Future Use Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Water 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 \$1,305.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to WEB Water after the Board hearing.

Jeanne Goodman, Chief Engineer  
May 28, 2015



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

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

WEB Water Development Association Inc.  
c/o Steve Harper, General Manager  
PO Box 51  
Aberdeen SD 57401

Dear Mr. Harper

Future Use Permit No. 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 this review has been sent to the Publishers of the following papers:

Mobridge Tribune, Mobridge 605 845-3646  
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 605 284-2631  
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  
Plainsman, Huron 605 353-7401  
Britton Journal, Britton 605 448-2281

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice the week of June 8th. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice once during the week of June 8, 2015. The WEB Water Development Association Inc is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Steve Harper, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 8, 2015 at Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

The hearing to review Future Use Permit No. 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 June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \_\_\_\_\_.

## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Friday, May 29, 2015 8:59 AM  
**To:** Ruby Crandall (rnewman.plainsman@midconetwork.com)  
**Subject:** 3429-3, Web Water notice  
**Attachments:** 3429-3.fu.doc

Attached is a notice to be published on June 10, 2015 for WEB Water Development Association Inc., c/o Steve Harper, PO Box 51, Aberdeen SD 57401 (605 229-4749).

A letter is being sent today to WEB informing them to contact you to authorize publication and arrange for payment. Please send the affidavit ASAP.

Thanks,

*Karen Schlaak*

Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Plainsman  
PO Box 1278  
Huron SD 57350

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published on June 10, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is WEB Water Development Association, Inc.; c/o Steve Harper, PO Box 51, Aberdeen SD 57401 (605 229-4749).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Mobridge Tribune  
PO Box 250  
Mobridge SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published on June 10, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Ipswich Tribune  
PO Box 7  
Ipswich SD 57451

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Sincerely,

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Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

American News  
PO Box 4430  
Aberdeen SD 57402

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Reporter & Farmer  
516 Main Ave  
Webster SD 57274

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published on June 8, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

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Sincerely,

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Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Redfield Press  
PO Box 440  
Redfield SD 57469

Dear Sir:

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Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Miller Press  
PO Box 196  
Miller SD 57352

Dear Sir:

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Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Highmore Herald  
PO Box 435  
Highmore SD 57345

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3429-3 to be published on June 11, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

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Sincerely,

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Natural Resources Engineer  
605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Prairie Pioneer  
PO Box 218  
Pollock SD 57648

Dear Sir:

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605 773-3352

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Faulk Co. Record  
PO Box 68  
Faulkton SD 57438

Dear Sir:

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 26, 2015

Potter County News  
110 S Exene St  
Gettysburg SD 57442

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

May 29, 2015

Northwest Blade  
PO Box 797  
Eureka SD 57437

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Clark County Courier  
119 1<sup>st</sup> Ave E  
Clark SD 57225

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Britton Journal  
PO Box 69  
Britton SD 57430

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Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss

RECEIVED

JUN 24 2015

WATER RIGHTS  
PROGRAM

I, ELDON JACOBS, 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 – WATER RIGHTS**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 10<sup>TH</sup> day JUNE 2015. That the full amount of the fee charged for publishing is: **FIFTY-SIX & 06/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 10<sup>TH</sup> Day of JUNE 2015.



Notary Public, South Dakota

My term expires 10/25/17  
Legal #1860

F.P. 06-10-15

**NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NO. 3429-3**

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BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Steven M. Pirner,  
Secretary, Department  
of Environment and  
Natural Resources.  
No. 1860 (adv.)

Published once at the SDCL 1-26, must file a approximate cost of written petition with \$56.05.

RECEIVED

JUN 22 2015

Form 8

WATER RIGHTS  
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Brown ) SS

I, Mary Boston

certify that the attached printed Notice was  
taken

from the American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

June 10, 2015

Cost of Printing \$ 68.91

Mary Boston  
(Signature)

Adv. Butters Speer  
(Title)

6-10-15  
(Date Signed)

(No. 1968707)  
(June 10, 2015 - 17)

NOTICE OF HEARING  
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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped

or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$68.91



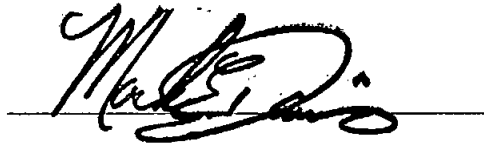
## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

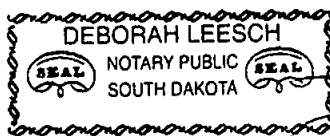
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher 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:

### #1438 HEARING NOTICE

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on June 10<sup>th</sup> 2015, that Thirty-six and 40/100 Dollars, 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.



Subscribed and sworn to before me this 10<sup>th</sup> day of June 2015.



Notary Public, South Dakota

My commission expires 10/09/2019

RECEIVED

JUN 22 2015

WATER RIGHTS  
PROGRAM

## Hearing Notice

#1438

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Steve Harper, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 8, 2015 at Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

ture use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 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 June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$36.40.(June 10)

# AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota )  
 ) SS  
 County of Edmunds )

JUN 22 2015

WATER RIGHTS  
 PROGRAM

D.E. Gibson of said county, being, first duly sworn on oath says: That he is the publisher or an employee of the publisher of the Ipswich Tribune, a weekly newspaper, published in the City of Ipswich, in said County of Edmunds, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Edmunds and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the advertisement headed

## NOTICE OF HEARING TO REVIEW

### FUTURE USE WATER PERMIT #3429-3

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

The First publication being made on the .....10..... day of .....June, 20.....15

The Second publication being made on the ..... day of ..... 20.....

The Third publication being made on the ..... day of ..... 20.....

The Fourth publication being made on the ..... day of ..... 20.....

The Fifth publication being made on the ..... day of ..... 20.....

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

Thirty-six .....Dollars and  
 ninety .....cents (\$36.90.....)

Signed: *DE Gibson*

Subscribed and sworn to before me this .....18..... day of .....June, 20.....15

*Jenna M Gibson*

Notary Public - Edmunds County, South Dakota

My commission expires February 26, 2019

## PUBLIC NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 8, 2015 at Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

*Published once at the total approximate cost of \$36.90 (Publish I 6-10)*

AFFIDAVIT OF  
PUBLICATION  
The Miller Press

STATE OF SOUTH DAKOTA )  
 )SS  
County of Hand )

Michael G. Caviness of said county being first duly sworn, on oath, says that he is the publisher of *The Miller Press*, a weekly newspaper published in Miller, said County of Hand by Hand County Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has been published within said County for fifty 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 NO. 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 each week for 1 successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

6/10 2015 : 20  
\_\_\_\_\_ 20 : 20  
\_\_\_\_\_ 20 : 20

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

\$ 38.91

Michael G. Caviness  
Michael G. Caviness, Publisher

Subscribed and sworn to before me this

18 day of June, 2015.  
James L. Kittelson, Notary Public  
My Commission expires: 6-26-19

## Water permit hearing

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Steve Harper, General Manager, PO Box 51, Aberdeen, SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota.

Pursuant to SDCL 46-2A-2 for the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 No. 3429-3 at 10:00 a.m. July 8, 2015 at Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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Published 6-10-15 at the total approximate cost of \$38.91

RECEIVED

JUN 16 2015

Form 8

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Faulk ) SS

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 date:

Wednesday, June 10, 2015

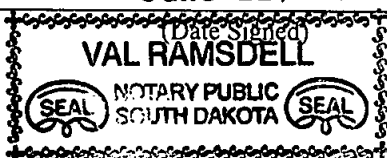
Cost of Printing \$40.00

James B. Moritz  
(Signature)

Editor/Publisher

(Title)

June 11, 2015



My Commission Expires  
Jan. 17, 2017

No. 124; June 10, 2015

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

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Published one time at the total approximate cost of \$40.00.

Form 8

RECEIVED

JUN 15 2015

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Campbell ) SS

I, Leah Burke

certify that the attached printed Notice was  
taken

from the Prairie Pioneer

printed and published in PoHock

County of Campbell and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

June 11, 2015

Cost of Printing \$ 36.00

[Signature]  
(Signature)

publisher  
(Title)

6/11/15  
(Date Signed)

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

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Published once at the total approximate cost of \$36.00

RECEIVED

JUN 15 2015

Form 8

WATER RIGHTS  
PROGRAM

NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NO. 3429-3

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

Published once at the total  
approximate cost of \$40.61.  
FPNO 43 LPNO 43

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) SS  
County of Hyde )

I, Mary Ann Morford

certify that the attached printed Notice was  
taken

from the Highmore Herald

printed and published in Highmore

County of Hyde and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

June 11, 2015

Cost of Printing \$40.61

Mary Ann Morford  
(Signature)

Owner/Publisher  
(Title)

6-11-15

(Date Signed)

# AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA, County of Marshall.

JUN 15 2015

WATER RIGHTS

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;

1T(June 3)

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Steve Harper, General Manager, PO Box 51, Aberdeen, SD 57402, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark, and Marshall Counties in South Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3, REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 a.m. July 8, 2015, at Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

that the Notice of Hearing to Review Future Use water Permit No. 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 each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

June 3, 2015

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

Forty-one and 05/100

DOLLARS

Subscribed and sworn to before me this \_\_\_\_\_ day of

A.D.

Notary Public, Marshall County, S.D.

evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 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.

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 June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$41.05

RECEIVED

JUN 12 2015

Form 8

WATER RIGHTS  
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of McPherson ) SS

I, Karen Walz

certify that the attached printed Notice was  
taken

from the NW Blade

printed and published in 6-11-15

County of McPherson and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

6-11-15

Cost of Printing \$34.84

Karen Walz  
(Signature)

ad sales / office manager  
(Title)

6-10-15  
(Date Signed)

NOTICE OF HEARING TO  
REVIEW FUTURE USE WA-  
TER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., c/o Steve Harper, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved 1977 currently reserves 15,000 acre feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 No. 3429-3 at 10:00 am, July 8, 2015 at Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition

with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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*Published once at the approximate cost of \$34.84 at .01 cents per reader.*

RECEIVED

JUN 12 2015

WATER RIGHTS  
PROGRAM

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**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

**WEB Water Development  
Association, Inc.**

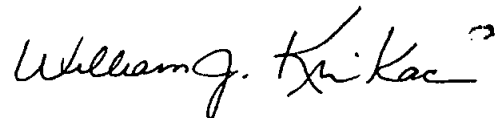
a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

**One**

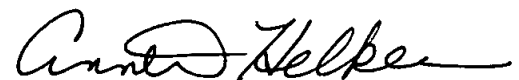
successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

**June 10, 2015**

that the full amount of the fees for the publication of the annexed notice is **\$40.14**



Subscribed and sworn to before me this

**10th day of June, 2015**


Notary Public  
Clark County, South Dakota

**My Commission expires: 06/04/2019**

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**NOTICE OF HEARING TO REVIEW FUTURE USE  
WATER PERMIT NO. 3429-3**

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upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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uance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total  
approximate cost of \$40.14.  
6-10-15

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RECEIVED

AFFIDAVIT OF PUBLICATION JUN 12 2015

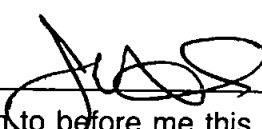
WATER RIGHTS  
PROGRAM

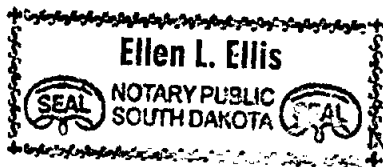
County of Day }  
State of South Dakota, } ss.

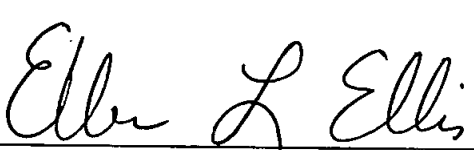
John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company 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 Hearing, a printed copy of which is hereunto attached, was printed and published in the said newspaper successive and complete issues as follows:

|                    |          |
|--------------------|----------|
| First Publication  | June 8 ; |
| Second Publication | ;        |
| Third Publication  | ;        |
| Fourth Publication | ;        |
| Fifth Publication  | ;        |

That the full amount of fees for publication of the annexed notice is \$42.60 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

  
Subscribed and sworn to before me this 8th day of June, 2015.



  
Notary Public, Day County, South Dakota

My Commission Expires  
April 14, 2017

## Hearing

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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2)

# for water permit

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

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

Published once at the total  
approximate cost of \$42.60.

RECEIVED

JUL 09 2015

WATER RIGHTS  
PROGRAM

# Affidavit of Publication

STATE OF SOUTH DAKOTA,  
COUNTY OF POTTER, ss.

I, Franklin Gross, being first duly sworn, on oath says that he is the bookkeeper 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 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; that the

*See  
Attached*

Water permit hearing set for July 8 in Pierre

WEB Water

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 one successive week(s), on the day of each week on which said newspaper was regularly published to-wit:

June 11<sup>th</sup>, 2015

That the full amount of the fees for  
the publication of the annexed notice is \$10.03

*Franklin Gross*

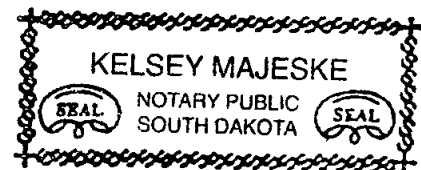
Subscribed and sworn to before me this \_\_\_\_ 6<sup>th</sup> \_\_\_\_

day of \_\_\_\_ July \_\_\_\_, 2015

*Kelsey Majeske*

Kelsey Majeske, Notary Public  
State of South Dakota

My commission expires September, 2018



# Notice of hearing to review future use of water permit

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

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Published once at the total approximate cost of \$40.03

-051115

RECEIVED

JUL 09 2015

WATER RIGHTS  
PROGRAM

## Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Franklin Gross, 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:

Water permit hearing set for July 8 in Pierre

WEB Water

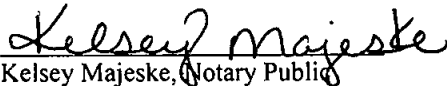
a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks upon the following dates, to-wit:

June 10<sup>th</sup>, 2015

that the full amount of the fees charged for publishing the same to-wit: the sum of \$38.92 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.



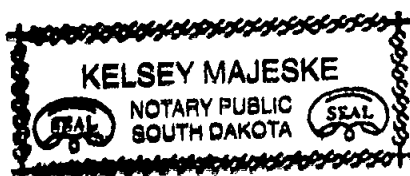
Subscribed and sworn to before me this 26<sup>th</sup> day of June, 2015



Kelsey Majeske, Notary Public  
State of South Dakota

My commission expires September, 2018

(Seal)



# Water permit hearing set for July 8 in Pierre

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Published once at the approximate cost of \$38.92

-061015

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/9, 20 15

RECEIVED OF WEB Water Dev Assn 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 and to put water to beneficial use | 1305  | 00      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |         |
| Fee to retain Future Use Permit No. <u>3429-3</u> after period of seven years.                                 |       |         |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |         |
| Fee for Filing Transfer Form _____                                                                             |       |         |
| Fee for _____                                                                                                  |       |         |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |         |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |         |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |         |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |         |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 1305 00 |

No. 07445

By James Goodman  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

July 13, 2015

**NOTICE OF ENTRY OF ORDER**

WEB Water Development Association Inc.  
c/o Steve Harper, General Manager  
PO Box 51  
Aberdeen SD 57401

Dear Mr. Harper:

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2015 to review Future Use Permit No. 3429-3. The Board allowed the permit to remain in effect for 15,000 acre-feet of water annually. Future Use Permit No. 3429-3 is subject to another review in seven years.

Enclosed is the receipt in the amount of \$1,305 for payment of the fee for maintaining the effectiveness of Future Use Permit No. 3429-3.

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

Sincerely,

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

enclosure

CERTIFICATION

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

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

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

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

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

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



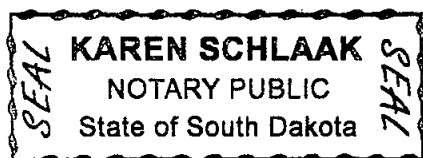
Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                                  ) SS  
COUNTY OF HUGHES         )

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



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2019





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

March 17, 2022

WEB Water Development Association Inc  
Angie Hammerich, General Manager  
PO Box 51  
Aberdeen SD 57402-0051

Dear Ms. Hammerich:

I am writing in regard to the seven year review of Future Use Water Permit No. 3429-3 from the Missouri River held by WEB Water Development Association Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the association. Currently, our records show that 15,000 acre-feet remain in reserve under this future use permit issued in 1977 and last reviewed in 2015.

Please respond in writing by April 15, 2022, regarding the association's intention for the future use permit. If the association plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3429-3 will then be public noticed at WEB's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 15,000 acre-feet remain in reserve, the fee will be \$1,305.00.

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

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)



# WEB Water Development Association, Inc.

P.O. Box 51 — 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

www.webwater.org

Home Opportunity Provider

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APR 04 2022

WATER RIGHTS  
PROGRAM

PAID

APR 4 2022

Ck# 86569

Rec't#

## CHAIR

Tim Van Hatten  
PO Box 171  
Conde, SD 57434  
(605) 382-5816  
(Bulk)

## VICE-CHAIR

Craig Oberle  
PO Box 76  
Mellette, SD 57461  
(605) 887-3523  
(Spink, Beadle, Hand)

## SECRETARY

Lori Goldade  
12892 Fairfield Drive  
Aberdeen, SD 57401  
(605) 225-7884  
(Brown)

## TREASURER

Les Hinds  
PO Box 331  
Groton, SD 57445  
(605) 397-8311  
(Bulk)

## DIRECTORS

Allen Walth  
13640 Walth Bay Road  
Glenham, SD 57631  
(605) 762-3371  
(Walworth & Potter)

Bob Whitmyre  
14408 431st Avenue  
Webster, SD 57274  
(605) 345-4194  
(Day, Clark & Marshall)

Dick Werner  
PO Box 98  
Herreid, SD 57632  
(605) 350-1371  
(Campbell, McPherson,  
Emmons, Dickey & McIntosh)

Jeff Stoecker  
15180 Sherman Avenue  
Onaka, SD 57466  
(605) 442-2576  
(Edmunds, Faulk, & Hyde)

Henry Orth  
PO Box 455  
Eureka, SD 57437  
(605) 284-5132  
(Bulk)

## MANAGEMENT TEAM

Clayton Larson  
Water Treatment Plant Manager

Shane Phillips  
Operations Manager

Eric Hansen  
Construction Manager

Angie Hammrich  
General Manager

April 1, 2022

Department of Agriculture and Natural Resources  
Attn: Water Rights Program  
Joe Foss Building  
523 E Capitol Ave  
Pierre, SD 57501-3182

RE Future Use Water Permit No. 3429-3

Dear Karen:

WEB Water currently has a future use right for 15,000 acre-feet reserved under Permit No. 3429-3 and would like to retain this future use water permit. Enclosed is check #86569 for \$1,305 for the fee. A listing of our current and future projects below is the basis for our continued need to retain this water permit.

Current projects include the following:

- 13.5 miles of 30" parallel pipe from Intake at the Missouri River to the intersection of Highway 83 and Highway 12 south of Selby
- Two-million-gallon elevated storage tank
- Moratorium and low-capacity area improvements involving 120 miles of PVC pipe
- 8 new and upgraded booster stations throughout the system
- Water Treatment Plant Expansion from 11 MGD to 17 MGD

Future projects include the following:

- Second Intake
- Expand Water Treatment Plant to 26 million gallons per day
- 50 miles of additional Mainline pipe
- Construct additional storage
- Expand and upgrade distribution system

The current projects are scheduled to begin construction this year. The future projects are scheduled to begin within the next 5 – 10 years which will fully utilized the additional 15,000 acre-feet.

Sincerely,

Angie Hammrich  
General Manager



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 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 Agriculture and Natural Resources concerning Future Use Water Permit No. 3429-3, WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57501.

The Chief Engineer is recommending that Future Use Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Water 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 \$1,305.00 fee pursuant to SDCL 46-2-13(2) which was received on April 4, 2022.

Eric Gronlund, Chief Engineer  
May 11, 2022



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

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

May 11, 2022

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

Dear Ms. Hammrich:

Future Use Permit No. 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 the notice in each county where water will be diverted or used. A notice has been sent to the following papers:

|                     |          |                      |          |
|---------------------|----------|----------------------|----------|
| Mobridge Tribune    | 845-3646 | Ipswich Tribune      | 426-6471 |
| American News       | 225-4100 | Prairie Pioneer      | 889-2320 |
| Northwest Blade     | 284-2631 | Potter County News   | 765-2464 |
| Faulk County Record | 598-6525 | Highmore Herald      | 852-2927 |
| Miller Press        | 853-3575 | Redfield Press       | 472-0822 |
| Plainsman           | 353-7414 | Britton Journal      | 448-2281 |
| Reporter & Farmer   | 345-3356 | Clark County Courier | 532-3654 |

You will need to contact each newspaper and authorize publication of this notice. For your information, a copy of the notice and the recommendation of the Chief Engineer are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice the week of May 15th. The newspapers have also been instructed to send us the Proof of Publication which is required before action can be taken on the future use review.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
(605) 773-3352

enclosures

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 10:49 AM  
**To:** Angie Hammrich (ahammrich@webwater.org)  
**Subject:** Future Use Permit No. 3429-3  
**Attachments:** 3406.pdf

Angie,

Attached is a copy of the chief engineer recommendation and information regarding the public notice for review of WEB Water's future use permit at the July 6 Water Management Board. I have emailed the notice to the 14 papers this morning. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. The notice is scheduled to be published next week.

FYI-The Reporter Farmer, Webster is a Monday paper and they have a deadline of Thursday morning.

This information is being mailed to you today.

*Karen Schlaak*

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



# Mobridge Tribune Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Lori Cox, 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 Mobridge 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:

**Management board to review future use water permit**

**DANR Water Rights Program**

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive weeks upon the following dates, to-wit:

**1- Mobridge Tribune: 5/18/2022**

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$69.09** 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.

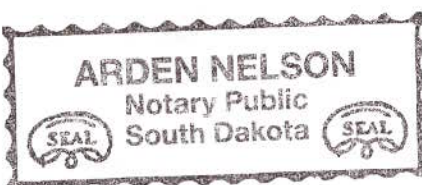
*Lori Cox*

Subscribed and sworn to before me this date of  
**5/20/2022**

*Arden Nelson*

Arden Nelson, Notary Public  
State of South Dakota

My commission expires August 1, 2025



## Management board to review future use water permit

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hamrick, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The

petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner and the applicable date to give notice to the

Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published once at the approximate cost of \$69.09.

-051922

RECEIVED

JUN 09 2022

OFFICE OF  
WATER

# AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 21 2022

OFFICE OF  
WATER

State of South Dakota

)

) SS

County of Edmunds

)

D.E. Gibson of said county, being, first duly sworn on oath says: That he is the publisher or an employee of the publisher of the Ipswich Tribune, a weekly newspaper, published in the City of Ipswich, in said County of Edmunds, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Edmunds and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the advertisement headed

## NOTICE OF HEARING

### TO REVIEW FUTURE USE

#### WATER PERMIT NO. 3429-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive issues. The First publication being made on the 18 day of May, 2022. The Second publication being made on the        day of       , 20      . The Third publication being made on the        day of       , 20      . The Fourth publication being made on the        day of       , 20      . The Fifth publication being made on the        day of       , 20      . That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-four

Dollars and

eighty-nine

cents (\$ 64.89 )

Signed:

*D.E. Gibson*

Subscribed and sworn to before me this 27 day of May, 2022

*Jana M. Gibson*

Notary Public - Edmunds County, South Dakota

My commission expires February 28, 2025

57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R79W for rural water system use. (WEB Water serves users in Wahpeton, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmet, Dickey and McIntosh Counties in North Dakota.) Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available online at <https://water.sd.gov/public> or by contacting Ron Duval for this information or other information at the Water Rights Program address provided below. The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd, Matthew, Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD 57501. This recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect; 2) amend the permit by adding qualifications; 3) cancel the permit for no development or no planned future development; or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or testimony in support of or in opposition to SDCL 1-26, shall allege that the removal of the future use permit upon approval will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the above requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://water.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contacting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner

must be filed by May 31, 2022. The petition shall be in writing and shall include a statement describing the unique injury upon removal of the future use permit on the petitioner, the reasons for petitioner's opposition to removal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3429-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 46-2-9, 46-2-11, 46-5-38.1, Board Rules ARSD 74.02.01.25.01, and 74.02.01.25.03, and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person after filing a petition has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022. Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://water.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Persons, notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made of the hearing. The telephone number for making arrangements is (605) 773-3352. Under SDCL 1-26-17(7) notices must state that if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17. This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer dispense the applicability of this provision and maintains that the hearing must be conducted by the Board. Published once at the total approximate cost of \$64.89 (Publish T-5-18)

## PUBLIC NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE

#### WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 31, Aberdeen, SD

57501 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R79W for rural water system use. (WEB Water serves users in Wahpeton, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmet, Dickey and McIntosh Counties in North Dakota.) Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available online at <https://water.sd.gov/public> or by contacting Ron Duval for this information or other information at the Water Rights Program address provided below. The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd, Matthew, Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD 57501. This recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect; 2) amend the permit by adding qualifications; 3) cancel the permit for no development or no planned future development; or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or testimony in support of or in opposition to SDCL 1-26, shall allege that the removal of the future use permit upon approval will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the above requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://water.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contacting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## **PROOF OF PUBLICATION**

Sd Dept Of Environment  
Sd Dept Of Environment  
WATER RIGHTS PROGRAM  
523 E. CAPITOL  
Pierre SD 57501

**RECEIVED**

**MAY 23 2022**

**OFFICE OF  
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

05/18/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.  
Sworn to and subscribed before on 05/18/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$70.52

Order No: 7286033

Customer No: 561450

# of Copies:

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**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

SARAH BERTELSEN  
Notary Public  
State of Wisconsin

NOTICE OF HEARING TO REVIEW FUTURE USE  
WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of \$70.52.

May 18, 2022 #7286033

RECEIVED

MAY 23 2022

OFFICE OF  
WATER

RECEIVED

JUN 03 2022

OFFICE OF  
WATER

AFFIDAVIT OF PUBLICATION

} ss.

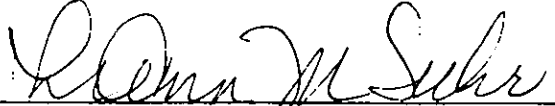
County of Day  
State of South Dakota,

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, WEB Water permit, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

|                    |         |
|--------------------|---------|
| First Publication  | May 16; |
| Second Publication | :       |
| Third Publication  | :       |
| Fourth Publication | :       |

That the full amount of fees for publication of the annexed notice is \$75.20 and insures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

  
Subscribed and sworn to before me this 16th day of May, 2022.

  
Notary Public, Day County, South Dakota

# Hearing set to review future use of water permit No. 3429-3 for WEB Water

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 a.m. (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present

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

above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

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have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$75.20.

RECEIVED

JUN 10 2022

OFFICE OF  
WATER

## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

I, Talaya Purcell, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 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 REDFIELD PRESS. I, Talaya Purcell, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

### #6416 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on MAY 18<sup>TH</sup> 2022. SIXTY ONE and .32/100 Dollars, 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.

Talaya Purcell

Subscribed and sworn to before me this 18<sup>TH</sup> day of May, 2022

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2024



## Notice of Hearing

#6416

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Ham-mrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North

Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg. 523 E Capitol Ave., Pierre SD.

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

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

an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of

Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published one time at the total approximate cost of \$61.32. (May 18)

RECEIVED

JUN 22 2022

OFFICE OF  
WATER

**AFFIDAVIT OF  
PUBLICATION**  
The Miller Press

STATE OF SOUTH DAKOTA )

County of Hand )

Michael G. Caviness of said county being first duly sworn, on oath, says that he is the publisher of *The Miller Press*, a weekly newspaper published in Miller, said County of Hand by Hand County Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has been published within said County for fifty 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

Water permit reviewed  
for WEB Water

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

5/21/20 22 20

20 20

20 20

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

\$

Michael G. Caviness, Publisher

# Water permit reviewed for WEB Water

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER

PERMIT NO. 3429-3. Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angle Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R78W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmonee, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD. The hearing will be held at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-28, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both.

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# **Affidavit of Publication**

STATE OF SOUTH DAKOTA )

COUNTY OF HYDE )

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the time hereinafter mentioned, that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers, that the undersigned, an publisher 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 advertisement enclosed

## *Notice of Hearing*

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

in said newspaper for one (1) issue, the publication being made on

May 19, 2022 and that

\$68.16 being the full amount of the fee for publication of

the annexed notice, incurs solely to the benefit of the publisher of said

newspaper, that no arrangement or understanding for a division

thereof has been made with any person, and that no part thereof has

been agreed to be paid to any other person whatsoever.

*Mary Ann Morford*  
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 20<sup>th</sup>

day of May 2022

*Mary E. Ham*  
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2022

NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will hold a public hearing on May 31, 2022, at 9:00 a.m. at the Board's office, 523 E. Capitol Avenue, Pierre, South Dakota 57501, for the purpose of reviewing the future use of water reserved by Permit No. 3429-3. The permit was issued in 1977 and currently reserves 15,000 acre feet of water in the Missouri River located from 200 feet between Section 8, T124N, R73W, and Section 17, T121N, R73W for "rural water system use." WEB Water users in Walworth, Edmunds, Brown, Day, Spickard, Hand, Hyde, Campbell, Paula, Foster, McPherson, Reyle, Clark, and Marshall Counties, SD, and Dakota State, and Dakota State and McIntosh Counties in North Dakota. Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <http://water.southdakota.gov/public> or contact Ann Duval for this information or other information at the Water Rights Program address provided below. All SDCL 46-2A-2. The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 a.m. (Central Time), Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501. The recommendation of the Chief Engineer of the final or binding upon the Board and the Board is authorized to: 1) allow the permit to remain in effect; 2) amend the permit by adding qualifications; 3) cancel the permit for no development or no planned future development; or 4) take no action after a resolution of the hearing. Open facts presented at the public hearing may be used by any person who intends to participate in the hearing before the Board and present evidence. If a person examines witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is greater than any injury suffered by the public in general. The injury must concern a matter within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal of other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11 or both. Any person objecting to the permit requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at [water.southdakota.gov/public](http://water.southdakota.gov/public) or by contacting the Chief Engineer. The Chief Engineer's address is: Water Rights Program, Joe Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501, or call (605) 773-3352. The permit holder's mailing address is given above. If containing the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by the permit owner must be filed by May 31, 2022, 5:00 p.m. PST. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit to the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel, if legal counsel is obtained. The hearing to review Future Use Permit No. 3429-3 will be conducted pursuant to the provisions of SDCL 1-26-14, 46-2-6, 46-2-9, 46-2-11, 46-5-38.1, Board Rules ARSD 46-74-02-01, 25-01, 74-02-01, 25-03, and contested case procedures contained in SDCL 1-26-17. 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 forefeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. 25-2-22, 46-2-9, 46-2-11. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022, 5:00 p.m. Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at [water.southdakota.gov/public](http://water.southdakota.gov/public) or by calling (605) 773-3267 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022, 5:00 p.m. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352, extension 1452. Under SDCL 1-26-17(7) contesting a permit costs \$2,500.00 or 1% of the property value, whichever is greater. Any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17. This is a Notice of Hearing which is being provided by publication and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, notice of this particular matter as a future use permit renewal and not a mandatory controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board, not the Hearing Examiners. LFN 414. Published once at the total approximate cost of \$68.16 and can be viewed free of charge at [www.southdakota.com](http://www.southdakota.com). 1-26-17

# Affidavit of Publication

STATE OF SOUTH DAKOTA,  
COUNTY OF CAMPBELL, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, 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; that the

Management board to review future use water permit

DANR Water Rights Program

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

1- Prairie Pioneer: 5/19/2022

That the full amount of the fees for the publication of the annexed notice is \$69.03

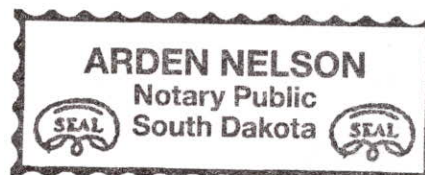
Lori Cox

Subscribed and sworn to before me this 5/21/2022

Arden Nelson

Arden Nelson, Notary Public  
State of South Dakota

My commission expires August 1, 2025



RECEIVED

JUN 06 2022

OFFICE OF  
WATER

# Management board to review future use water permit

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's

recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

Notice is given to individuals with

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$69.09.

-051922

## Affidavit of Publication

State of South Dakota

§

County of Faulk

Jennifer Miller of said county, being first duly sworn, on oath says that she is the publisher of the **Faulk County Record LLC**, 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 a 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

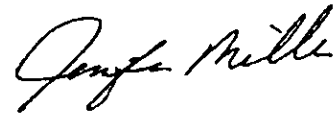
a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

**One (1)**

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

**Wednesday, May 18, 2022**

that the full amount of the fees for the publication of the annexed notice is **\$ 58.06**



Subscribed and sworn to before me this

**18th, May 2022**



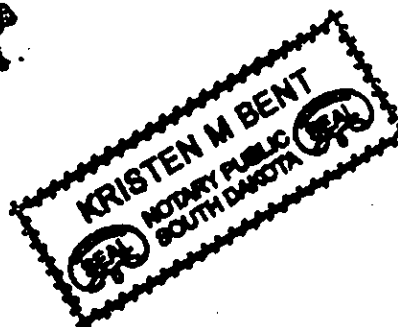
Notary Public  
Faulk County, South Dakota

RECEIVED

MAY 23 2022

OFFICE OF  
WATER

My Commission Expires  
September 8, 2024



No. 112, May 18, 2022

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle,

Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

Wednesday, May 18, 2022

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

Faulk County Record

17

permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

**WEB Water Hearing**  
(continued on page 18)

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Faulk County Record

## WEB Water Hearing (continued from page 17)

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

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit.

Wednesday, May 18, 2022

The request for a delay must be filed with the Chief Engineer by May 31, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

Notice is given to individuals with

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of

Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00

or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of \$58.06.

# hearing to review future use water permit

## NOTICE OF HEARING

### TO REVIEW FUTURE USE

#### WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hamrick, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T12N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's

recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022. Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

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Published once at the approximate cost of \$69.09.

-051922

## Affidavit of Publication RECEIVED

JUN 21 2022

STATE OF SOUTH DAKOTA,  
COUNTY OF POTTER, ss.

OFFICE OF  
WATER

I, Lori Cox being first duly sworn, on oath

says, that she is the bookkeeper 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 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; that the

### Notice of Hearing water permits

#### WEB Water Water Rights Program

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

May 19<sup>th</sup>, 2022

That the full amount of the fees for the publication of the annexed notice is \$69.09

*Lori Cox*

Subscribed and sworn to before me this 9<sup>th</sup>

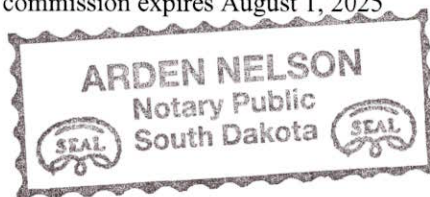
day of June, 2022

*Arden Nelson*

Arden Nelson

State of South Dakota

My commission expires August 1, 2025



# AFFIDAVIT OF PUBLICATION

RECEIVED

**Northwest Blade**

P.O. Box 797; Eureka, SD 57437

JUN 23 2022

OFFICE OF  
WATER

**STATE OF South Dakota: COUNTY OF McPherson**

I, MaKena Vocu, am authorized by the publisher as agent to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Northwest Blade is a newspaper which is published weekly and is of general circulation and is in compliance with South Dakota Newspaper Association legalized Statutes.

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

5/19 Notice of Hearing Permit 3429-3

NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

TYPE OF DOCUMENT: legal

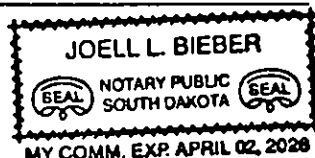
AUTHORIZED SIGNATURE: MaKena Vocu

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

21<sup>st</sup> DAY OF June, 2022.

NOTARY SIGNATURE: Joell L. Bieber

Commission Expiration Date:



## LETTER FROM SHERIFF ACKERMAN

During the early morning hours of May 10, 2022, Federal Authorities conducted a law enforcement operation in the City of Eureka, as part of their

investigation. The Federal Authorities were assisted by State and Local agencies as well as voluntary emergency responders. The cooperation of all parties involved was sincerely appreciated.

Respectfully,  
Dave Ackerman  
McPherson County Sheriff

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

Notice is given that the Water Management Board will review Future Use Permit No. 3429-3 held by WEB Water Development Association, Inc., Angie Hammrich, General Manager, PO Box 51, Aberdeen SD 57402 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 3429-3. This permit was approved in 1977 and currently reserves 15,000 acre-feet from the Missouri River located from a point between Section 5-T124N-R79W and Section 17-T121N-R78W for rural water system use. WEB Water serves users in Walworth, Edmunds, Brown, Day, Spink, Hand, Hyde, Campbell, Faulk, Potter, McPherson, Beadle, Clark and Marshall Counties in South Dakota and Emmons, Dickey and McIntosh Counties in North Dakota.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN in EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before

the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

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Published once at an approximate cost of \$67.32 at 4 cents per reader and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

RECEIVED

MAY 20 2022

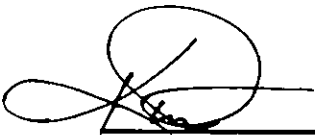
Proof Of Publication

OFFICE OF  
WATER

Huron Plainsman  
49 3<sup>rd</sup> Street SE  
Huron, SD 57350  
605-353-7402

Legal Notice Number: 1426

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: WEB Water Development Association was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 5/18/2022. That the full amount of the fee charged for the publishing \$ 106.00 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

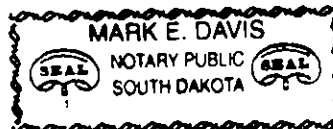


Subscribed and sworn to me before this date 5/18/22.



Notary Public, South Dakota

My Term Expires 12/27/2024



## 2000 - Legals

### F.P. 05-18-22 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3429-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3429-3 REMAIN IN EFFECT for 15,000 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 Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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hearing to review Future Use Permit No. 3429-3 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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## 2000 - Legals

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No. 1426 (adv.)  
Published one time at the total approximate cost of \$89.31.

# Affidavit of Publication

RECEIVED

State of South Dakota

§

MAY 23 2022

County of Clark

OFFICE OF  
WATER

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

## Water Rights Program

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

### One

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

May 18, 2022

that the full amount of the fees for the publication of the annexed notice is **\$69.56**

*William J. Krikac*

Subscribed and sworn to before me this

19th day of May, 2022

*Karli Paulson*

Notary Public  
Clark County, South Dakota

My Commission expires: 02/09/2028



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AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 23 2022

STATE OF SOUTH DAKOTA, County of Marshall.

OFFICE OF  
WATER

197 @ .29 =  
57.13

Douglas M. Card of said county, being first duly sworn on oath says that he is publisher of the MARSHALL COUNTY 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;

that the Notice of Hearing to Review Future Use Water  
Permit No. 3429-3 - WEB Water Dev. Ass. Inc.

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

May 18, 2022

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 13/100

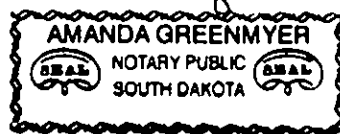
DOLLARS

D. M. Card

Subscribed and sworn to before me this 19th day of

May

A.D. 2022



Paul J. [Signature]

Notary Public, Marshall County, S.D.

57.13 ✓

1T (May 18)

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Instruction to Newspaper - Publish the following Notice once during the week of May 15, 2022.  
WEB Water is responsible for payment.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by May 31, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 31, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 31, 2022.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 31, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of \_\_\_\_\_.

## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:01 AM  
**To:** news.iptribune@valleytel.net  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:21 AM  
**To:** 'journal@brittonsd.com'  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:20 AM  
**To:** 'courier@itctel.com'  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:19 AM  
**To:** 'rcrandall@plainsman.com'  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:19 AM  
**To:** Northwest Blade Eureka (nwblade@valleytel.net)  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:17 AM  
**To:** molly@pottercountynews.com  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022.

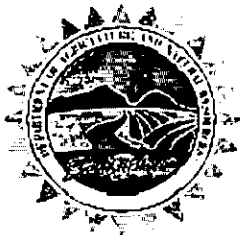
WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:15 AM  
**To:** 'info@faulkcountyrecord.com'  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:14 AM  
**To:** Praire Pioneer Pollock (pioneer@valleytel.net)  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:13 AM  
**To:** Highmore Herald (hiherald@venturecomm.net)  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 19, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:12 AM  
**To:** Miller Press (news@themillerpress.com)  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 21, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:08 AM  
**To:** Talaya Zens-Purcell  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:07 AM  
**To:** news@reporterandfarmer.com  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 8:02 AM  
**To:** Aberdeen News Legals (aan-legals@aberdeennews.com)  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

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



## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Wednesday, May 11, 2022 7:59 AM  
**To:** Katie Zerr  
**Subject:** 3429-3, WEB Water  
**Attachments:** 3429-3FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 18, 2022.

WEB Water Development Association Inc, Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57501 (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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

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

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





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

July 7, 2022

**NOTICE OF ENTRY OF ORDER**

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

Dear Ms. Hammrich:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2022, to review Future Use Permit No. 3429-3. The Board allowed the permit to remain in effect for 15,000 acre-feet of water annually. Future Use Permit No. 3429-3 is subject to another review in seven years.

Enclosed is a receipt for payment of the fee for maintaining the effectiveness of Future Use Permit No. 3429-3 which was submitted on April 4, 2022.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

enclosure

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date April 4, 2022

RECEIVED OF Web 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>3429-3</u> after period of seven years.                                 | <u>\$1305.00</u> |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$ _____         |
| Fee for Filing Transfer Form _____                                                                             | \$ _____         |
| Fee for _____                                                                                                  | \$ _____         |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____         |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____         |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____         |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____         |
| (Any Other Work Provided by Law)                                                                               |                  |
| TOTAL                                                                                                          | <u>\$1305.00</u> |

By *Eric Gronlund*  
Chief Engineer

*Em*

CERTIFICATION

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

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

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

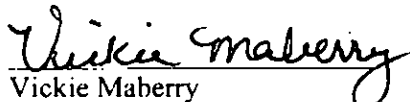
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

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

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

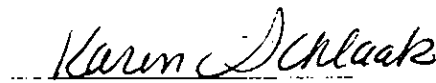
City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

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

  
Vickie Maberry  
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA           )  
                                                          ) SS  
COUNTY OF HUGHES           )

Sworn to, before me, this 7<sup>th</sup> day of July, 2022.

  
Karen Schlaak Notary Public  
My Commission expires April 1, 2025

