

Water Right Number 3574.3

1. Considered 2.23, 1977
2. Name of Applicant East Oak Creek Dist
3. Post Office Address Brookings
4. Amount of Water claimed 2 400,000 ac. ft. annually
5. Source of Water supply M.R.
6. Water to be used for municipal, industrial & rural
Acres to be irrigated _____
7. Water to be diverted and used in East Oak Creek Dist County
about _____ miles _____ of _____
8. Proof of Publication received 7041 2-24-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Form 2 - Application for Permit to Appropriately Water Original (Includes Approval and Permit)

 No. 3574-3
 Map No. 2852-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)

 FUTURE USE
APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant EAST DAKOTA CONSERVANCY SUB-DISTRICT
 Postoffice address 524 17th Ave., Brookings, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Pumping stations on the Missouri River
4. Amount of water claimed (cubic feet per second) 400,000 acre ft./year
5. Source of water supply Missouri River
6. Location of point of diversion Various points along the east side of the Missouri River
and its impoundments in South Dakota
 _____ County _____
7. Annual period or periods during which water is to be used year around usage
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) municipal, industrial and rural water system uses in the Sub-District's 11 1/2 counties
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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Sioux Falls Argus. Leader and/or newspapers of countywide circulation in the Sub-District's 11 1/2 counties
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Pumping stationsB. Works proposed to transport water to place of use. Pumps, pipelines and storage reservoirsC. Works proposed to apply water to beneficial use. Water treatment plants and water distribution systems of municipalities, towns, industries and rural water systems in the Sub-District.

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 Deuel)
Myself 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.
Subscribed and sworn to before me this 5th day of February 19 77
Woodward
 Notary Public (or other qualified officer)

 WOODROW R. HAWLEY
 NOTARY PUBLIC, STATE OF SOUTH DAKOTA
 MY COMMISSION EXPIRES 6-5-11-1980

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3574-3
EAST DAKOTA CONSERVANCY SUB-DISTRICT 524 17TH AVE. BROOKINGS
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57006 With the following modifications:
 (State)

AT SUCH TIMES AS DEFINITE PLANS ARE MADE, SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE WATER GRANTED UNDER THIS WITHDRAWAL, MUST BE SUBMITTED PRIOR TO CONSTRUCTION OF FACILITIES.

THIS FUTURE USE PERMIT NO 3574-3 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.

THE WATER RESERVED FOR COMMUNITY WATER SYSTEM USE UNDER THIS PERMIT IS FOR ALL MUNICIPAL AND RURAL WATER SYSTEM USE WITHIN THE EAST DAKOTA SUB-DISTRICT.

Date of first receipt of application FEBRUARY 9 19 77
 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 76

WATER RIGHT PERMIT NO. 3574-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3574-3 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 FEBRUARY 9 19 77
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 19 _____
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, INDUSTRIAL & 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 400,000 ACRES FEET ANNUALLY neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for ~~beneficial use~~ USED FOR THE ABOVE PURPOSES

Will be actually and beneficially used for the above purposes

Witness my hand this 29TH day of AUGUST 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

No. 3571-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss

I, JOHN K. KOLL hereby

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

Water was taken from the Sioux Falls Arms-Leader

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 Sioux Falls

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

Tuesday, February 15

Tuesday, February 22

[Signature]
(Signature)

Controller
(Title)

February 22, 1977
(Date Signed)

No. 3574-3
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 11, 1977
Notice is hereby given that the East
Dakota Conservancy Sub-District
whose post office address is
Brookings, South Dakota, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
future use 400,000 acre feet of water
annually from the Missouri River
through the East Dakota Pumping
Stations, the point of diversion of
which is to be located along the east
bank of the Missouri River im-
poundments within South Dakota. Said
water to be used for the purpose of
providing future supplies for
municipalities, rural water systems
and industrial use within the 11's
counties in the Sub District.
This application No. 3574-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 23rd day of February, 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
Feb. 15, 22, 1977



Form 6 - Notice of Intent to Appropriate Water

No. 3574-3

Publish first publication, on or before February 15, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 11, 1977

Notice is hereby given that: the East Dakota Conservancy Sub-District
whose post office address is Brookings, 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
400,000 acre feet of water annually from the Missouri River through the
East Dakota Pumping Stations, the point of diversion of which is to be located in the
along the east bank of the Missouri River impoundments within
South Dakota.

Section, Twp., Range. Said water to be used for the purpose
of providing irrigation on the following described land:
future supplies for municipalities, rural water systems and
industrial use within the 11 counties of the Sub District

This application No. 3574-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of February, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: East Dakota Conservancy Sub-District, 524 17th Ave., Brookings, SD
57006



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

February 25, 1977

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

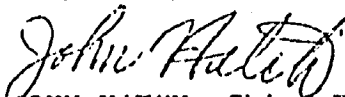
Dear Sir:

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

Number	Name	Priority Date	Hearing Date	Recommendations of Water Rights Commission
1125-1	Cal & Gert Thorstenson	1/10/77	2/23/77	Approve
1518-2	Leon Haskins	2/ 3/77	2/23/77	Approve
1521-2	Walter L. Thompson	2/10/77	2/23/77	Approve
3574-3	East Dakota Conservancy Sub-Dist.	2/ 9/77	2/24/77	Approve

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

Very truly yours,


JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH/bw

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

PROPOSED JOINT
RESOLUTION NO.

A JOINT RESOLUTION, Approving application number 3574-3 for a
water right pursuant to SDCL 43-5-20.1.

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

WHEREAS, pursuant to § 46-5-20.1 the Legislature of the state
of South Dakota has required that any application for appropria-
tion 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 number 3574-3 by
the East Dakota 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 February 24,
1977, at its regular meeting in Pierre recommended to the Legisla-
ture that it approve said application,

NOW BE IT HEREBY RESOLVED that future use application number
3574-3 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.

EAST DAKOTA CONSERVANCY SUB-DISTRICT

BOARD OF DIRECTORS

EARL P. ACHESON, *Chester*
ELDON EIGHMY, *Bruce*
NELS GRANHOLM, *Brookings*
OLIVER HEISMEYER, *Estelline*

WILFORD ANDERSON, *LaBolt*, Chairman
HAROLD HARTEMHOFF, *Bushnell*, Vice-Chairman
WENDELL WISCHER, *Sioux Falls*, Secretary

VERNELL JOHNSON, *Lyons*
FAY F. KERR, *Akron, Iowa*
EDWIN I. RUDD, *Colman*
WALTER H. SCHWANKE, *Watertown*

JERRY L. SIEGEL
Manager-Treasurer

Office
524 SEVENTEENTH AVENUE
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE 692-5185

February 23, 1977

John Hatch
Division of Water Rights
Department of Natural Resource Development
Joe Foss Building
Pierre, SD 57501

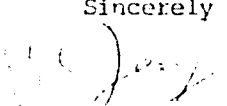
Dear John:

The Sub-District Board of Directors met on February 22 to discuss their Future Use Permit application from the Missouri River. The Board reaffirmed the application and also directed me to make a preliminary determination of the need and mechanics of applying for another future use permit covering municipalities use of groundwater in the Sub-District.

How many municipalities in the Sub-District's 11½ counties have applied for Water Rights? Should they all have future use Water Rights or could the Sub-District develop a future use permit to cover them? If so, how would we describe the points of diversion, etc.?

Please sign the enclosed voucher covering the Sub-District's present future use application and return it in the enclosed self-addressed envelope.

Sincerely yours,


Jerry L. Siegel
Manager-Treasurer

k
Enc.



3574-3

March 1, 1977

Jerry L. Siegel
Manager-Treasurer
East Dakota Conservancy Sub-District
524 Seventeenth Ave.
Brookings, South Dakota 57006

Dear Jerry:

The Future Use Water Right application for the East Dakota Conservancy Sub-District from the Missouri River has been referred to the Legislature with a recommendation of approval from the Water Rights Commission.

As far as the need of applying for another future use permit covering municipalities use of ground water in the Sub-District, we do not believe this would be necessary. The municipalities already have the right to apply for a future use permit on water within their area. Describing the lands for future use from ground water for each municipality within the Sub-District would be nearly an impossible task. It is suggested that each municipality wishing to apply for a future use water right from ground water apply individually.

Please advise this office if you have any further questions.

Sincerely,

JAMES WINTERTON
Water Rights Specialist

JW/bw
Encl: Direct Voucher

A JOINT RESOLUTION, Approving application number 3574-3 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 § 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 number
3574-3 by the East Dakota 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
February 24, 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
number 3574-3 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.

Chapter No. _____

File No. 202

I hereby certify that the within ~~xxx~~ ^{Resolution}

originated in the _____ HO-ISC _____ as

House Joint Resolution No. 520


Chief Clerk

Received at this Executive Office this

_____ day of _____, 19____

at _____ M.

Governor.

STATE OF SOUTH DAKOTA, } ss.
Office of Secretary of State

Filed April 23, 1917

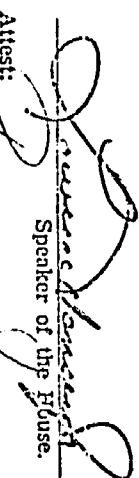
at 1:01 o'clock P M.

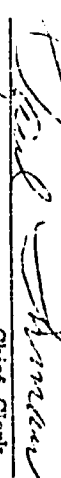

Secretary of State.

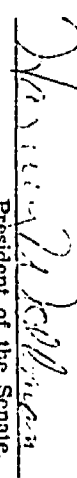
By _____
Asst. Sec'y of State.

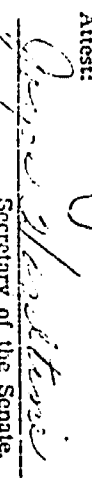
AN ACT A JOINT RESOLUTION, Approving The within and foregoing Act is hereby
application number 3574-3 for approved this _____ day of
a water right pursuant to SDCL. _____, A. D., 19____
46-5-20.1.

Governor.


Speaker of the House.

Attest: 
Chief Clerk.


President of the Senate.

Attest: 
Secretary of the Senate.

June 2, 1977

Jerry Siegel, Manager
East Dakota Conservancy Sub-District
524 17th Ave.
Brookings, South Dakota 57006

Dear Mr. Siegel:

The Water Rights Commission will reconsider the Sub-District's Future Use Application No. 3574-3 at the July 27 and 28, 1977 meeting. As you know, the Legislature did authorize approval of the full 400,000 acre feet requested. Would the Sub-District Board agree to reduce the acre feet to 200,000 acre feet? Also the Commission Staff expect to recommend that the Commission approve the Application for seven years with the provision that the permit could be renewed for additional seven year periods providing there was some indication that progress was being made towards completion of projects to use at least part of the reserved water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

3574-3

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. 3574-3,
East Dakota Conservancy Sub-District, Brookings, South
Dakota.

FROM: John Hatch, Chief Engineer, Water Rights Commission.

SUBJECT: Notice of Reconsideration Hearing on Application No. 3574-3.

The Water Rights Commission will reconsider Future Use Water Right Application No. 3574-3 at 10:00 A.M., July 28, 1977 at the Staurolite Inn, Brookings, South Dakota.

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. 3574-3 was considered by the Water Rights Commission February 24, 1977 and sent to the Legislature in accordance with 46-5-20.1 with a recommendation for approval. The 1977 Legislature approved Application No. 3574-3 without change, Chapter 363, 1977 Session Laws.

After reconsideration of Future Use Application No. 3574-3, the Commission can approve, defer, or deny all or part of the Application.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Ann Kunze, Alpena, S.D. 57312

WILLIAM R. MCCANN
THOMAS F. MARTIN
GEORGE S. MICKELSON
MICHAEL E. MCCANN

MCCANN, MARTIN & MICKELSON, P.C.
LAWYERS
117 SIXTH AVENUE
BROOKINGS, SOUTH DAKOTA
57006

P. O. DRAWER 248
DIAL 692-6163
AREA CODE 605

July 18, 1977

Mr. Jerry L. Siegel
Manager-Treasurer
East Dakota Conservancy Sub-District
524 - 17 Avenue
Brookings, South Dakota 57006

Dear Jerry:

I have your letter of July 13, 1977, and a copy of the letter from the Water Rights Commission addressed to you dated June 2, 1977 in which there is an indication that the Water Rights Commission wants the sub-district board to agree to reduce the allocation to 200,000 ac-ft.

There was never any legislative intent that the sub-district should reduce its allocation. My knowledge of the situation when these allocations were being made stems from meetings that I had with leadership of both political parties during the last legislative session with the Governor. It was our opinion that we should, in order to protect future use of Missouri River water and other water resources in the state, begin to allocate to various viable agencies in the state that would have future use for water.

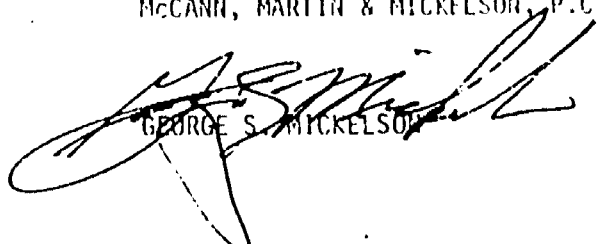
It is also my understanding that the Water Rights Commission then contacted the various conservancy sub-districts and other agencies to attempt to get an inventory of what they felt future needs would be. Based on these contacts, the allocations were made.

I have no knowledge of any legislative intent other than the 400,000 ac-ft that was allocated.

If you have any further questions on the matter, please feel free to contact me.

Very truly yours,

MCCANN, MARTIN & MICKELSON, P.C.


GEORGE S. MICKELSON

GSM:tdg

EAST DAKOTA CONSERVANCY SUB-DISTRICT

BOARD OF DIRECTORS

EARL P. ACHESON, *Chester*
ELDON EIGHMY, *Bruce*
NELS GRANHOLM, *Brookings*
OLIVER HEISMAYER, *Estelline*

WILFORD ANDERSON, *LaBolt*, Chairman
HAROLD HARTENHOFF, *Bushnell*, Vice-Chairman
WENDELL WISCHER, *Sioux Falls*, Secretary

VERNELL JOHNSON, *Lyons*
FAY F. KERR, *Akron, Iowa*
EDWIN I. RUDD, *Colman*
WALTER H. SCHWANKE, *Watertown*

JEPHY L. SIEGEL
Manager-Treasurer

Office
524 SEVENTEENTH AVENUE
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE 692-5185

July 27, 1977

John Hatch, Chief
Water Rights Division
Department of Natural Resource Development
Pierre, SD 57501

Dear John:

The Sub-District Board of Directors, in official action yesterday, decided that the Sub-District should stand firm for a 400,000 Ac-ft/year for an unlimited time duration with regards to its future use application from the Missouri River. The enclosed letter from Mr. Mickelson and the earlier discussions between members of the Sub-District Board and legislative leaders and your staff were main factors in that decision. The Board plans to participate in your Commission Hearing on the Sub-District's future use application on July 28.

The Board also expressed an intent to develop a future use application for the surplus Big Sioux River flows in the Big Sioux basin above Brookings. I will need to discuss this with you in the near future.

Sincerely yours,

Jerry L. Siegel
Jerry L. Siegel
Manager-Treasurer

k

cc: Vern Butler
Wilford Anderson





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

November 9, 1977

East Dakota Conservancy Sub-District
524 17th Avenue
Brookings, SD 57006

Gentlemen:

Enclosed herewith is your Water Right Permit No. 3574-3 as approved by the Water Rights Commission to withdraw 400,000 acre feet annually for future use.

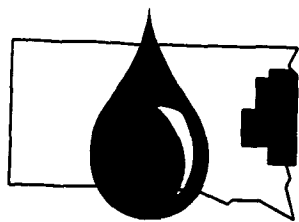
Approval of this Permit does not in any way grant property rights to the land involved.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/gy

Enclosure



East Dakota Water Development District

132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

July 25, 2003

Martin Jarrett
Big Sioux Community Water System
P. O. Box 158
Egan, South Dakota 57024Dear Mr. Jarrett: *M. Jarrett*

In 1977, the East Dakota Conservancy Sub-District (the precursor to the East Dakota Water Development District) applied for and was granted a Future Use Permit for water from the Missouri River (Permit 3574-3). The permit was for 400,000 acre-feet of water per year. The water was reserved for use by water treatment plants and distribution systems of municipalities, towns, industries and rural water systems in the Sub-District. No specific diversion point was listed, other than the east side of the Missouri River in South Dakota. Unfortunately, following the issuance of the permit, both the Sub-District/District and the State Water Rights Program appear to have "forgotten" about its existence. Although it has not been reviewed since 1977, I have been told by Water Rights staff that the permit is still valid. They would, however, like to schedule a review of the permit as soon as the District decides what it would like to do with it.

At the District Board of Directors meeting last week, the fate of the permit was discussed. The amount of water covered by the permit is substantial, and I indicated to the Board that it may be difficult to justify retaining the full amount. By way of comparison, the six largest cities and all seven rural water systems in the District used approximately 45,200 acre-feet of water in 2002 (11.3% of what is reserved). Options discussed included retaining the full amount, retain a portion of the amount, or relinquish the permit. Another possibility would be to transfer portions of the permit to other entities that might wish to obtain such rights. I have spoken with representatives from both the City of Sioux Falls and the Lewis and Clark Rural Water System, and each indicated an interest in the water.

It was the consensus of the Board that I formally contact the City of Sioux Falls and the rural water systems that serve the District (including those that cover the former Sub-District boundaries) and determine the interest in transferring some of the allocated water. It is my understanding that any successful transfer of our reserved water would retain the 1977 priority date. I will also seek additional information from Water Rights on what will be required to retain a portion of the water allotment. I hope to have sufficient information available for the Board to take formal action on that matter at its August 19th meeting.

RECEIVED

JUL 31 2003

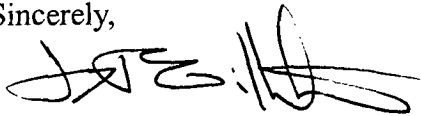
WATER RIGHTS
PROGRAM

It is my intention at this time to recommend to the Board that the East Dakota Water Development District seek to retain about 25% of the existing allocation (100,000 acre-feet per year). This would amount to a shade over twice the total amount of water that was used by the public water suppliers within the District last year, including your system. While the cost of getting this water into the District would be substantial, if something truly drastic were to impact the Big Sioux and related aquifers, these costs would seem insignificant. Such an action is in effect an insurance policy for the public water suppliers within the District, and would be made available as needed to all.

At this time, I would also like to ask if the Big Sioux Community Water System would have any interest in obtaining some portion of the District's current Future Use allocation of Missouri River water as well? And if so, what amount might that be? This would be a separate allocation, above and beyond what the District would seek to retain. As I noted above, a successful transfer of the existing allocation would retain the 1977 priority date.

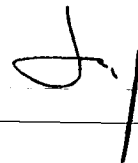
If you have any questions about this matter, please let me know. Otherwise, I would appreciate a response by August 15th so that my Board can proceed in a timely manner.

Sincerely,


Jay P. Gilbertson
Manager/Treasurer

Eric,

I've variants of this
letter to all our rural
water systems and Sioux Falls.



RECEIVED

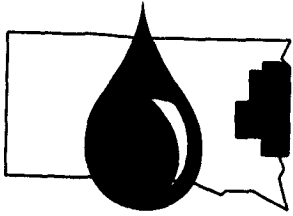
JUL 31 2003

WATER RIGHTS
PROGRAM

LEGGETTE, BRASHEARS & GRAHAM, INC.

PROFESSIONAL GROUND-WATER AND
ENVIRONMENTAL ENGINEERING SERVICES

OFFICES LOCATED NATIONWIDE
www.lbgweb.com



East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

July 23, 2003

Eric Gronlund
SD DENR - Water Rights
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

RECEIVED
JUL 25 2003
WATER RIGHTS
PROGRAM

Dear Eric:

On July 17, the East Dakota Water Development District (District) Board of Directors discussed the newly "rediscovered" Future Use Permit for Missouri River water issued to our predecessor, the East Dakota Conservancy Sub-District, in 1977. To place the volume of water in some sort of context, I had previously contacted the six largest communities and the seven rural water systems that serve the District and asked the volume of water used in all of 2002. Collectively, they used about 14,730,000,000 gallons of water in that period, roughly 11.3% of the 400,000 acre-feet per year we have allocated.

After considerable discussion, the Board concluded that to attempt to retain the current allocation would be unjustified. However, they do wish to retain a portion of the allocation (100,000 acre-feet per year?) for the ultimate benefit of the residents of the District. They would also like me to determine if there is any interest among the current major public water suppliers (PWSs) in the District (and those in the former Sub-District) in have some portion of our existing allocation transferred to them. From our earlier discussion, it is my understanding that the transferred future use rights would retain the 1977 priority date. I will be sending letters to the relevant PWSs in the next few days, and will request that they respond by mid-August.

At the District's August Board meeting, I would hope to be able to have the Board take a formal action on both the District's revised Future Use Permit, as well as identify those PWSs that would like to obtain some portion of the balance of the current allocation.

In the interim, I would appreciate any information you can provide pertaining to 1) amending our current permit and 2) transferring part of it to other PWSs. Like you, I would like to get this all resolved by the end of the calendar year.

Thank you in advance for your assistance. I'll keep you posted as things develop.

Sincerely,

Jay P. Gilbertson
Manager/Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

July 30, 2003

Jay P. Gilbertson, Manager/Treasurer
East Dakota Water Development District
132B Airport Drive
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in response to your inquiry regarding East Dakota WDD's future use permit from the Missouri River. This future use permit issued to the Sub-District reserves 400,000 acre feet of water with a priority date of February 9, 1977. The water is reserved for future municipal, industrial and rural water system uses in the 11 ½ counties within the boundaries of the original Sub-District.

The District Board has expressed a desire to retain 100,000 acre feet of water. The remaining portion will be made available to public water suppliers in the District which express an interest to have a portion of the allocation transferred to them. Any remaining portion of the allocation will be relinquished.

The seven year review of Permit No. 3574-3 is long overdue. Please respond after the District Board's August meeting when they formally act on their intention to retain a portion of the permit. This response will need to outline a reasonable need for retaining the future use permit. The permit is subject to cancellation if the Water Management Board determines that the permit holder cannot demonstrate a reasonable need for a future use permit. Permit No. 3574-3 will then be public noticed in all counties that comprise the District at the District's expense and scheduled for review before the Board pursuant to SDCL 46-5-38.1.

The public notice will also need to be published in the county or counties where the diversion works are intended. As you are aware the original permit painted a rather broad brush when describing the location of the diversion as various points along the east side of the Missouri River. In the District's response to retain a portion of the future use permit, please define the counties where water is proposed to be diverted.

Based on your calculation of the water use for the larger communities and rural water systems, you arrive at an annual volume of 45,200 acre feet of water used annually. Water Management Board rule 74:02:01:24.01 states that "The board may, at its discretion, limit future use application and future use permits for entities with permits to use water to two times the annual amount actually put to beneficial use". By your initial calculation the District would request to

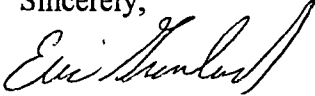
retain more than two times the current uses by all the major public water system (PWS) suppliers in their boundaries. I am not sure how the Water Management Board will react to retaining a quantity greater than 2 times the estimated use of the other public water systems.

Finally, my read of the law is that other public water systems can transfer a portion of the future use permit to their names. This is assuming they are an entity entitled to hold a future use permit pursuant to SDCL 46-5-38. This is a simple filing of a transfer of ownership form and then the future use permit will be split with each party getting the proportionate share of the future use permit and the remaining will be relinquished.

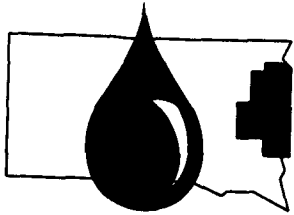
Logistically, there are two ways to go about transferring a portion of the permit to other entities. First, would be for the District to go through the seven year review process and after it is complete then allow transfer and splitting of the future use permit. The second option is to transfer a volume to each interested PWS and then they each individually go through the seven year review process. Either way I believe you need to have a pretty good handle on the amount of water the District wants to retain and the other PWS's want to transfer before we proceed with conducting the seven year review.

Please feel free to contact me if you have any questions or need clarification on the process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352



East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

September 29, 2003

Eric Gronlund
Water Rights Program
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, South Dakota 57501

RECEIVED
OCT - 2 2003
WATER RIGHTS
PROGRAM

RE: Future Use Water permit No. 3574-3

Dear Mr. Gronlund:

The Board of Directors of the East Dakota Water Development District discussed the above referenced Future Use Water Permit at its September meeting, and has decided to seek to retain a portion of the water currently reserved from the Missouri River. The permit, for 400,000 acre-feet on an annual basis, was first obtained in 1977, and was intended to hold in reserve sufficient water for use by municipal public water systems, industrial users and rural water systems within the District. No diversion points were identified in the original permit.

The Board has concluded that the amount of water covered in the current permit is beyond the reasonable needs of the public water suppliers (PWSs) within our area for the foreseeable future. A recent survey of all of the major PWSs within the District found that in 2002, a total of about 14,730,000,000 gallons, or about 45,200 acre-feet, of water were used. The projected full-capacity operational needs of the Lewis and Clark Rural Water System (LCRWS), which will serve the southern portion of the District when completed, would add an additional 27,000 acre-feet to this annual usage.

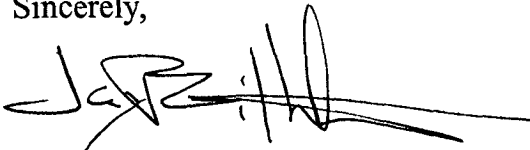
At this time, the Board would like to retain access to 145,000 acre-feet of Missouri River water. This number represent approximately twice the volume of water used by the PWSs in the District in 2002, plus twice the projected full-capacity operational needs of LCRWS. The balance of the water currently held in reserve (255,000 acre-feet) could be re-allocated or put to other use.

In our earlier discussions of this matter, you indicated that it would be helpful to establish one or more diversion points for consideration during the review of the permit. The existing permit identifies only "various points along the east side of the Missouri River and its impoundments in South Dakota." As a practical matter, I would think that the District would be most likely to draw water from the Missouri River in Walworth, Hughes, Clay and Union Counties. The first three represent the points of origin of the WEB, Mid-Dakota and Lewis and Clark Rural Water Systems, which either extend into the District or serve areas immediately adjacent to it. The proximity of Union County to the southern, and most populated, part of the District also makes it a likely candidate should the need to access the water ultimately develop.

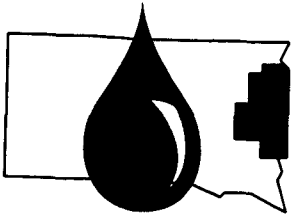
The Board believes that the reasonable need outlined in the original permit to the East Dakota Conservancy Sub-District remains valid. There has been dramatic growth and development in the City of Sioux Falls and along the I-29 corridor since 1977, and this is projected to continue well into the future. In order for this area to continue to grow, access to reliable water sources will be critical. The Board believes that retaining the Future Use Water Permit will provide one assurance of the availability of such water. Further, this action is wholly consistent with the overall mission of water development districts described in South Dakota Codified Laws, Chapters 46A-3A through 46A-3E.

If you have any questions about the Board's intent or rationale regarding Future Use Water Permit 3574-3, please let me know. Otherwise, I look forward to hearing from you regarding the formal review and hearing process in front of the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay P. Gilbertson', with a long horizontal flourish extending to the right.

Jay P. Gilbertson
Manager/Treasurer



East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

October 31, 2003

Karen Schlaak
DENR - Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501

RECEIVED

NOV - 3 2003

**WATER RIGHTS
PROGRAM**

Dear Karen:

Enclosed you will find the Notice of Transfer of Ownership for future use permit 5374-3. The document should complete the formal transfer between the East Dakota Conservancy Sub-District and the East Dakota Water Development District. The document has been signed by District Board Chairman William Dempsey. I have also enclosed a check for \$2.50 to cover the filing fee. Please forward a receipt for this amount.

Sincerely,

Jay P. Gilbertson
Manager/Treasurer

Enclosures Notice of Transfer of Ownership - Permit 3574-3

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV - 3 2003

WATER RIGHTS
PROGRAM

No. 3574-3

Date: 10/31/2003

I/We request that Future Use Permit No. 3574-2

formerly owned by: East Dakota Conservancy Sub-District

be transferred to: (name & address) East Dakota Water Development District, 132B Airport Drive,
Brookings SD 57006

Telephone No. 605 688-6741

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

400,000 acre-feet annually from the Missouri River to be used for municipalities, rural water systems,
and industrial uses in the following counties: Grant, Codington, Hamlin, Deuel, Brookings,
Kingsbury, Miner, Lake, Moody and Minnehaha

I/We understand that the validity of Future Use Permit No. 3574-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

Bill Dempsey, Chairman
East Dakota Water
I/We Development District, the new owner, certify that the above information is true and correct.

Bill Dempsey
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 3, 20 03

RECEIVED OF Jay Gilbertson, 1119 Medary Ave S, Brookings SD 57006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3574-3</u>		2 50
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	2.50

No.

000907

By

Darland Ebele

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574-3, East Dakota Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 3574-3 REMAIN in EFFECT annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 3574-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

Permit No. 3574-3 reserves for future use a total of 145,000 acre-feet annually.

And that maintaining the effectiveness of Future Use Permit No. 3574-3 is subject to payment of the \$3,037.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
October 27, 2003

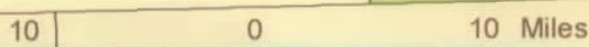
NOTE: The annual water usage in 2002 of the major public water supplies within the district was approximately 45,200 acre feet. The projected full-capacity operational needs of the Lewis and Clark Rural Water System when completed will be an additional 27,000 acre-feet for an estimated total of 72,200 acre-feet annually. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 3574-3 should be allowed to remain in effect for 145,000 acre-feet as outlined in the above qualification.

This map of South Dakota displays the following counties and their primary cities:

- Grant County (Pink):** Includes cities like Rapid City, Pierre, and Deadwood.
- Deuel County (Light Pink):** Includes cities like Spearhead and DeSmet.
- Brookings County (Light Green):** Includes the city of Brookings.
- Moody County (Light Yellow):** Includes cities like Flandreau and Sisseton.
- Minnehaha County (Light Green):** Includes the city of Sioux Falls.
- Lake County (Orange):** Includes the city of Madison.

Other counties shown include: Blount, Bon Homme, Brown, Butte, Cass, Charles Mix, Clay, Codington, Corral, Custer, Dawes, Day, DeBakey, Deuel, Dickey, Dignity, Douglas, Edmunds, Faulk, Fillmore, Flinn, Ford, Franklin, Fremont, Fulton, Gallatin, Grant, Gregory, Hamlin, Hand, Hanson, Harding, Harlan, Harrison, Haakon, Hays, Hill, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lakota, Lawrence, Leake, Lincoln, Lyman, McPherson, Meade, Mellette, Mineral, Mitchell, Missouri, Mussouri, Needham, Nelson, Nickajack, Oglala, Pennington, Perkins, Potter, Randall, Roberts, Rosebud, Sanborn, Sedgewick, Spink, Stanley, Sully, Teton, Todd, Tripp, Turner, Union, Volusia, Wall, Walworth, Waukegan, Webster, Wicomico, Winona, Wood, and Woodward.

A scale bar at the bottom indicates a distance of 10 miles.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2003

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

Jay P Gilbertson, Manager/Treasurer
East Dakota Water Development Dist.
132B Airport Drive
Brookings SD 57006

Dear Mr. Gilbertson:

Future Use Permit No. 3574-3 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:

Grant Co. Review – 432-4516
Clark Lake Review – 874-2499
Miner Co. Review – 772-5644
Argus Leader – 331-2200
Plain Talk – 624-2695

Public Opinion – 886-6901
Brookings Register – 692-6271
Moody Co. Enterprise – 997-3725
Mobridge Tribune – 845-3646
Leader Courier – 356-2632

Estelline Journal – 873-2475
DeSmet News – 854-3331
Daily Leader – 256-4555
Capitol Journal – 224-7301

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.

Also enclosed is a partially completed Notice of Transfer of Ownership to formally transfer the future use permit into the name of the East Dakota Water Development District. Please complete by signing and return with the \$2.50 filing fee.

Please call if you have any questions.

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

October 27, 2003

Plain Talk
PO Box 256
Vermillion SD 57069-0256

Dear Sir:

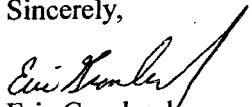
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on October 31, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Grant Co. Review
PO Box 390
Milbank SD 57252-0390

Dear Sir:

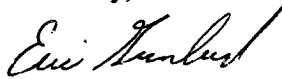
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Public Opinion
PO Box 10
Watertown SD 57201-0010

Dear Sir:

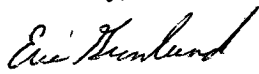
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Estelline Journal
214 Main Street
Estelline SD 57234-0159

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Clear Lake Courier
PO Box 830
Clear Lake SD 57226-0830

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

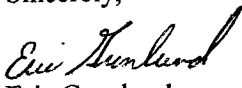
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

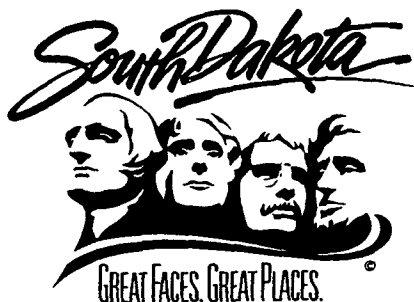
Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

DeSmet News
PO Box 69
De Smet SD 57231-0069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Miner County Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 6, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

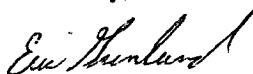
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Moody Co. Enterprise
PO Box 71
Flandreau SD 57028-0071

Dear Sir:

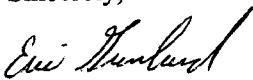
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Mobridge Tribune
PO Box 250
Mobridge SD 57601-0250

Dear Sir:

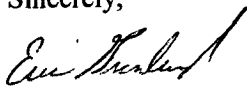
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

Capital Journal
PO Box 878
Pierre SD 57501-0878

Dear Sir:

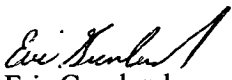
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

October 27, 2003

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on November 6, 2003 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 East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132 B Airport Drive, Brookings SD 57006.

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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, Lelanne Archer

certify that the attached printed Notice was taken

from the Estelline Journalprinted and published in EstellineCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov. 5, 2003Nov. 12, 2003Cost of Printing 69.31Lelanne Archer
(Signature)Owner
(Title)11/20/03
(Date Signed)**RECEIVED****NOV 24 2003****WATER RIGHTS
PROGRAM****NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit NO. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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 a hearing to review Future Use Permit No. 3574-3 at 10:00 a.m., December 3, 2003, at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineers 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 evi-

dence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 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 the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

The undersigned Gary DeJong being first duly sworn, on oath deposes and says:

That he is in charge of the advertising department of the Clear Lake Courier; which newspaper is published by Gary DeJong; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter 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

Notice

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of the 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:

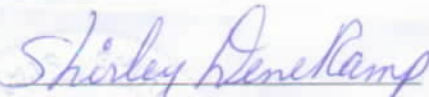
On Wednesday, November 5, 2003

On Wednesday, November 12, 2003

that the full amount of the fees for the publication of the annexed notice is **\$75.70**


Gary DeJong

Subscribed and sworn to before me this 17 day
of November, 2003


Notary Public, South Dakota
Shirley Denekamp

My Commission Expires: January 16, 2007

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 a.m., December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg. 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Nov. 5 & 12

RECEIVED

NOV 20 2003

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

SS

County of Brookings

Jessica Johnson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed

that the

Legal # 568: " Water Permit # 3574-3 "

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for _____ 2 times, to-wit:

November 5, 2003

November 12, 2003

said Exhibit "A" inures to the sole benefit fo the publishers 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; that the fees charged for the publication thereof are:

Seventy one dollars and seventy-three cents \$ 71.73

Subscribed and sworn to before me this

12th

day of

November

2003.

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

Legal 568, 2x, 11/5, 11/12
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

NOV 20

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Candi Jensen

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 31 day of October, 20 03, and that the succeeding publications were severally

on Friday, the 7 day of November, 20 03,

on Friday, the _____ day of _____, 20 _____,

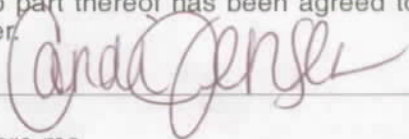
on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

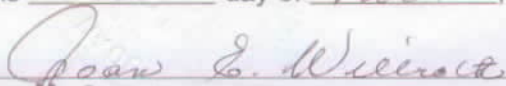
Sixty nine dollars and 70 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the 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 other person whomsoever.



Subscribed and sworn to before me

this 7th day of Nov, 20 03



My Commission Expires
April 17, 2005

Notary Public

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre-feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 a.m., December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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 the petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 will be conducted

RECEIVED

NOV 13 2003

WATER RIGHTS
PROGRAM

pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by November 21, 2003. 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 delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish: October 31 & November 7, 2003



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

RECEIVED

NOV 13 2003

WATER RIGHTS
PROGRAM

Laura P. Waack of said county, being, first duly sworn, on oath, says: That he/~~she~~ is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/~~she~~ has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Water Permit No. 3574-3

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

<u>Nov. 5</u>	<u>20 03</u>	<u>20</u>
<u>Nov. 12</u>	<u>20 03</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 72.24.

Signed: Laura P. Waack

subscribed and sworn to before me this 12 day of November 20 03

Margaret Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 2009.

No. 5705

2tdly 11/5, 11/12

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre-feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 a.m., December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, S.D.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 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 November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

Steven M. Pirner

Secretary

Department of Environment
and Natural Resources

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Denise R. Cowger, 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

Dept. of Environment and Natural Resources

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:

November 5, 12, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of 58.31 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 12th day of November, 2003



Seal expires 19th May, 2006

(Seal)

12B ■ The Mobridge Tribune - November 5, 2003

PUBLIC NOTICES

Board to review water permit

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

-110503-111203

RECEIVED

NOV 14 2003

WATER RIGHTS
PROGRAM

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. The permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 a.m., December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, 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 or notice

headed notice of Hearing To Review
Future Use Water Permit No. 3574-3

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

successive weeks, the first publication being made on the 6th day of Nov, 2003

and the last publication on the 13th day of Nov, 2003

The first publication being made on theday of.....20.....

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

The third publication being made on theday of.....20.....

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

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$46.45 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans
Subscribed and swore to me this 17th day of Nov, 2003

Brent Mungen

My Commission expires the 14th day of May, 2009

RECEIVED
NOV 19 2003
WATER RIGHTS
PROGRAM



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. 3574-3 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 procedure contained in SDCL 1-26.

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

Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

Steven M. Pirner,
Secretary, Department of
Environment and
Natural Resources
(Nov. 6-13)



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of _____)

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

NOVEMBER 5TH, 2003

NOVEMBER 12TH 2003

Cost of Printing \$164.40

Monica K Saathoff
(Signature)

MONICA K. SAATHOFF, BOOKKEERER
(Title)

NOVEMBER 12th, 2003
(Date Signed)

3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union Counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

DENR

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574-3
Notice is given that the Water
Management Board will
review Future Use Permit No.

RECEIVED
NOV 17 2003
WATER RIGHTS
PROGRAM

woner and the Chief Engineer by November 21, 2003. 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 no file a petition.

The hearing to review Future Use Permit No. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(November 5, 12, 2003)

164.40

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 11852

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Vicki Kiel being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 5 day of November 2003,

Wednesday, the 12 day of November 2003,

_____, the _____ day of _____ 2003,

_____, the _____ day of _____ 2003,

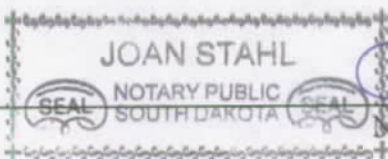
_____, the _____ day of _____ 2003,

_____, the _____ day of _____ 2003,

_____, the _____ day of _____ 2003,

and that \$157.93 was charged for publishing the same including A \$5.00 affidavit fee.

Subscribed and sworn to before 11/11/2003.



Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 145,000 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. 3574-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

11852 Nov. 5 & 12, 2003

RECEIVED

NOV 17 2003

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingsbury) SS

I, Dale Blegen

certify that the attached printed Notice was taken

from the De Smet News

printed and published in De Smet,

County of Kingsbury and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 5, 2003

November 12, 2003

Cost of Printing 68.85

Marie Langland
(Signature)

Office Manager
(Title)

11-14-03
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006, 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10 a.m., Dec. 3, 2003, at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by Nov. 21, 2003. 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-

RECEIVED

NOV 17 2003

WATER RIGHTS
PROGRAM

10922 X 35.1 x 80% WK 2 -

28.25
30.60
68.85

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. 3574-3 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 Nov. 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by Nov. 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

11-5-2wc-11-12

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lake) SS

I, Deanna Bergheim

certify that the attached printed Notice was taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, November 5, 2003

Wednesday, November 12, 2003

Cost of Printing \$72.21

Seventy Two and 21/100

Deanna Bergheim
(Signature)

Secretary

(Title)

November 12, 2003
(Date Signed)

Wed., Nov. 5, 12, 2003

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 145,000 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. 3574-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SSDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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 is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED
NOV 17 2003
WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 6, 2003

November 13, 2003

Cost of Printing \$67.39

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

11-13-2003
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 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 Right Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

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

Publish November 6 and 13, 2003
45-2

67.39

RECEIVED

NOV 17 2003

WATER RIGHTS
PROGRAM

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 3574-3

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 the said newspaper was regularly published, to-wit:

<u>November 5 2003</u>	<u>20</u>
<u>November 12 2003</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 71.62, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me 12th this day of Nov 20 03

Debra L. Hemmer
Notary Public, Grant County, South Dakota



DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2009

RECEIVED

NOV 14 2003

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings, SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposal 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. 3574-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

Publication Fee	\$ <u>71.62</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>71.62</u>

Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT }
ss.

Filed in the office of _____
on the _____ day of _____, 20____

Attorney for _____

ber 21, 2003. 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. 3574-3 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 present or to be represented by a lawyer. These and other due processes rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

November 5

November 12

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 5, 2003

November 12, 2003

Cost of Printing \$ 74.30

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

11-12-03
(Date Signed)

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 of obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

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

(Nov. 5 & 12, 2003)

RECEIVED

NOV 14 2003

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 400,000 acre feet from the Missouri River. The district seeks to retain 145,000 acre-feet of water annually to hold for use by municipalities, rural water systems and industrial use within the district boundaries. This notice serves to clarify that the Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 145,000 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. 3574-3 at 10:00 a.m., December 3, 2003 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. 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. 3574-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 2004

NOTICE

Jay P Gilbertson, Manager/Treasurer
East Dakota Water Development Dist.
132B Airport Drive
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2003 to review Future Use Permit No. 3574-3. The Board allowed the permit to remain in effect for 145,000 acre-feet of water annually and amended Permit No. 3574-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 3574-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574-3 is \$3,037.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Also, enclosed is your receipt for filing the Notice of Transfer of Ownership.

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

Sincerely,

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

enclosures

AMENDMENT TO FUTURE USE PERMIT NO. 3574-3

Pursuant to the Water Management Board hearing December 3, 2004, Future Use Permit No. 3574-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3574-3 reserve for future use a total of 145,000 acre-feet of water annually.

**REISSUED SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 3574-3**

1. Future Use Water Permit No. 3574-3, for East Dakota Conservancy Sub-District was approved by the former Water Rights Commission on July 28, 1977 to reserve 400,000 acre feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. On November 3, 2003, the permit was transferred to the East Dakota Water Development District. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to the Water Management Board hearing December 3, 2003, Future Use Permit No. 3574-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3574-3 reserve for future use a total of 145,000 acre-feet of water annually.

To reflect separate ownership, Future Use Water Permit No. 3574-3 is being divided and reissued as follows:

Future Use Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006: reserves 144,000 acre-feet of water annually from the Missouri River.

Future Use Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073-6416: reserves 1,000 acre-feet of water annually from the Missouri River from not yet specified diversion points in Clay or Union Counties.

2. The water appropriated shall be used for the purpose of rural water system use, municipal and industrial and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is February 9, 1977.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- As such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.
- This Future Use Permit No. 3574-3 is approved with the stipulation that this permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

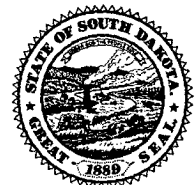
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 17 2004

date





MAR 17 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3574-3
3574A-3

Jay P Gilbertson
East Dakota Water Development District
132B Airport Drive
Brookings SD 57006

Greg Merrigan
Clay Rural Water System
30376 SD Hwy 19
Wakonda SD 57073

Dear Sirs:

Enclosed are reissued Future Use Water Permit Nos. 3574-3 and 3574A-3. To reflect separate ownership, Permit No. 3574-3 is being divided and reissued as follows:

Future Use Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006: reserves 144,000 acre-feet of water annually from the Missouri River.

Future Use Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073-6416: reserves 1,000 acre-feet of water annually from the Missouri River from not yet specified diversion points in Clay or Union Counties.

Both permits will be subject to review by the Water Management Board in the year 2010. If you have questions, please contact me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 2, 20 04

RECEIVED OF East Dakota Water Development Dist., 132 E Airport Ave., Brookings SD 57066

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct	3037 50
Fee for Application for Permit No. _____	to Appropriate Water for Future use	
Fee to retain Future Use Permit No. <u>3574-3</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	3037.50

No.

001169

By

Darland Erbe
gm

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2010

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in regard to the seven year review of Future Use Water Permit No. 3574-3 from the Missouri River which is held by the district. 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 district. Currently, our records show that 144,000 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2003.

Please respond in writing by November 1, 2010, regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3574-3 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 144,000 acre-feet remains in reserve, the fee will be \$12,055.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2010

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr
Brookings SD 57006

Dear Mr. Gilbertson:

On September 21, 2010, we notified you that Future Use Water Permit No. 3574-3 held by East Dakota Water Development District was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the district in 1977 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the September 21st letter. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The Water Management Board will not schedule Permit No. 3574-3 for review until the above information has been submitted.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2011

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Dear Mr. Gilbertson:

On September 21 and November 16, 2010, the District was notified of the pending review of Future Use Water Permit No. 3574-3. On November 17th you called and indicated a letter would be coming. This is a reminder that we have not received a letter regarding the district's intentions for this future use permit.

As stated in the previous letters, if the district plans to retain the permit, then a response needs to be submitted outlining a reasonable need for retaining the future use permit, including an estimate of future needs.

The next board hearing is scheduled for March 9 & 10, 2011. Please submit your response by January 31, 2011.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



East Dakota Water Development District

132B Airport Avenue

Brookings, SD 57006

RECEIVED

JAN 20 2011

WATER RIGHTS
PROGRAM

605-688-6741

605-688-6744 Fax

January 19, 2011

Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, South Dakota 57501

RE: Future Use Water permit No. 3574-3

Dear Ms. Schlaak:

The Board of Directors of the East Dakota Water Development District discussed the above referenced Future Use Water Permit at it's December meeting, and has decided to seek to retain it's current appropriation of the water currently reserved from the Missouri River. The permit, for 144,000 acre-feet on an annual basis, was first obtained in 1977 (albeit for a significantly larger volume), and was intended to hold in reserve sufficient water for use by municipal public water systems, industrial users and rural water systems within the District.

The Board has concluded that the amount of water covered in the current permit is reasonable to meet the needs of the public water suppliers (PWSs) within our area for the foreseeable future. A survey in 2003 of all of the major PWSs within the District found that in 2002, a total of about 14,730,000,000 gallons, or about 45,200 acre-feet, of water were used. The projected full-capacity operational needs of the Lewis and Clark Regional Water System (LCRWS), which will serve the southern portion of the District when completed, adds an additional 27,000 acre-feet to this annual usage. The current amount of 144,000 acre-feet of Missouri River water represents approximately twice the volume of water used by the current and future PWSs in the District.

The diversion points identified in the permit remain reasonable, and represent the most likely conduits for delivering water to the District. The District, working in concert with one or more public water suppliers, would be most likely to draw water from the Missouri River in Walworth, Hughes, Clay and Union Counties. The first three represent the points of origin of the WEB, Mid-Dakota and Lewis and Clark Rural Water Systems, which either extend

into the District or serve areas immediately adjacent to it. The proximity of Union County to the southern, and most populated, part of the District also makes it a likely candidate should the need to access the water ultimately develop.

The Board believes that the reasonable need outlined in the original permit to the East Dakota Conservancy Sub-District remains valid. There has been dramatic growth and development in the City of Sioux Falls and along the I-29 corridor since 1977, and this is projected to continue well into the future. In order for this area to continue to grow, access to reliable water sources will be critical. The Board believes that retaining the Future Use Water Permit will provide one assurance of the availability of such water. Further, this action is wholly consistent with the overall mission of water development districts described in South Dakota Codified Laws, Chapters 46A-3A through 46A-3E.

If you have any questions about the Board's intent or rationale regarding Future Use Water Permit 3574-3, please let me know. Otherwise, I look forward to hearing from you regarding the formal review and hearing process in front of the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay P. Gilbertson', with a long horizontal line extending to the right.

Jay P. Gilbertson
Manager/Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574-3, East Dakota Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3574-3, East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 3574-3 REMAIN in EFFECT for 144,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 3574-3, 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. 3574-3 is subject to payment of the \$12,055.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
January 21, 2011

Instruction to Newspaper-Publish first publication of the following Notice on February 3, 2011 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

RECEIVED

FEB 10 2011

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County
Enterprise

printed and published in Flanigan

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

February 2, 2011

February 9, 2011

Cost of Printing \$72.65

Angela Nibbelink
(Signature)

Bob Kooser
(Title)

2-9-2011
(Date Signed)

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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Feb. 2 & 9, 2011)

Published twice at the total approximate cost of \$70.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

RECEIVED

AFFIDAVIT OF PUBLICATION FEB 14 2011

Wednesday, Feb. 2 & 9

STATE OF SOUTH DAKOTA }
 } ss.
 County of Lake }

WATER RIGHTS
PROGRAM

Sue Anne Artko

..... of the City of Madison, County of Lake,
 State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

East Dakota Water Development District

Hearing to Review Future Use Water Permit 3574-3

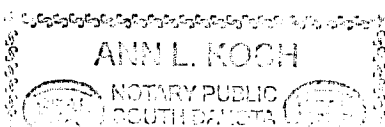
printed copy of which hereunto attached, was printed and published in the said newspaper for Two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday , the 2nd day of February , 20..... 11 ;
 On Wednesday , the 9th day of February , 20..... 11 ;
 On , the day of , 20..... ;
 On , the day of , 20..... ;
 On , the day of , 20..... ;
 On , the day of , 20..... ;
 On , the day of , 20..... ;
 On , the day of , 20..... ;

That \$ 79.53 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; 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 to any other person whomsoever.

Sue Anne Artko

Subscribed and sworn to before me this 10th day of
 February , 20..... 11



Ann L. Koch
 Notary Public, Lake County, South Dakota

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of on the
..... day of
20
Attorneys for

need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 28, 2011. 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 February 28, 2011.

STEVEN M. PIRNER
Secretary, Department of
Environment and Natural Resources
Published twice at the total
approximate cost of \$79.53

CUSTOMER NUMBER:	78200	Argus Leader P.O. Box 5677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1315269		
DATES	2/2, 2/9, 2011		\$172.26

RECEIVED
FEB 11 2011
WATER RIGHTS
PROGRAM

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

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 78200
Invoice Number: 1315269

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

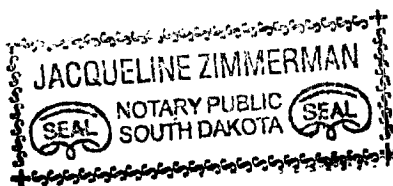
Wednesday the 2 day of February 2011 ,
Wednesday the 9 day of February 2011 ,
_____, the _____ day of _____ 2011
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,

and that \$172.26 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 2/9/2011

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



**NOTICE OF HEARING TO
REVIEW FUTURE USE**

WATER PERMIT NO. 3574-3
Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$172.26.
1315269 Feb. 2 & 9, 2011

*132B Airport Dr
Brookings, SD 57006
East Dakota Water Development District*

Affidavit of Publication

RECEIVED

FEB 18 2011

WATER RIGHTS
PROGRAM

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:

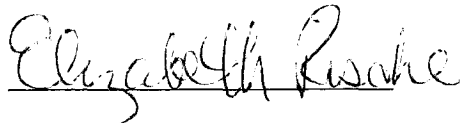
Notice of Hearing, Future Use Water Permit

East Dakota Water Development District

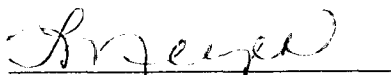
A printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

February 2nd and 9th, 2011

that the full amount of the fees charged for publishing the same to-wit: the sum of \$77.40, 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 10th day of February, 2011



Linda Meyer, Notary Public
State of South Dakota

My commission expires October 28th, 2015

(Seal)

Future use water permit hearing set

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre SD.

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

1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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.

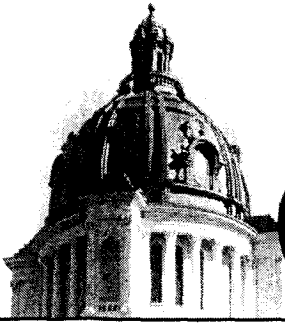
This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$77.40.

-020211-020911

LINDA LEE MEYER
Notary Public
SEAL
South Dakota



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Ona Arnold of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Notice of Hearing to Review Future Use Water Permit No. 3574-3 (East Dak. Water Dev.) a printed copy of which, taken from the paper in which the same was published, and which is here-to attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

<u>February 2</u>	<u>20 11</u>	<u>20</u>
<u>February 9</u>	<u>20 11</u>	<u>20</u>
	<u>20</u>	<u>20</u>
	<u>20</u>	<u>20</u>
	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 89.87.

Signed: Ona Arnold

subscribed and sworn to before me this 15 day of February 2011

Margi Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 2015.

RECEIVED

FEB 17 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Heather Heimes

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Yankton Media, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

DENR

NOTICE OF HEARING - FUTURE WATER USE

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 4 day of February, 20 11, and that the succeeding publications were severally

on Friday, the 11 day of February, 20 11,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Eighty-Two dollars and 85 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the 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 other person whomsoever.

Heather Heimes

Subscribed and sworn to before me

this 15 day of February, 20 11

[Signature]

My Commission Expires 1/15/2011

RECEIVED

FEB 18 2011

WATER RIGHTS
PROGRAM

Notary Public

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$82.85.

Estimated publishing cost per published copy: \$0.02227

RECEIVED

FEB 11 2011

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Southern Union County

Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 3, 2011

February 10, 2011

Cost of Printing \$79.01


(Signature)

Affidavits Coordinator
(Title)

February 10, 2011

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Publish February 3 and 10, 2011 Published twice at the total approximate cost of \$79.01 5-9-118

Printer's Affidavit of Publication

RECEIVED

RECEIVED

FEB 11 2011

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Clarence Justice PROGRAM

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publica-

tion, that I, the undersigned, Associate Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 3574-3

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 the said newspaper was regularly published, to-wit:

<u>February 2 2011</u>	<u>20</u>
<u>February 9 2011</u>	<u>20</u>
<u>20</u>	<u>20</u>

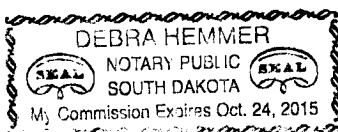
That \$ 14.77, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice

Subscribed and sworn to before me this 10th day of Feb 20 11

Debra Hemmer

Notary Public, Grant County, South Dakota



Publication Fee \$ 74.77

Notarial Fee \$

Total \$ 74.77

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 for progress made in the development of water reserved by the Permit and future plans for redevelopment of the water reserved by Permit No. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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

Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT } ss.

Filed in the office of _____

on the
day of _____, 20____

Attorney for _____

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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$74.77.

Feb. 2

Feb. 9

RECEIVED

FEB 11 2011

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of CODINGTON)

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

FEB 2nd 2011

FEB 9th, 2011

Cost of Printing 164.48

Monica Saathoff
(Signature)

BOOKKEEPER

(Title)

FEB 9th, 2011

(Date Signed)

**EAST DAKOTA
WATER**

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and

the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$164.75.

(February 2 & 9, 2011)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com

164.48

RECEIVED

FEB 17 2011

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Hamlin)

I, LeeAnne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hamlin

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Feb 2, 2011

Feb 9, 2011

Cost of Printing \$69.50

LeeAnne Archer
(Signature)

Owner
(Title)

2-16-2011
(Date Signed)

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011.

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

Published Feb. 2 and 9, 2011, at total cost of \$69.50.

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 a.m. on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$73.49.
Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources
2-2-2t

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

**EAST DAKOTA WATER
DEVELOPMENT DISTRICT**

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:

**FEBRUARY 2, 2011
FEBRUARY 9, 2011**

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

73.49

William J. Krikac

RECEIVED

Subscribed and sworn to before me this

FEB 24 2011

**WATER RIGHTS
PROGRAM**

23RD DAY OF FEBRUARY, 2011

Anna Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013

RECEIVED

FEB 16 2011

Affidavit of Publication

State of South Dakota

ss

WATER RIGHTS
PROGRAM

Exhibit "A"

County of Brookings

Laura Johnson of said county, first duly sworn, on oath says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#963 Notice of Hearing - Water Permit

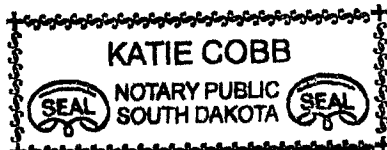
same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit

February 2, 2011

February 9, 2011

said Exhibit "A" inures to the sole benefit for the publishers 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; that the fees charged for the publication thereof are:

Seventy dollars and thirty-one cents \$70.31



Subscribed and sworn to before me this

February

10th

day of

2011

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires July 14, 2015

Legal 963, 2x, 2/2, 2/9
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$70.31.

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574-3**

SS.

Notice of Hearing

Water Print # 3574-3, 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

February 2 2011 : _____ 20
February 9 2011 : _____ 20
_____ 20 : _____ 20
_____ 20 : _____ 20

\$ 77.67

Marie Langford
Notary Public
Kingsbury County, South Dakota

My commission expires 6-6, 2014

Pursuant to SDCL 46-2A-2, the chief engineer of the Water Rights Program recommends that Permit No. 3574-3 remain in effect for 144,000 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. 3574-3 at 10 a.m. on March 9, 2011, at the Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDLC 1-26, must file a written petition with both the permit owner and the chief engineer by Feb. 28, 2011. 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

RECEIVED
FEB 10 2011
WATER RIGHTS
PROGRAM

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. 3574-3 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 to obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352), by Feb. 28, 2011. 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 Feb. 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$77.67.

2-2-2wc-2-9

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. 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.

RECEIVED

FEB 10 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson 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 or notice headed

Notice of Hearing to Review Future Use
Water Permit No 3574-3

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, once each week for 2 successive weeks, the first publication being made on the 3rd day of Feb 2011.

And the last publication on the 10th day of Feb 2011.

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

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.....

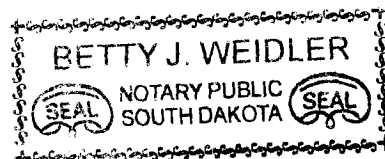
The fifth publication being made on the day of 20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in on office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$62.23 and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this 10th day of Feb 2011.

Betty J. Weidler

My commission expires the 29th day of April 2016.



The hearing to review Future Use Permit No. 3574-3 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 February 28, 2011. 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 February 28, 2011. Steven M. Pirner, Secretary, ~~Department of Environment and Natural Resources.~~

Published twice at the total approximate cost of \$62.23.

2 (Feb. 3 & 10)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

Grant Co Review
PO Box 390
Milbank SD 57252

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Public Opinion
PO Box 10
Watertown SD 57201

Dear Sir:

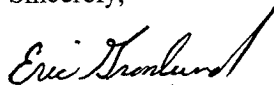
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Hamlin Co Herald Enterprise
PO Box 207
Hayti SD 57241

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Clark Co Courier
119 1st Ave E
Clark SD 57225

Dear Sir:

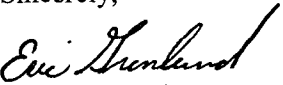
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Brookings Register
PO Box 177
Brookings SD 57006

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

DeSmet News
PO Box 69
DeSmet SD 57231

Dear Sir:

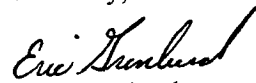
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Miner Co Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 3, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Mobridge Tribune
PO Box 250
Mobridge SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Plain Talk
201 W Cherry St
Vermillion SD 57069

Dear Sir:

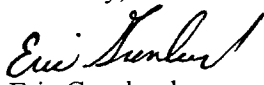
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 4, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Southern Union Co Leader-Courier
PO Box 310
Elk Point SD 57025

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 3, 2011 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 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Moody Co. Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

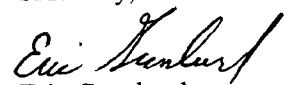
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

Capital Journal
PO Box 787
Pierre SD 57501

Dear Sir:

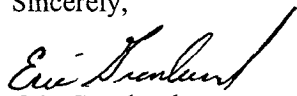
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574-3 to be published twice. Please publish the first notice on February 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006. (phone 688-6741).

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 January 21, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574-3 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

January 21, 2011

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

Jay Gilbertson
East Dakota Water Development Dist
132 B Airport Dr
Brookings SD 57006

Dear Mr. Gilbertson:

Future Use Permit No. 3574-3 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:

Grant Co Review – 432-4516	Public Opinion – 886-6901	Hamlin Co Herald Enterprise – 783-3636
Clark Co Courier – 532-3654	Brookings Register – 692-6271	DeSmet News – 854-3331
Miner Co Pioneer – 772-5644	Moody Co Enterprise – 997-3725	Daily Leader – 256-4555
Argus Leader – 331-2200	Mobridge Tribune – 845-3646	Capital Journal – 224-7301
Plain Talk – 624-2695	Southern Union Co Leader-Courier – 356-2632	

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

March 10, 2011

NOTICE

Jay Gilbertson
East Dakota Water Development Dist
132 B Airport Dr
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in response to action taken by the Water Management Board at the hearing on March 9, 2011 to review Future Use Permit No. 3574-3. The Board allowed the permit to remain in effect for 144,000 acre-feet of water annually. Future Use Permit No. 3574-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574-3 is \$12,055.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

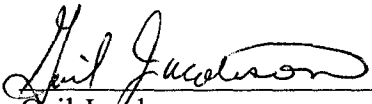
Sincerely,

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

CERTIFICATION

I hereby certify that on March 10, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10 2011 regarding future use permits addressed as stated below:

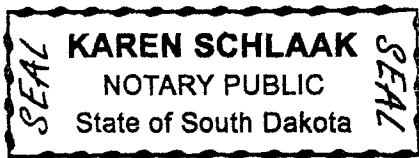
South Lincoln RWS, T Rausch, PO Box 15, Canton SD 57013	4817-3
Clay RWS, G Merrigan, 30376 Hwy 19, Wakonda SD 57073	3574A-3
City of Hoven, W Rausch, PO Box 157, Hoven SD 57450	4860-3
East Dakota WDS, 132 B Airport Dr., Brookings SD 57006	3574-3
City of Parker, J Duchscher, PO Box 265, Parker SD 57053	4798-3


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 20 11.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/6, 2011

RECEIVED OF East Dakota Water Dev District 132B Airport Ave Brookings SD 57006

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	12055 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>3574-3</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	12055.00

No. **04962**

By

Harold Erbe
Chief Engineer



3574-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

December 6, 2017

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in regard to the seven year review of Future Use Water Permit No. 3574-3 from the Missouri River held by the East Dakota Water Development District. 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 district. Currently, our records show that 144,000 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2011.

Please respond in writing by January 6, 2018 regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

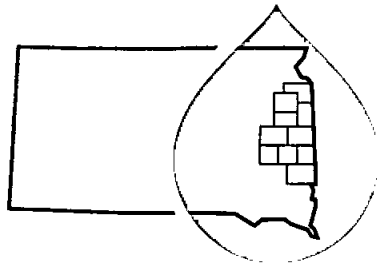
Permit No. 3574-3 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 144,000 acre-feet remain in reserve, the fee will be \$12,550.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

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



**EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT**

**RECEIVED
JAN 04 2018
WATER RIGHTS
PROGRAM**

January 2, 2018

Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, South Dakota 57501

RE: Future Use Water permit No. 3574-3

Dear Ms. Schlaak:

The Board of Directors of the East Dakota Water Development District discussed the above referenced Future Use Water Permit at its December 21, 2017, meeting, and has decided to seek to retain its current appropriation of the water currently reserved from the Missouri River. The permit, for 144,000 acre-feet on an annual basis, was first obtained in 1977 (albeit for a significantly larger volume), and was intended to hold in reserve sufficient water for use by municipal public water systems, industrial users and rural water systems within the District.

The Board has concluded that the amount of water covered in the current permit is reasonable to meet the needs of the public water suppliers (PWSs) within our area for the foreseeable future. A survey in 2003 of all of the major PWSs within the District found that in 2002, a total of about 14,730,000,000 gallons, or about 45,200 acre-feet, of water were used. The projected full-capacity operational needs of the Lewis and Clark Regional Water System (LCRWS), which will serve the southern portion of the District when completed, adds an additional 27,000 acre-feet to this annual usage. The current amount of 144,000 acre-feet of Missouri River water represents approximately twice the volume of water used by the current and future PWSs in the District.

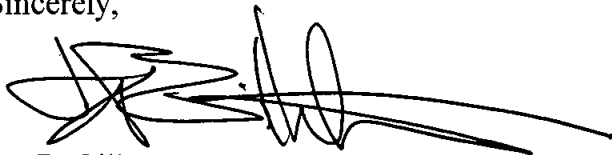
The diversion points identified in the permit remain reasonable, and represent the most likely conduits for delivering water to the District. The District, working in concert with one or more public water suppliers, would be most likely to draw water from the Missouri River in Walworth, Hughes, Clay and Union Counties. The first three represent the points of origin

of the WEB, Mid-Dakota and Lewis and Clark Rural Water Systems, which either extend into the District or serve areas immediately adjacent to it. The proximity of Union County to the southern, and most populated, part of the District also makes it a likely candidate should the need to access the water ultimately develop.

The Board believes that the reasonable need outlined in the original permit to the East Dakota Conservancy Sub-District remains valid. There has been dramatic growth and development in the City of Sioux Falls and along the I-29 corridor since 1977, and this is projected to continue well into the future. In order for this area to continue to grow, access to reliable water sources will be critical. The Board believes that retaining the Future Use Water Permit will provide one assurance of the availability of such water. Further, this action is wholly consistent with the overall mission of water development districts described in South Dakota Codified Laws, Chapters 46A-3A through 46A-3E.

If you have any questions about the Board's intent or rationale regarding Future Use Water Permit 3574-3, please let me know. Otherwise, I look forward to hearing from you regarding the formal review and hearing process in front of the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay P. Gilbertson', with a long horizontal flourish extending to the right.

Jay P. Gilbertson
Manager/Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574-3, East Dakota Water Development District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3574-3, East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Dr., Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 3574-3 REMAIN in EFFECT for 144,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 3574-3, 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. 3574-3 is subject to payment of the \$12,500.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive.

Jeanne Goodman, Chief Engineer
January 17, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 17, 2018

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

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Dear Mr. Gilbertson:

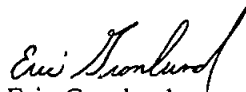
Future Use Permit No. 3574-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the following papers:

Clear Lake ✕ Grant Co Review – 432-4516 ✕ Public Opinion – 886-6901 ✕ Hamlin Co Republican – 793-2293
✕ ~~Clark Co~~ Courier – 532-3654 ✕ Brookings Register – 692-6271 ✕ DeSmet News – 854-3331
✕ Miner Co Pioneer – 772-5644 ✕ Moody Co Enterprise – 997-3725 ✕ Daily Leader – 256-4555
✕ Argus Leader – 331-2200 ✕ Mobridge Tribune – 845-3646 ✕ Capital Journal – 224-7301
✕ Plain Talk – 624-2695 ✕ Southern Union Co Leader-Courier – 356-2632

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 24 or 25, 2018. 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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 22, 2018 8:32 AM
To: clprint2@itctel.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132 B Airport Dr., Brookings SD 57006 (668-6612) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:31 AM
To: legals@capjournal.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:30 AM
To: Ann Koch (ann@madisondailyleader.com)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:29 AM
To: mail@desmetnews.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:28 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published in the Hamlin County Republican on January 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:26 AM
To: G5 (leader1@iw.net)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 25, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:25 AM
To: Jane Bachman (cc@mobridgetribune.com)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:24 AM
To: mce6@mcisweb.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:23 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:23 AM
To: legals@thepublicopinion.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:22 AM
To: classifieds@plaintalk.net
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 26, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:21 AM
To: allegals@argusleader.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:20 AM
To: ads@minercountypioneer.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 25, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:19 AM
To: courier@itctel.com
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 10:19 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 3574-3, East Dakota WDD
Attachments: 3574-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on Janaury 24, 2018.

East Dakota Water Development District, c/o Jay Gilbertson, 132B Airport Dr, Brookings SD 57006 (605 688-6741) 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
SD DENR, Water Rights Program
(605) 773-3352



AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
County of Kingsbury.

SS.

David Title

of said county being first duly sworn on oath, says that he is the publisher of THE DE SMET NEWS, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks 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

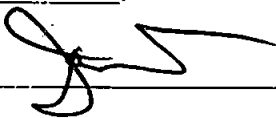
No. 3574-3, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least

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

1/24/2018; 20
20; 20
20; 20
20; 20

that the full amount of the fee charged for the publication of said notice accrues 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, and that the fees charged for the publication thereof are

\$ 48.13



Subscribed and sworn to before me this 14th
day of February A.D. 2018

Margaret A. Wilde

Notary Public
Kingsbury County, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

127
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 February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3,

parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$48.13.

1-24-1wc

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all 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 Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice Of Hearing Future Use Water Permit No.3574-3

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 week(s) to wit:

January 24, 2018

That the full amount of the fee charged for 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: \$46.64

Ken Reiste
Ken Reiste

Subscribed and sworn to before me

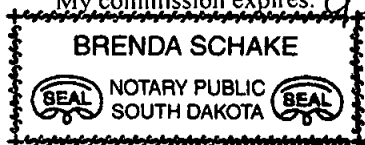
this 9th day of February
2018

Brenda Schake

Notary Public, South Dakota

My commission expires: 9.21.21

BRENDA SCHAKE



Public notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codrington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

RECEIVED

FEB 12 2018

WATER RIGHTS
PROGRAM

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Published once at the approximate
cost of \$46.64. (49-1/138)

RECEIVED

FEB 05 2018

Affidavit of Publication
WATER RIGHTS
PROGRAM

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

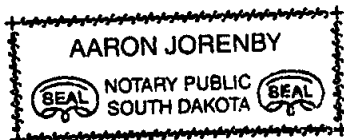
Leg#105 Notice of Hearing- East Dakota Water District

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

January 24, 2018

said Exhibit "A" inures to the sole benefit for the publishers 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; that the fees charged for the publication thereof are:

Forty-Three Dollars and Eighty-Six Cents \$43.86



January

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 105, 1x, 1/24
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 3574-3
Notice is given that the
Water Management
Board will review Future
Use Permit No. 3574-3
held by East Dakota
Water Development
District, c/o Jay
Gilbertson, Manager,
132B Airport Drive,
Brookings SD 57006
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. 3574-3. This

permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing

address of the petitioner or his legal counsel, if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018. According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$43.86.

Km Furtz

31 day of

2018

Ag

NOTICES • LEGAL N

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding

upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson 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 or notice headed

Notice of Hearing to
Review Future water use - Permit # 3574-3

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, once each week for1..... successive weeks, the first publication being made on the25 day of Jan..... 2018...

And the last publication on the day of 20.....

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

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

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

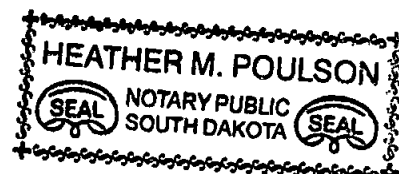
The fourth publication being made on the day of 20.....

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in on office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$..43.36. and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever

Subscribed and sworn to me this ...25... day of ...Jan... 2018...

My commission expires the10 day of ...Oct... 2019



RECEIVED
FEB 01 2018
WATER RIGHTS
PROGRAM

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

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published one time at the approximate total cost of \$43.36.

(January 25)

RECEIVED

JAN 31 2018

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Jan. 24, 2018

Cost of Printing \$44.48

LeeAnne Dufek
(Signature)

Owner
(Title)

1-26-2018
(Date Signed)

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building,

523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published Jan. 24, 2018, at total cost of \$44.48.

Printer's Affidavit of Publication

RECEIVED.

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

JAN 29 2018

WATER RIGHTS
PROGRAM

Ashlie Schweitzer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 3574-3 - East Dakota Water Development District 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 week, on the day of each week on which the said newspaper was regularly published, to-wit:

January 24 2018
20
20

20
20
20

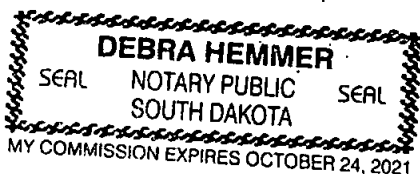
That \$ 49.10, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 24th day of Jan 2018

Debra Hemmer

Notary Public, Grant County, South Dakota



Publication Fee \$ 49.10
Notarial Fee \$ 0
Total \$ 49.10

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

Printer's Affidavit of Publication

and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT } ss.

Filed in the office of _____

on the _____

day of _____, 20____

Attorney for _____

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$49.10.

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

EAST DAKOTA WATER DEVELOPMENT DISTRICT
JAY GILBERTSON
132B AIRPORT DR
BROOKINGS SD 57006

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI
WATER PERMIT NO 3574-3
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF January, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$43.94 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 01/26/2018

FILED ON: 01/26/2018

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF January, 2018

Angela M. Schill

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 08/19/2021

Ad text : NOTICE OF HEARING

TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$43.94.

Publish: January 26, 2018.

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SSI, Jackie Wettestad

certify that the attached printed Notice was taken

from the Watertown Public
Opinionprinted and published in WatertownCounty of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

January 24, 2018Cost of Printing \$90.99Jackie Wettestad
(Signature)Accounting Clerk
(Title)1/26/18
(Date Signed)DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCESNOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Watertown, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 Groomlund, Water Rights Program, (605 773-3352) by February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

90.99
Published once at the
approximate cost of \$85.99.
(January 24, 2018)

JAN 29 2018

Wednesday, Jan. 24

AFFIDAVIT OF PUBLICATION

WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA }
 County of Lake } ss.

Aubrey Larsen of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

East Dakota Water Development District

Hearing to Review Future Use Water Permit No 3574-3

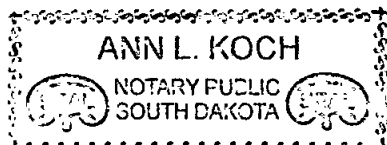
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 24th day of January, 2018;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;

That \$ 48.14 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; 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 to any other person whomsoever.

Aubrey Larsen

Subscribed and sworn to before me this 25th day of January, 2018



Ann L. Koch
 Notary Public, Lake County, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and

Publication Fees _____ \$ _____

Notary Fees _____ \$ _____

Total _____ \$ _____

Received Payment,

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of
..... on the
..... day of
20

Attorneys for

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 February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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

M. t 1M

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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018.

STEVEN M. PIRNER
Secretary, Department of
Environment and
Natural Resources

Published once at the total
approximate cost of \$48.14

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, 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 52 consecutive 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 advertisement headed:

Notice of Hearing To Review

Future Use Water Permit

NO. 3574-3

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

1-24-18

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the 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 person whomsoever, and that the fees charged for the publication thereof are

\$ 47.50

M. L. Headrick

bookkeeper

Subscribed and sworn to before me this

25th

day of

January

AD 2018

Roger W. Janssen

Notary Public, County of Moody, South Dakota

ROGER W JANSSEN

NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2/16/18

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 per-

son, 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$47.50

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SSI, Marylinn Baker

certify that the attached printed Notice was taken

from the Capital Journalprinted and published in PierreCounty of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

1-24-18

Cost of Printing

\$49.56Marylinn Baker
(Signature)Business Office Asst.
(Title)1-25-18

(Date Signed)

Public Notice

ington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyo Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", one floor Building, 523 E Capitol Ave, Pierre SD 57501 (605 773 3352) and the permit holder's mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel, if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary Department of Environment and Natural Resources

Published once at the approximate cost of \$49.56.

*SNAXLE-1812
tidy 1/24

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.

3574-3
Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Garbison, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Cod-

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing to Review

Future Use Water Permit No. 3574-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 25 day of January, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 45.48, that the full amount of the fee charged insures to the benefit of the publisher of the 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 other person whomsoever.

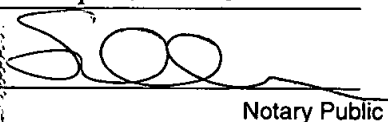


Subscribed and sworn to before me

this 25 day of January, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA


Notary Public

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

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 February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605

773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Publish Jan. 25, 2018

Published once at the total approximate cost of \$45.48
4-7-148

CUSTOMER NUMBER:	78306	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	2674835	
RUN DATES:	1/25, 2018	
		AMOUNT DUE: \$107.99 pd.

RECEIVED

JAN 29 2018

WATER RIGHTS PROGRAM

Attn: Karen Schlaak
 Water Rights Program
 523 E. Capital - Jose Foss Building
 Pierre, SD 57501-0000

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 78306
 Invoice Number: 902065

523 E. Capital - Jose Foss Building

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday	the	25	day of	January	2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,

and that \$107.99 pd. was charged for publishing the same

Sara Kruse
 Subscribed and sworn to before me 1/25/18

Betty Gates
 Notary Public, South Dakota

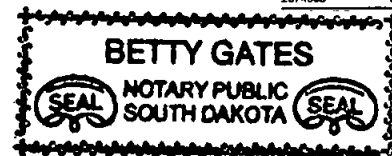
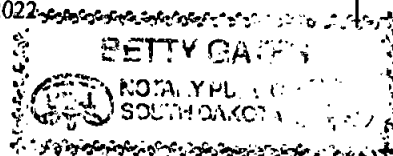
My Commission expires March 11, 2022

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertsen, Manager, 1328 Airport Drive, Brookings SD 57003 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Watworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codrington, Hamlin, Deuel, Brookings, Kingsbury, Minner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capital, 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 February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capital Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-33.1; 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 February 26, 2018. 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 February 25, 2018. According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capital Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$107.99. 2674835 Jan 25, 2018



RECEIVED

FEB 05 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Cris Holder, 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 board to review future use permit held by East Dakota Water Development District

Water Management Board

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:

January 24, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$47.73 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.

Cris Holder

Subscribed and sworn to before me this 30th day of January, 2018

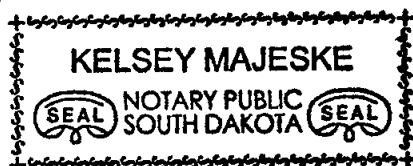
Kelsey Majeske

Kelsey Majeske, Notary Public

State of South Dakota

My commission expires September, 2018

(Seal)



Water board to review future use permit held by East Dakota Water Development District

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 144,000 acre-feet of water from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha. The water is for rural water system, municipal and industrial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 144,000 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. 3574-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523

E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574-3 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 February 26, 2018. 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 February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$47.73.

-012418



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 8, 2018

NOTICE OF ENTRY OF ORDER

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Dear Mr. Gilbertson:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2018 to review Future Use Permit No. 3574-3. The Board allowed the permit to remain in effect for 144,000 acre-feet of water annually. Future Use Permit No. 3574-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574-3 is \$12,550 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeanne Goodman'. The signature is fluid and cursive, with a large initial 'J'.

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

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 8, 2018 addressed as stated below:

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

City of Parker
Adam Jans, Finance Officer
PO Box 265
Parker SD 57053

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Wendy Rausch, Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450

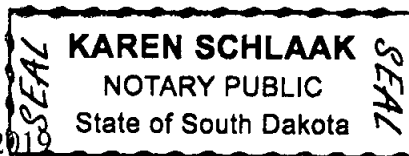
Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires A



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

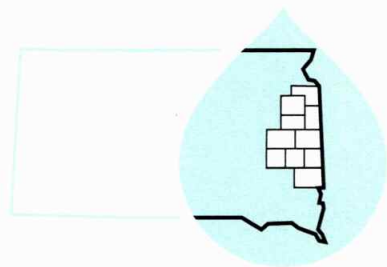
RECEIVED OF East Dakota Water Dev. District 132B Airport Ave Brookings, SD 57006 Date March 22, 2018

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	12550	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ <u>3574-3</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. _____	12550	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08634**

By Jeanne Goodman
Chief Engineer
Jm



**EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT**

January 10, 2022

Eric Gronlund, Chief Engineer
DANR Water Rights Program
523 East Capitol Avenue
Pierre, SD 57501

Dear Mr. Gronlund:

On December 16, 2021, the Board of Directors of the East Dakota Water Development District agreed to transfer a portion of the Missouri River water reserved under the District's Future Use Permit No. 3574-3 to the Lewis & Clark Regional Water System, 46986 Monty Street, Tea, South Dakota. The District's existing Future Use Permit is for 144,000 acre-feet/year, to be drawn from not yet specified points in Clay, Hughes, Union and/or Walworth Counties.

Specifically, the Board agreed to transfer the right to future use of 52,500 acre-feet/year of the District's total amount of water reserved under Permit No. 3574-3. We understand that this transfer will leave the District with reserves of 91,500 acre-feet/year of Missouri River water.

If you have any questions about the Board's action, or require additional information, please let me know.

Sincerely,

Jay P. Gilbertson
Manager/Treasurer

cc: Troy Larson, Lewis & Clark Regional Water System



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 05 2022

3574-3

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr
Brookings SD 57006

Dear Mr. Gilbertson:

Enclosed is your reissued Future Use Permit No. 3574-3. To reflect separate ownership of the reserved water, No. 3574-3 has been divided and reissued as follows:

Future Use Permit No. 3574-3, East Dakota Water Development District: reserving 91,500 acre-feet of water annually from the Missouri River.

Future Use Permit No. 3574B-3, Lewis & Clark Regional Water System: reserving 52,500 acre-feet of water annually from the Missouri River.

Both future use permits will be subject to review by the Water Management Board in 2025. If you have any questions, please contact our office.

Sincerely,

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

enclosure

SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 3574-3

1. Future Use Water Permit No. 3574-3, for East Dakota Conservancy Sub-District was approved by the former Water Rights Commission on July 28, 1977 to reserve 400,000 acre feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. On November 3, 2003, the permit was transferred to the East Dakota Water Development District. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody & Minnehaha.

Pursuant to the Water Management Board hearing December 3, 2003, Future Use Permit No. 3574-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3574-3 reserve for future use a total of 145,000 acre-feet of water annually.

To reflect separate ownership of the water in reserve, Future Use Water Permit No. 3574-3 was divided and reissued on March 17, 2004, as follows:

- Future Use Permit No. 3574-3, East Dakota Water Development District, reserving 144,000 acre-feet of water annually from the Missouri River.
- Future Use Permit No. 3574A-3, Clay Rural Water System, reserving 1,000 acre-feet of water annually from the Missouri River from not yet specified diversion points in Clay or Union Counties.

On March 17, 2022, the East Dakota Water Development District transferred 52,500 acre feet of reserved water under Future Use No. 3574-3 to the Lewis & Clark Regional Water System leaving 91,500 acre feet of water for future use for the East Dakota Water Development District.

No. 3574-3 is being divided and reissued as follows:

- Future Use Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006: reserving 91,500 acre-feet of water annually from the Missouri River.
 - Future Use Permit No. 3574B-3, Lewis & Clark Regional Water System, 46986 Monty Street, Tea SD 57064: reserving 52,500 acre-feet of water annually from the Missouri River.
2. The water appropriated shall be used for the purpose of rural water system use, municipal and industrial and may not exceed the amount of water needed for beneficial use.
 3. The water is to be used during the following described annual period: January 1 - December 31.
 4. The date from which applicant may claim right is February 9, 1977.
 5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- As such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.
- This Future Use Permit is approved with the stipulation that this permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

WATER MANAGEMENT BOARD

By: Eric Gronlund

Date: APR 05 2022

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture & Natural Resources





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

East Dakota Water Development District
Jay Gilbertson, Manager
132B Airport Drive
Brookings SD 57006

Dear Mr. Gilbertson,

I am writing in regard to the seven year review of Future Use Water Permit No. 3574-3 from the Missouri River held by East Dakota Water Development District. 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 district. Currently, our records show that 91,500 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2018.

Please respond in writing by January 31, 2025, regarding the district's intention for the future use permit. If the district plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

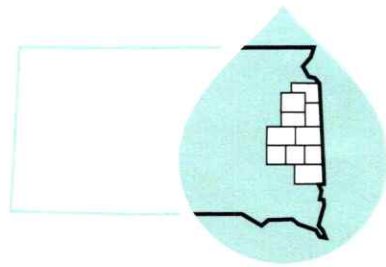
Permit No. 3574-3 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 91,500 acre-feet remain in reserve, the fee will be \$7,685.00.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us



**EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT**

RECEIVED
FEB 03 2025
OFFICE OF
WATER

January 31, 2025

Rachel Rodriguez
Water Rights Program
Department of Agriculture & Natural Resources
523 East Capitol Avenue
Pierre, South Dakota 57501

RE: Future Use Water permit No. 3574-3

Dear Ms. Rodriguez:

The Board of Directors of the East Dakota Water Development District discussed the above referenced Future Use Water Permit at its January 23rd, 2025, meeting, and has decided to seek to retain its current appropriation of the water currently reserved from the Missouri River. The permit, for 91,500 acre-feet on an annual basis, was first obtained in 1977 (albeit for a significantly larger volume), and was intended to hold in reserve sufficient water for use by municipal public water systems, industrial users and rural water systems within the District.

The Board has concluded that the amount of water covered in the current permit is reasonable to meet the needs of the public water suppliers (PWSs) within our area for the foreseeable future. A survey in 2003 of all of the major PWSs within the District found that in 2002, a total of about 14,730,000,000 gallons, or about 45,200 acre-feet, of water were used. The current amount of 91,500 acre-feet of Missouri River water represents approximately twice the volume of water identified in our 2003 survey of PWSs in the District. I would note that during the Board's recent discussion of this permit, I was directed to conduct a re-assessment of water use within the District with an eye toward making adjustments in our future use holdings.

The diversion points identified in the permit remain reasonable, and represent the most likely conduits for delivering water to the District. The District, working in concert with one or more public water suppliers, would be most likely to draw water from the Missouri River in Walworth, Hughes, Clay and Union Counties. The first three represent the points of origin

of the WEB, Mid-Dakota and Lewis and Clark Rural Water Systems, which either extend into the District or serve areas immediately adjacent to it. The proximity of Union County to the southern, and most populated, part of the District also makes it a likely candidate should the need to access the water ultimately develop.

The Board believes that the reasonable need outlined in the original permit to the East Dakota Conservancy Sub-District remains valid. There has been dramatic growth and development in the City of Sioux Falls and along the I-29 corridor since 1977, and this is projected to continue well into the future. In order for this area to continue to grow, access to reliable water sources will be critical. The Board believes that retaining the Future Use Water Permit will provide one assurance of the availability of such water. Further, this action is wholly consistent with the overall mission of water development districts described in South Dakota Codified Laws, Chapters 46A-3A through 46A-3E.

If you have any questions about the Board's intent or rationale regarding Future Use Water Permit 3574-3, please let me know. Otherwise, I look forward to hearing from you regarding the formal review and hearing process in front of the Water Management Board.

Sincerely,



Jay P. Gilbertson
Manager/Treasurer

RECEIVED

FEB 03 2025

OFFICE OF
WATER



**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. 3574-3**

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. 3574-3, East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 3574-3 REMAIN in EFFECT for 91,500 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 3574-3, 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. 3574-3 is subject to payment of the \$ 7,685.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Eric Gronlund, Chief Engineer
January 31, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2025

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

East Dakota Water Development District
c/o Jay Gilbertson, Manager
132B Airport Drive
Brookings SD 57006

Dear Mr. Gilbertson:

Future Use Permit No. 3574-3 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 the county where water will be diverted or used. Notice of this review has been sent to the following newspapers:

- | | |
|---|---|
| ✓Milbank Grant Co Review 432-4516 | ✓Watertown Public Opinion * |
| ✓Clear Lake Courier 874-2499 | ✓Brookings Register 692-6271 |
| ✓Howard Miner Co Pioneer 772-5644 | ✓Flandreau Moody Co Enterprise 997-3725 |
| ✓Sioux Falls Argus Leader * | ✓Mobridge Tribune 845-3646 |
| ✓Vermillion Plain Talk 624-2695 | ✓So Union Co Leader Courier 356-2632 |
| ✓Castlewood Hamlin Co Republican 793-2293 | |
| ✓Kingsbury Journal 854-3331 | |
| ✓Madison Daily Leader * | |
| ✓Capital Journal * | |

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

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on February 5, 6 or 7, 2025. The district is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 _____.

Instruction to Newspaper - Publish the following Notice on February 13, 2025. The district is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 24, 2025.

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. 3574-3 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 February 24, 2025.

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 February 24, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 24, 2025. 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 _____.

Water Rights Program - File Documentation

NAME: East Dakota Water Development District

ADDRESS: 132B Airport Drive, Brookings SD 57006

DATE: February 3, 2025

RE: Future Use Review Public Notice

COMMENTS:

Jay Gilbertson called regarding the public notice for Future Use Review 3574-3. He stated that Miner County was no longer served by the district, as it has obtained water from a different source. He also said there was no need to update this public notice, and it was fine to publish as is. However, going forward, as in the next 7-year review, it should be removed and not published which I agreed.

Rachel Rodriguez

Rachel Rodriguez

Water Rights Program

605 773-3352

rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:07 PM
To: gcreview@itcmilbank.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:09 PM
To: ClearLake
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:19 PM
To: minercountypioneer@alliancecom.net
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:22 PM
To: legals@argusleader.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:23 PM
To: Kelly Kronaizl
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 7, 2025 in the Plain Talk.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

Let me know if you have questions. [Please acknowledge receipt of this email.](#)

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:24 PM
To: legals@thepublicopinion.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:25 PM
To: registerclassifieds@brookingsregister.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:28 PM
To: mce6@mcisweb.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:31 PM
To: ads@mobridgetribune.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741 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 Ave, Pierre SD 57501.

Let me know if you have questions. [Please acknowledge receipt of this email.](#)

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:34 PM
To: timesleader1@gmail.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025, in the Southern Union County Leader-Courier.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:37 PM
To: LeeAnne Dufek
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025, in the Hamlin County Republican.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

Madison Daily Leader

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 12:40 PM
To: Stephanie Dickey
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 1:11 PM
To: legals@kingsburyjournal.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 1:18 PM
To: legals@wickpublicnotice.com
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 5, 2025.

East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006, 605-688-6741, edwdd@brookings.net 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Samantha Pryor, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

Public Notice 3574-3 Future Use Review
printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES: February 13, 2025

NOTICE ID: tGwGMlvmeF6OiE1CWcjU

PUBLISHER ID: MDL000760

NOTICE NAME: Public Notice 3574-3 Future Use Review

That \$78.46 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; 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 to any other person whomsoever.

(Signed) Samantha Pryor

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 02/13/2025

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

**NOTICE OF HEARING TO
REVIEW FUTURE USE**

WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 24, 2025.

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. 3574-3 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 February 24, 2025.

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 February 24, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. 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 February 24, 2025. 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 Feb 13, 2025 at the total approximate cost of \$78.46 and may be viewed free of charge at www.sdpublicnotices.com

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Owner _____ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of

Hearing to Review Future Use Water Permit
No. 3574-3

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

<u>February 5</u>	<u>20 25</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That \$ 666.60, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

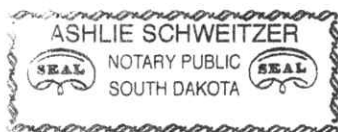
Holli Seehafer

Subscribed and sworn to before me this 5th day of Feb 20 25

Ashlie Schweitzer

Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee \$ 666.60
Notarial Fee \$ _____
Total \$ 666.60

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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

RECEIVED

FEB 12 2025

OFFICE OF
WATER

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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian

Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 an approximate cost of \$66.60 and can be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, 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 52 consecutive 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 advertisement headed:

*Notice of Hearing to
Renew Future Use
Water Permit
No. 3574-3*

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

2-5-25

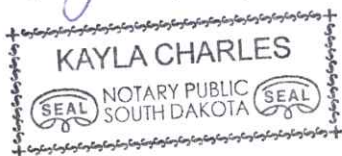
that the full amount of the fee charged for the publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever,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

\$ *65²¹*

my Headrick bookkeeper
Subscribed and sworn to before me this day

February 6, 2025

Kayla A
Notary Public, County Moody, South Dakota



My commission expires 3-30-2029

RECEIVED
FEB 13 2025
OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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

County of

AFFIDAVIT OF PUBLICATION

Filed in the office of

on the _____ day of

_____, 20____

Attorney for

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 a cost of \$65.27 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

FEB 07 2025

OFFICE OF
WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republicanprinted and published in CastlewoodCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Feb 5, 2025Cost of Printing \$67.24LeeAnne Dufek
(Signature)owner
(Title)2-5-2025
(Date Signed)NOTICE OF HEARING
TO REVIEW FUTURE USE WATER
PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 Feb. 5, 2025, at total cost of \$67.26 and may be viewed online at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all 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 Deuel and State of South Dakota, for at least one year next prior to the first publication of the attached public notice

Notice Of Hearing Review Future Use Water Permit No.3574-3

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 week(s) to wit:

RECEIVED

FEB 10 2025

February 5, 2025

OFFICE OF
WATER

That the full amount of the fee charged for 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: \$72.42


Ken Reiste

Subscribed and sworn to before me

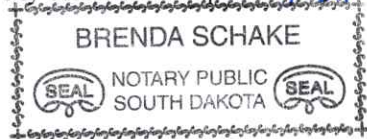
this 5th day of February, 2025


Brenda Schake

Notary Public, South Dakota

My commission expires: 9-21-27

BRENDA SCHAKE



Public notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 on

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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. However, since this particular matter is a future use permit renewal and not a mon-

posing 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

etary 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 \$72.42. (52-1/204)

This notice may be viewed free of charge at sdpublicnotices.com maintained pursuant to § 17-2-1.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave.
Pierre SD 57501

RECEIVED

FEB 10 2025

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

02/06/2025

and that the fees charged are legal.

Sworn to and subscribed before on 02/06/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$77.50

Tax Amount: \$0.00

Payment Cost: \$77.50

Order No: 11001160

of Copies:

Customer No: 812058

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF HEARING TO REVIEW FUTURE USE
WATER PERMIT
NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 on Feb. 6, 2025 at the total approximate cost of \$77.50 and may be viewed free of charge at www.sdpublishnotices.com

RECEIVED

FEB 10 2025

OFFICE OF
WATER

Mobridge Tribune Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Marjorie E. Schaffer, 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:

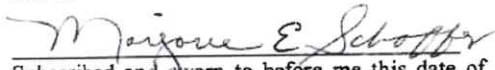
**East Dakota Water Dev. District future use
water permit hearing is March 5th**

East Dakota Water Development District

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: 2/5/2025

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$69.93** 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 date of
2/6/2025


Lori Cox, Notary Public
State of South Dakota
My Commission expires: January 2, 2031



East Dakota Water Dev. District future use water permit hearing is March 5th

NOTICE OF HEARING TO REVIEW FUTURE USE WATER - PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 \$69.93 and can be viewed free of charge at www.sdpublicnotices.com

-020525



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave.
Pierre SD 57501

RECEIVED

FEB 21 2025

OFFICE OF
WATER

STATE OF WISCONSIN, COUNTY OF BROWN

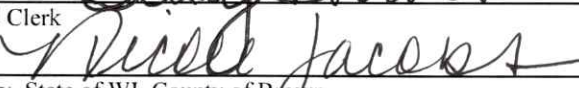
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

02/06/2025

and that the fees charged are legal.
Sworn to and subscribed before on 02/06/2025



Legal Clerk



Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$86.56

Tax Amount: \$0.00

Payment Cost: \$86.56

Order No: 11002393

of Copies:

Customer No: 812058

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 3574-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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

RECEIVED

FEB 21 2025

OFFICE OF
WATER

RECEIVED

FEB 21 2025

OFFICE OF
WATER

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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location.

Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 Feb 6, 2025 at the total approximate cost of \$86.56 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

FEB 21 2025

OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

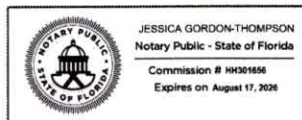
Cameron Monfared, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Copy NOTICE OF PUBLIC HEARING a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Feb. 13, 2025

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomesoever; that the fees charged for the publication thereof are: 94.43

Cameron Monfared

(Signed) _____



VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 02/20/2025

J. T. R.

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 24, 2025.

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. 3574-3 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 February 24, 2025.

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 February 24, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 24, 2025. 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 Feb 13, 2025 at the total approximate cost of \$94.43 and may be viewed free of charge at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

PLAIN TALK

EAST DAKOTA WATER DEVELOPMENT DISTRICT
JAY GILBERTSON
132B AIRPORT DR
BROOKINGS SD 57006

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7th DAY OF February, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$66.72 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 02/07/2025

FILED ON: 02/25/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF February, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



Ad text :

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 \$66.72 and can be viewed free of charge at www.sdpublicnotices.com

Published February 7, 2025.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says:
That the Miner County Pioneer is a legal newspaper of general circulation,
printed and published in Howard, said County and State, by Carla Poulson, and
has been such newspaper during the time hereinafter mentioned: and that I,
Carla Poulson 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 or notice headed

Notice of Hearing

Use Water # 3574-3

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, once each
week for successive weeks, the first publication being made on the
..... day of 20.....
6 day of Feb 2025

And the last publication on the day of 20.....

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

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 said newspaper is a legal newspaper, and has a bona fide circulation of
more than two hundred copies weekly, and has been published within the
County of Miner, for more than fifty-two successive weeks next prior to the
first publication of said notice, and is printed in an office maintained in
Howard, South Dakota, the place of publication of said newspaper. That the
full amount of fees for publication of the annexed notice is \$ 64.68 and
insures solely to the benefit of said publisher; that no agreement or understand-
ing for a division thereof has been made with any person and that no part there-
of has been agreed to be paid to any person whomever.

Subscribed and sworn to me this 27 day of Feb 2025

C.R.

My commission expires the 10 day of Oct 2025

[Signature]

LEGAL NOTICES • LEGAL NOTICES

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved in 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water systems, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN in EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 approximate total cost of \$64.68 and can be viewed free of charge at www.sdpublicnotices.com. (Feb. 6, 2025)

ADVERTISEMENT FOR BIDS

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

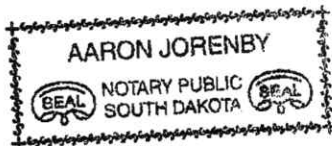
Leg#411420 Notice of Hearing

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

February 6, 2025

said Exhibit "A" inures to the sole benefit for the publishers 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; that the fees charged for the publication thereof are:

Seventy-Four Dollars and Thirty-Two Cents \$74.32



Katherine Foiles

28 day of

February

2025

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Ag

Classifieds



CUSTOMER SERVICE HOURS: Monday-Thursday 9:00am-4:00pm | Friday 9:00am-12:00pm

CLASSIFIED AD DEADLINES:
LINE ADS: Noon the day before publication (Noon on Friday for Monday)
DISPLAY ADS: Noon two days before publication

100s	ANNOUNCEMENTS	400s	REAL ESTATE FOR RENT	700s	SALES
200s	SERVICES	500s	REAL ESTATE FOR SALE	800s	AGRICULTURE
300s	EMPLOYMENT	600s	MERCHANDISE	900s	RECREATIONAL VEHICLES & AUTOMOTIVE

GENERAL ADVERTISING POLICY

The Brookings Register makes every effort to avoid errors. However, in handling hundreds of ads, occasionally errors occur. We ask that you read your ad carefully on the first day of publication and phone us immediately if there is an error. We can only be responsible for a single day's incorrect ad. We reserve the right to revise, edit, reclassify or reject any classified ad for publication.

Announcements 100

ALUMINUM CAN RECYCLING bins located behind the Humane Society. All proceeds support the Brookings Regional Humane Society.

POLICY FOR HAPPY & THANK YOU ADS

ADS MUST BE PRE-PAID. THE DEADLINE FOR THESE ADS IS 12PM 2 DAYS PRIOR TO THE DAY YOU WOULD LIKE IT TO RUN.

PLEASE CALL THE BROOKINGS REGISTER AT 605-692-6271 TO PLACE AN AD.

Services 200

BROWER ROOFING
605-690-0286
NEW ROOFS, REPLACEMENTS & REPAIRS
SHINGLED & STEEL
20+ YEARS EXPERIENCE

Sioux Valley Schools currently has the following classified positions open:

Kitchen Staff - Two (2) part-time positions
Starting wage \$14.00
Shifts are follows:
8:45am-1:30pm
10:00am-1:00pm

For more information contact:
Shondra Glawe
shondra.glawe@12.usd.us
Foodservice Manager
Sioux Valley School District
(605) 692-5657 ext. 276
(605)

PART TIME JANITORIAL POSITION

APPR. 20HRS./WK

RATE OF PAY → DOE

CALL JAMIE

605-695-0181

WEEKEND EVENING HOURS

Employment 300

THE BROOKINGS REGISTER will not knowingly accept any employment advertising which has the effect or intent of violating any local, state or national laws or ordinances. These laws and/or ordinances make it illegal to advertise any preference, limitations or discrimination based on race, color, religion, age, sex, handicap, familial status or national origin. Our readers are hereby informed that all employment opportunities advertised in The Brookings Register are available on an equal opportunity basis.

BROWER CONSTRUCTION IS NOW HIRING FULL-TIME, YEAR-ROUND CARPENTERS AND SUMMER HELP CAN START IMMEDIATELY WAGE AND BENEFITS BASED ON EXPERIENCE CALL TONY AT 605-690-0286

Real Estate For Rent 400

RENT IT IN THE REGISTER CLASSIFIEDS.
605-692-6271

STORAGE UNITS AVAILABLE. \$40/MO.
605-693-3203

Sales 700

GUNS, GUNS — Buy, Sell or Trade. Estate appraisals. Kores Korner, Hwy 81 & 22, Castlewood, or Call 605-793-2347.

THINK OF ADVERTISING AS A MARATHON, NOT A SPRINT

When it comes to **MARKETING**, it is an **ON-GOING EXERCISE** that shows **LONG-TERM RESULTS**.

If you wait until **YOU "NEED" IT**, you might be too late.

CALL TODAY to place your ad!
THE BROOKINGS REGISTER
605-692-6271

PUBLIC NOTICES

Legal 41420 1X

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 1328 Airport Drive, Brookings SD 57009 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River, The Missouri River diver-

sion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 91,500 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://dwr.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. 3574-3 on March 5, 2025, at

9:30 AM (Central Time), Floyd Matthews 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 de-

fined 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 601H 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://dwr.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 February 18, 2025. 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

The Brookings Register 605.692.6271
1.800.568.5032
312 FIFTH STREET, BROOKINGS | BROOKINGSREGISTER.COM

PRIVATE PARTY
AUTO BUYS
SELL YOUR CAR
FOR ONLY **\$40**

A 15-20 word, classified ad including a photo that will run for ten days in the Register.

Email a side-profile photo of your car or truck to classifieds@brookingsregister.com

Current Top 10 Needed Foods

THE BROOKINGS COUNTY FOOD PANTRY IS ACCEPTING DONATIONS WITH IMMEDIATE NEED OF THESE 10 FOODS:

- Corn
- Cereal
- Canned Fruit
- Green Beans
- Baked Beans
- Egg Noodles
- Pork N Beans
- Ramen Noodles
- Hamburger Helper
- Pancake Mix/Syrup

DONATIONS ACCEPTED: Mondays • Wednesdays • Fridays
From 1:00 - 4:30 pm or to set up a drop off time, call 605-692-5007.

MONEY DONATIONS CAN BE SENT TO: PO Box 912, Brookings, SD 57006

BROOKINGS COUNTY FOOD PANTRY • 908 HOPE DRIVE, BROOKINGS
WEBSITE: brookingscountyfoodpantry.org

Crosswords

ACROSS

- Licensed tax pro
- Pack
- Out There
- Certain party mem.
- Yarn
- Grizzly
- Native of (Suffolk)
- Means
- Justifier
- River in Ireland
- '70s sitcom — Miller
- London's river
- Jail —
- Devin
- Brindled cat
- Make a face
- "High Potential" aler
- Flash eggs
- Hit hard
- Best bud

DOWN

- Loan charge (Abbr.)
- Antiquity
- Baseball stat.
- "Ad astra — aspera"
- Peeper
- Mouselike mammal
- Fall mo.
- Drink to excess
- Falling blocks game
- POTUS —
- Wilson Reagan
- Hurl
- Ardr
- Dove's cry
- Converse
- Lengthy
- de mer
- Perforation
- Stringed instrument
- Newt
- Feeding trough

Answer to Previous Puzzle

BRAC MEAN PAW
LOBO AGIO ALI
OMEN DORM NIL
WELDER SATINY
OWE DICE
SHARE FAIT
ROW DULCIMER
OPEN FIRE ERE
ALPS FRANC
RIME FEE
VENEER ORPHAN
ATT COMA AUTO
IRE EDAM SLOT
NOR DENY TAPE

Sudoku

Complete the grid so every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

4			9					
9	5		6				1	4
	2		1					
8	4	7				3		
			2					
	7			3	5		1	
		3				8		
7	6		9	5		1		9
							3	

Previous puzzle solution

4	9	3	1	2	8	7	6	5
2	5	1	4	7	6	3	9	8
8	6	7	3	9	5	1	2	4
7	4	8	5	1	2	6	3	9
1	3	5	6	4	9	8	7	2
9	2	6	8	3	7	5	4	1
6	8	2	9	5	3	4	1	7
5	7	4	2	6	1	9	8	3
3	1	9	7	8	4	2	5	6

2/6 DIFFICULTY RATING: ★★☆☆☆
© 2024 by Andrews McMeel Syndication

ACROSS

- 2 Anti-fur org.
- Mimic
- Hard
- Country singer — Tucker
- Antiquated
- Feeding trough

DOWN

- Gilder (Hyp.)
- School assignment (2 wds.)
- Rational
- War god
- Take suddenly
- Lofty
- Turkish inn
- Journey
- Top-notch (Hyp.)
- Engagement
- Employ
- Nude
- Pincer
- "A — Named Sue"
- Abominable Snowman
- Mooch
- Farm denizen
- Greek island
- Praying figure, in art
- RPM counter, for short
- Repeat
- Vend
- Topmost part
- Do nothing
- Blockhead
- Actor — Phillips

© 2025 LPS, Dist. by Andrews McMeel Syndication for LPS

mailing address of the petitioner or his legal counsel if found counsel is obtained. The hearing to review the Future Use Permit No. 3574-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38; 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 February 18, 2025. 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://darcad.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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at brian.walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-1(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 February 18, 2025. 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 February 6, 2025 at the total approximate cost of \$74.32 and may be viewed free of charge at www.sdpublish.com.

Legal 41577 3X
1/23,30,2/6
STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS
:SS
IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
IN THE MATTER OF THE
ESTATE OF
DERALD A. PEDERSEN,
DECEASED.
05P025-000001
NOTICE TO CREDITORS
OF APPOINTMENT
OF PERSONAL
REPRESENTATIVE
Notice is given that on January 7, 2025, Valerie McClure, whose address is 13962 Fawn Ridge Way, Apple Valley, MN 55124, was appointed as personal representative of the Estate of Derald A. Pedersen.
Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred. Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.
/s/ Valerie McClure
Valerie McClure
13962 Fawn Ridge Way
Apple Valley, MN 55124
Clerk of Courts
Brookings County

314 6th Avenue
Brookings, SD 57006
Heath R. Oberholt
PO Box 330
300 South Phillips Avenue,
Suite 300
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605) 336-3890
Published January 23, 30, and
February 6, 2025 at the total
approximate cost of \$574.32 and
may be viewed free of charge at
www.sdpublish.com.

Legal 41581 2X
1/30,2/6
ADVERTISEMENT
2025 BROOKINGS COUNTY
SURFACING PROJECT
BROOKINGS COUNTY, SD
Sealed bids by mail will be received by Brookings County Finance Office, 520 3rd Street, Suite 100, Brookings, South Dakota, 57006, and sealed bids hand delivered will be received by the County Commission Office, 520 3rd Street, Suite 210, Brookings, South Dakota 57006, until 2:00 PM local time on Tuesday, the 11th day of February, 2025, for the above referenced project. Bids shall be prepared and submitted in accordance with the Bidding Documents, Brookings County, South Dakota reserves the right to accept or reject any and all bids as set forth in the Bidding Documents.
Bids will be publicly opened and read aloud at the Brookings City and Government Center, 520 3rd Street, Suite 210, Room 221, shortly after the time named above. Bids will be reviewed by Brookings County Finance Office, 520 3rd Street, Suite 100, Brookings, South Dakota at a subsequent meeting of the Brookings County Commissioners. The Project includes the following:
- 2" Asphalt Surfacing Overlay Brookings County 25 (+/-) .82 miles)
- Additional items as set forth in the Contract Documents.
Each bid shall be accompanied by a Bid Security as described in the Bidding Documents.
The successful bidder will be required to provide Payment and Performance Bonds as described in the Bidding Documents.
Bidding documents may be viewed and obtained at www.questcdn.com by entering QuestCDN project number 050002. If you need assistance with the website, please contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com. A pre-bid conference will not be held.
By:
Lori Schultz
Finance Officer
Published January 30 and February 6, 2025 at the total approximate cost of \$44.56 and may be viewed free of charge at www.sdpublish.com.

Legal 41582 2X
1/30,2/6
CALL FOR BIDS
Notice is hereby given that sealed bids for materials or services will be received by the Board of County Commissioners of Brookings County, South Dakota, 520 3rd St. Suite 210, room 221 until 2:00 P.M. on Tuesday the 11th day of February 2025, for the purchase of the following:
- Mailed bids shall be addressed to the Finance Office located at 520 3rd Street, Suite 100, Brookings, South Dakota 57006.
- Hand delivered bids shall be delivered to the County Commission Office located at 520 3rd Street, Suite 210, Brookings, South Dakota 57006.
1. #200 Crushed Gravel
2. #250 Crushed Quartzite Rip Rap "Class A"
3. #150 Erosion Stone Crushed Quartzite
4. 1" x 4" crushed quartzite "Class A"
5. Crushed quartzite ballast #4
6. HR Class Asphalt
7. Aggregate for Asphalt Surface Treatment, Type 1 B and Type 3
8. Asphalt Patching
9. Road Oil
10. Equipment rental
11. PVC Lining
12. Aggregate Base Stabilizer
13. Magnesium Chloride Surface Treatment
Such bids will be publicly opened and read aloud at the Brookings City & County Government Center 520 3rd St. Suite 210, Room 221, Brookings, South Dakota, at the time specified on the Call for Bids.
By virtue of statutory authority

ity preference will be given to materials and supplies found or produced within the State of South Dakota.
- The County Commissioners reserve the right to accept or reject any or all bids, or to accept any bids which it deems to be in the best interest of the county.
- The successful bidder will be required to sign a contract with Brookings County for annual supplies.
- Specifications are available at the office of the Highway Superintendent and on Brookings County web site at www.brookingscounty.gov.
BY: Lori Schultz
County Finance Officer
Published January 30 and February 6, 2025 at the total approximate cost of \$42.52 and may be viewed free of charge at www.sdpublish.com.

Legal 41588 1X
2/3,23,26,27
STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS
IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
POPUL
EVILIN AMARILIS
HERNANDEZ GARCIA,
PLAINTIFF,
JOSE MARCELINO AUBAL
POPL
DEFENDANT.
05CIV24-000438
NOTICE OF TEMPORARY
RESTRANING PROVISIONS
South Dakota law provides that upon the filing and service of the Summons and Complaint on the Defendant, a Temporary Restraining Order shall be in effect against both parties until the final decree is entered or until further order of the court.

ORDER
By Order of the Court, you are (1) Restrained from molesting or disturbing the peace of the other party; and (2) Restrained from removing any minor children of the parties from the state without the written consent of the other party or an order of the court.
INITIAL CUSTODY ORDER
South Dakota law, SDCL § 25-4A-11, provides that upon the filing and service of a summons and complaint for divorce or separate maintenance or other custody action or proceeding, the attached standard guidelines become an order of the court. The parties to the marriage shall remain in the custody of the parent who has been the primary caregiver for the minor child for the majority of time in the twelve months preceding the filing of the summons and complaint, who, in this case, is the Plaintiff, unless the parties agree otherwise. The standard guidelines shall apply and enforcement in effect unless the parties agree, or the court orders otherwise. Imposition of the standard guidelines creates no presumption as to who may be awarded custody at any hearing.
The guidelines are also, pursuant to SDCL § 25-4A-14, subject to any provisions established by the court of the South Dakota court in a temporary or permanent domestic protection order, an order arising out of an abuse or neglect proceeding as bond condition arising out of a criminal case, and an order in any other proceeding affecting child custody or support.
If either party objects to this initial custody arrangement order, the Court shall order a hearing which shall be held not later than 30 days after the date of the objection. The Court shall then issue its temporary custody and visitation order after considering the best interest of the children consistent with the provisions of SDCL § 25-4-45.
IF EITHER PARTY VIOLATES
THE TEMPORARY
RESTRANING ORDER OR
INITIAL CUSTODY ORDER,
THAT PARTY MAY BE
HELD IN CONTEMPT OF
COURT AND SUBJECT TO
ARREST.
ORDER FOR COURT-
APPROVED PARENTING
South Dakota law, Supreme Court Rule 22-09, provides that

the parties to any action which involves the issues of child custody or parenting time will be required to participate in a court-approved course to educate the parties concerning the impact of the action on the child or children. The course shall be completed within sixty days of the service of the summons and complaint, petition or motion in any action involving child custody or parenting time. Participation in the course may only be waived or delayed by the judge presiding over the action for good cause shown. Good cause includes but is not limited to a default by one of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent within the past five years. Participation in the course is not required for a protection order proceeding or if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be entered until both parties have complied with this requirement, unless participation in the course is waived or otherwise not required. Each party shall be responsible for arranging their participation in the course and for payment of the costs of participation in the course.
Each party shall submit certification of completion of the course to the court prior to the granting of a final decree or the entry of an order, unless participation in the course is waived or delayed for good cause or set forth herein. If participation in the court-approved course is waived or delayed for good cause or is otherwise not required under this section, the Judge presiding over the action may order that the parties receive the information in an alternative format.
The State Court Administrator's Office shall certify approved courses for parties required to participate in a course. Approved courses may include those provided by a public or private entity. At a minimum and as appropriate, an approved course shall include information on the effects of separation or divorce on children, co-parenting skills, responsibilities, children's needs and coping techniques, the options for conflict resolution for parenting time and custodial disputes and the financial responsibilities of parents.

WOODS, FULLER, SHULTZ & SMITH P.C.
By /s/ Amanda J. Bahena
Amanda J. Bahena
Attorney for Plaintiff
815 N. Main Ave., Suite 2
PO Box 330
Sioux Center, Iowa 51250
Published February 6, 13, 20, and 27, 2025 at the total approximate cost of \$243.63 and may be viewed free of charge at www.sdpublish.com.

STATESIDES
EMPLOYMENT:
HAND COUNTY SOUTH DAKOTA is seeking applicants for the position of HIGHWAY SUPERINTENDENT. This is a fulltime, salaried (currently \$64,054) position with full benefits including state retirement. Exact instructions can be found at <http://handcounties.org/employment>.
SPECIAL ED TEACHERS NEEDED in Custer School District starting immediately. Apply online CSD.K12.SD.US 605-673-3154 or CSD 927 Montgomey St., Custer, SD 57730 EOE Open until filled.
FAULKTON INN HIRING. Part-time front desk. Full-time evening shift with living quarters included; call for more details 605-598-4567.
CUSTER SCHOOL DISTRICT is seeking a Superintendent of Schools starting 7/1/25. Salary DOE. Contact the district 605-673-3154 for more information. Open until filled. www.csd.k12.sd.us EOE
MISSCELLANEOUS:
LOOKING FOR MOBILE HOMES to move. Salvage homes. Will also do professional re-blocking and leveling, anchors. Single or double homes available. 1983 3 bedroom for sale can deliver (605) 770-9211
NOTICES:
ADVERTISEMENT IN NEWSPAPERS statewide for only \$150.00. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$5). Call this newspaper or 800-658-3697 for details.

Join us. Live your purpose.

UNITED WAY

Community Collaborations

Internal Programs

Every dollar donated helps your neighbor. Make a tax deductible donation today!

Support 37+ non-profit agencies and 49+ programs that impact 1 out of 3 of your Brookings County neighbors.

HONORED

UNITED WAY

BANNER

PROUD TO SUPPORT THE UNITED WAY

We're happy to support the United Way!

We thank all those who support United Way!

PROUDLY SUPPORTING UNITED WAY

Donate Today.

Name _____

Address _____

City/State/Zip _____

Phone Number () _____

Email _____

PLEASE REMOVE FORM AND RETURN TO:
Brookings Area United Way, P.O. Box 700, Brookings, SD 57006

CHECK/CASH (MAKE CHECKS PAYABLE TO BROOKINGS AREA UNITED WAY)

Amount included \$ _____

CONTACT: CALL TO SEE US AT A BROOKINGS DONATION FROM YOUR FAVORITE ACCOUNT: 605.697.1475

WAYS TO DONATE

- Pledge Card
- Check Drop-off or Mail in
- Credit Card, PayPal or Venmo

DONATE ONLINE
BROOKINGSUNITEDWAY.ORG

United Way

Brookings Area United Way

2024 Funded Partners

Community Collaborations

Internal Programs

Every dollar donated helps your neighbor. Make a tax deductible donation today!

Support 37+ non-profit agencies and 49+ programs that impact 1 out of 3 of your Brookings County neighbors.

prepare to stop on yellow.

stop completely stop on red.

SCHOOL BUS

it's the law.

LEGAL MHTSA

Donor's Choice

First Bank & Trust

Best Choice REAL ESTATE

We're happy to support the United Way!

We thank all those who support United Way!

PROUDLY SUPPORTING UNITED WAY

solventum

Royal Plastics

Donor's Choice

First Bank & Trust

Best Choice REAL ESTATE

We're happy to support the United Way!

We thank all those who support United Way!

PROUDLY SUPPORTING UNITED WAY

solventum

Royal Plastics

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:SS
County of Union)

RECEIVED

MAR 03 2025

OFFICE OF
WATER

Shannon L. Jost,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

Water Permit No. 3574-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 6 day of February, 2025

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 70.03, that the full amount of the fee charged insures to the benefit of the publisher of the 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 other person whomsoever.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 132B Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN

IN EFFECT for 91,500 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.

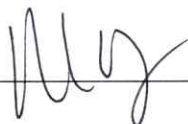
The Water Management Board will conduct the hearing to review Future Use Permit No. 3574-3 on March 5, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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.

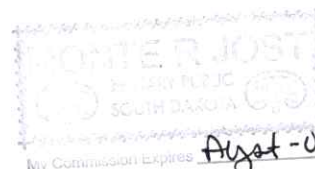
Any person who intends to participate in the hearing before the Board and present evidence or cross-examine wit-

Subscribed and sworn to before me

this 6 day of February, 2025



Notary Public



My Commission Expires August -08-2025

nesses 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 February 18, 2025.

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. 3574-3 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 re-

quest 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure

accommodations are available.

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 February 18, 2025. 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.

Publish February 6, 2025. Published once at the total approximate cost of \$70.03 and may be viewed free of charge at www.sdpublicnotices.com

6-1-217

Public Notices

Continued from preceding page

Commissioner Lundquist clarified with Morris that the County was not committing to anything at this time. Morris stated that this hearing was to get the process started, to set the base and the County was not committing to the TIF.

Commissioner Nelson asked if the project does not come to completion what the County's responsibility is for the road improvements. Morris and Janzen stated there would be a company guarantee within the developer agreement.

John Delzer, Attorney, asked what the planned timeline was for the TIF. Morris stated the maximum is up to 20 years, but no timeline has been set at this time.

RESOLUTION 2025-3
Steffensen read the following resolution to approve and recommend the creation of Tax District Plan Number 1.

**RESOLUTION APPROVING
AND RECOMMENDING OF TAX
INCREMENTAL DISTRICT PLAN
NUMBER ONE,
KINGSBURY COUNTY**

WHEREAS, the Planning Commission of Kingsbury County, South Dakota, received an application to create a Tax Incremental District and thereafter prepared a Notice of Hearing held on January 27th, 2025, advising interested parties that they were being given a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District on real property consisting of the following parcels:

District Legal Description:
The real property to be located within the Tax Incremental District is within the boundaries of Kingsbury County and described as follows:
The East Half (E1/2) and the Southwest Quarter (SW1/4) of Section Nineteen (19), Township One Hundred Ten (110) North, Range Fifty-Seven (57) West, Kingsbury County, South Dakota.

All Located in Kingsbury County, South Dakota including within and adjacent rights-of-way.

WHEREAS, such Notice was published in the official newspapers of Kingsbury County not less than ten (10) nor more than thirty (30) days from the date of the hearing which was held January 21st, 2025.

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers of the following taxing entities:

Kingsbury County Commission
Iroquois School District 2-3
Esmond Township
Vermilion Basin Water District
Iroquois Fire and Rescue

WHEREAS, a hearing was held on January 27th, 2025, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed Tax Incremental District One plan;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of Kingsbury County, South Dakota:

Authority and Declaration of Necessity. Pursuant to SDCL §§ 11-9-4 and 11-9-13 the planning Commission hereby declares the necessity for the approval of Tax Incremental District Number One plan, Kingsbury County (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9, and finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within Kingsbury County.

Findings. The Planning Commission finds that there is statutory authority to refer said district to the Kingsbury County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.

More than 50% of the property in the District by area will stimulate and develop the general economic welfare and prosperity of the County; improvements to the District will significantly and substantially enhance the value of all property within the District; The proposed improvements will create new jobs, provide housing, develop property into commercial opportunities and diversify the overall economic base of Kingsbury County. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the County does not exceed Ten (10%) percent of the total assessed valuation in the County; The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Incremental District One of Kingsbury County to be Economic Development.

Boundaries of District. The Planning Commission has determined the boundaries of the district are determined to be as follows:

The East Half (E1/2) and the Southwest Quarter (SW1/4) of Section Nineteen (19), Township One Hundred Ten (110) North, Range Fifty-Seven (57) West, Kingsbury County, South Dakota.

All Located in Kingsbury County, South Dakota including within and adjacent rights-of-way.

Adoption of Tax Increment Plan. The Planning Commission of Kingsbury County has reviewed the project plan and does hereby adopt the Tax Increment Plan Number One and submits it to the County Commission for consideration.

Recommendation of District. The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number One, Kingsbury County, be created and hereby submits its recommendation to the County Commission for consideration.

Passed this 27th day of January 2025
Motion by Lundquist and seconded by Spilde that Resolution 2025-3 A Resolution Approving and Recommending of Tax Incremental District Plan Number One be approved, for the Chairman to sign said resolution and forward to the Board of Commissioners a recommendation that Tax Incremental District Number One, Kingsbury County, be created. All present voting aye. Motion carried.

Motion by Walls and seconded by Nelson to adjourn from Planning and Zoning and return to regular session at 11:41 A.M. All present voting aye. Motion carried.

Joe Jensen, Zoning Officer

Kyle Lee, Chairman
Board of County Commissioners

Published once at the approximate cost of \$89.95 and can be viewed free of charge at www.sdpublicnotices.com

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574-3

Notice is given that the Water Management Board will review

Future Use Permit No. 3574-3 held by the East Dakota Water Development District, c/o Jay Gilbertson, Manager, 1328 Airport Drive, Brookings SD 57006 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. 3574-3. This permit was approved 1977 and currently reserves 91,500 acre-feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody, and Minnehaha. The water is reserved for rural water system, municipal and industrial use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574-3 REMAIN IN EFFECT for 91,500 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. 3574-3 on March 5, 2025, 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 February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petition.

er, 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. 3574-3 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 February 18, 2025.

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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 \$77.23 and can be viewed free of charge at www.sdpublicnotices.com

2025 TAX EXEMPT PROPERTIES KINGSBURY COUNTY, SD OWNER, LEGAL

American Legion Post #63, N57° of S82° Lot 3 Block 18 Western Town Lot Co's 3rd Add'n, Lake Preston
American Legion Post #280, Lot 24 Block 7 Western Town Lot Co's 1st Add'n, Iroquois
American Legion Post #280, Lot 25 Block 7 Western Town Lot Co's 1st Add'n, Iroquois (structure)

(Continued on next page)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 31, 2025 3:41 PM
To: Jay Gilbertson
Subject: 3574-3 Future Use Review - Public Notice
Attachments: 3574-3 Rec.pdf; Letter.pdf; 3574-3 PubNotice.pdf; 3574-3 FU REVIEWpubnotice_final2.pdf; [EXT] New Invoice via Column

Good afternoon,

Attached is a copy of the chief engineer's recommendation and information regarding the public notice for your future use water permit review. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. Please note that the newspapers with the asterisk denote online portals to view and pay. I have attached the email for the Madison Daily Leader, if you scroll down that email, you can pay and view by click the blue labels. The Pierre Capital Journal has sent you an email directly. These two newspapers changed their deadline so, they will print a week after the other newspapers which is why there are two separate notices. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

NOTICE OF ENTRY OF ORDER

East Dakota Water Development District
c/o Jay Gilbertson, Manager
132B Airport Drive
Brookings SD 5700

Dear Mr. Gilbertson,

I am writing in response to action taken by the Water Management Board at the hearing on March 5, 2025, to review Future Use Permit No. 3574-3. The Board allowed the permit to remain in effect for 91,500 acre-feet of water annually. Future Use Permit No. 3574-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574-3 is \$7,685.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on March 6th, 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated March 6th, 2025 involving action taken by the Water Management Board hearing on March 5th, 2025:

East Dakota Water Development District, C/O Jay Gilbertson Manager, 132B Airport Drive, Brookings SD 57007

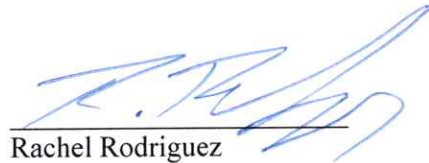
City of Tyndall, C/O Teresa Holland Finance officer, PO Box 29, Tyndall SD 57066



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 3574-3

Name of Applicant: East Dakota Water Development District, c/o Jay Gilbertson

Date of Posting: 2/3/2025

Date of Removal: 3/6/2025

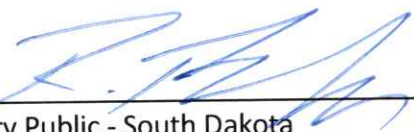


Ron Duvall, Engineer III

3/6/2025

Date

Subscribed and sworn to before me, a notary public, this 6th day of March, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 27th, 2025

RECEIVED OF East Dakota Water Dev Dist 132B Airport Drive Brookings SD 57006

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>3574-3</u> after period of seven years.	<u>\$7685.00</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>\$7685.00</u>

By

Mark Muehl
Sik

Chief Engineer