

WATER PERMIT NO. 8778-3

Name of Applicant: **WEB Water Development Association, Inc.**

Address: **38462 US Hwy 12, Aberdeen SD 57401** Phone: **605-229-4749**

Amount of Water Claimed: **13.81 cfs** Total Acres:

Source of Water Supply: **Surface**

Water to be used for: **RWS** County: **Walworth**

Type of Waste Disposal System:

Location: **Approx. 10 miles northwest of Mobridge SD**

PRIORITY Date Received: **6-29-2023**

Application/License Fee: **\$895.00**

Corrected Application Received: **7-5-2023**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NE 1/4 Section 32-T123N-R78W**

Land to be Irrigated:

Depth of Well: **N/A**

Well Driller:

Remarks:

Type of Map: **topo**

			32		

Reviewed and the Number Assigned on: **7-6-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8778-3**

Date of first receipt of application May 2, 2023.

Date of return to applicant for corrections, amendments or changes May 5, 2023.

Date of receipt of corrected application July 5, 2023.

The Water Management Board approved Future Use Permit No. 8778-3 on October 4, 2023, for WEB Water Development Association, Inc., 38462 US Hwy 12, Aberdeen SD 57401 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 8778-3 appropriates and reserves 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This Permit does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The date from which applicant may claim right is May 2, 2023.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Water Permit No. 8778-3 reserves 10,000 acre-feet of water annually from the natural flows of the Missouri River.
2. That Future Use Water Permit No. 8778-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

OCT 10 2023

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8778-3</u>	Hydrologic Unit <u>10130102</u>
	Basin <u>Upper Lake Oahe</u>	
	Newspaper <u>Mobridge Tribune</u>	
	<u>Aberdeen American News</u> (office use only)	

RECEIVED

MAY 02 2023

**OFFICE OF
WATER**

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☒ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Water Permit WEB Water Development Association, Inc.
Mailing Address 38462 US Hwy 12 Aberdeen SD 57401
(Address) (City) (State) (Zip Code)
Phone 605-229-4749 Mobile _____ Email ahammrich@webwater.org
- Amount of water claimed 13.80 *CFS or 6,200 **GPM and 10,000 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Missouri River
- Location of point of diversion NW 114 of the NE 1/4 of Section 32-T123N-R78W County Walworth
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used 14 counties in SD, 3 counties in ND, see below.
- Annual period during which water is to be used 12 months continuous use
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WEB intends to continue to expand its system capacity.

The 14 counties WEB serves in South Dakota are Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark. The 3 North Dakota counties are Emmons, McIntosh, and Dickey.

I, Angie Hammrich General Manager, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

RECEIVED

JUN 29 2023

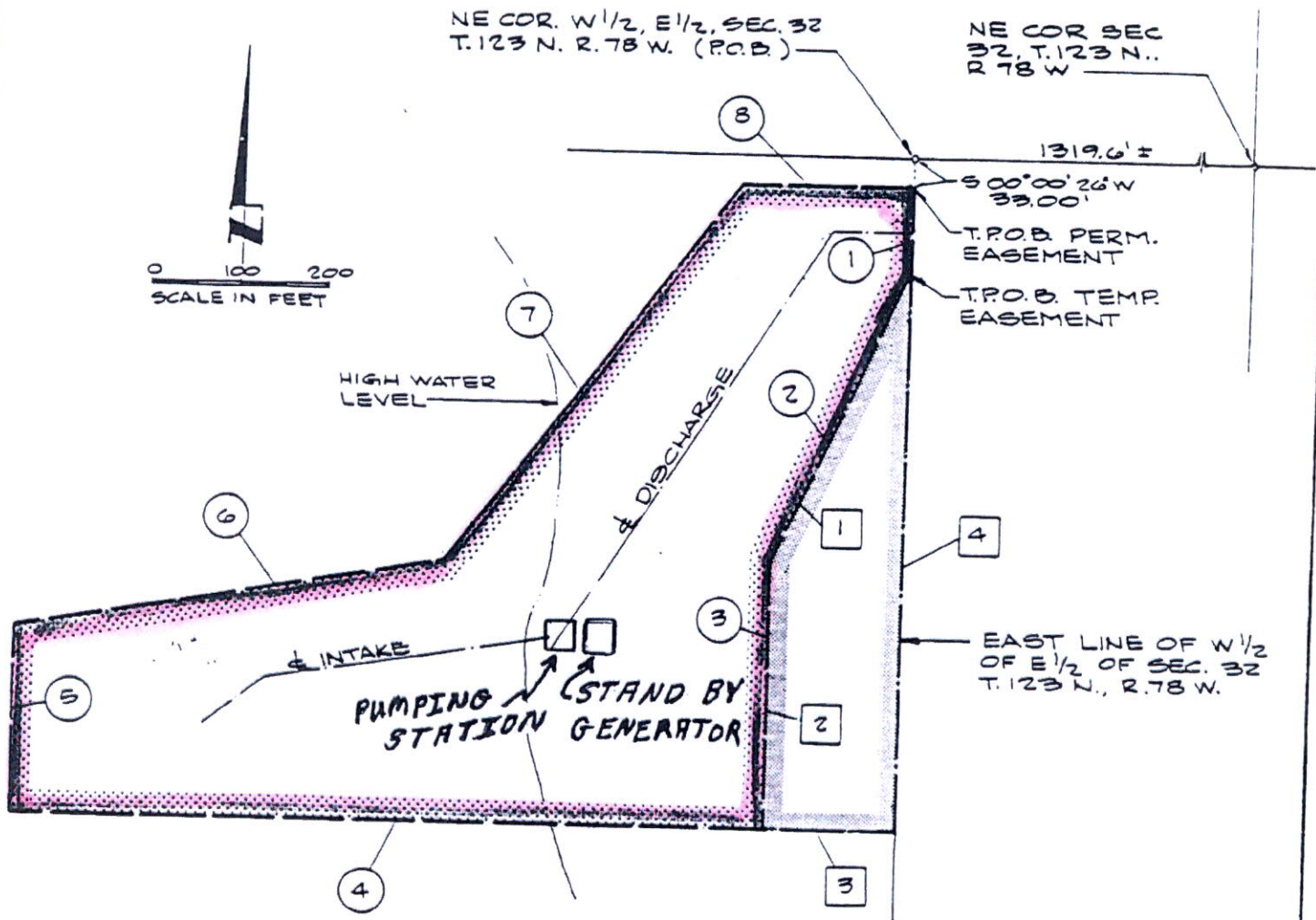
OFFICE OF
WATER



WATER RIGHTS APPLICATION BASIS

WEB was granted 10,000 acre feet of future use water rights in 1976 and an additional 20,000 acre feet in 1977. DANR granted WEB an additional 10,000 acre feet in 2021. Given the amount of time between WEB's 1977 grant and its 2021 grant, making an additional application may seem premature; however, much has changed in the past two years regarding future water use. WEB has begun construction on its \$82,000,000 Moratorium Improvements project and Water Treatment Plant Expansion project. Late in the planning of these projects, other regional water needs became apparent. As a result, the new raw water line and the new treated water mainline were enlarged from 30" to 49.5" in diameter. The addition of this line will bring WEB's future mainline capacity to 53.3 MGD. WEB will need 60,000 acre feet to fully utilize the mainline capacity. WEB currently has 40,000 acre feet of water rights. Granting this application will still leave WEB 10,000 acre feet short of its mainline capacity. WEB plans on waiting on the final 10,000 acre feet. Other regional water users may obtain their own water rights and WEB would be able to use its mainline to transport their water. Finally, obtaining water rights back-to-back is not without precedence. When WEB was originally constructed, it obtained two sets of water permits one year apart. The timing of these applications is a function of a rapidly changing future use picture. By granting this request, WEB's future water needs will be secured for the foreseeable future. Obtaining this future use permit now will protect Northeast South Dakota from future demands on the Missouri River water by giving WEB an earlier priority to the water necessary to meet its capacity.

Attached is a map showing WEB's easement granted by the Army Corps of Engineers in 1983. This is the area from which withdrawals are planned at a future date.



PERMANENT EASEMENT

- ① S 00° 00' 26" W - 100.00'
- ② S 24° 27' 04" W - 362.49'
- ③ S 00° 00' 26" W - 310.00'
- ④ N 89° 59' 34" W - 850.00'
- ⑤ N 00° 00' 26" E - 213.72'
- ⑥ N 80° 00' 00" E - 490.00'
- ⑦ N 36° 39' 44" E - 549.16'
- ⑧ S 89° 59' 34" E - 190.38'

TEMPORARY EASEMENT

- ① S 24° 27' 04" W - 362.49'
- ② S 00° 00' 26" W - 310.00'
- ③ S 89° 59' 34" E - 150.00'
- ④ N 00° 00' 26" E - 640.00'

PROPOSED PUMPING STATION AND PIPELINE EASEMENT

IN MISSOURI RIVER (LAKE OAKE) 12 MILES
SOUTHEAST OF MOBRIDGE, WALWORTH
COUNTY, SD.

APPLICATION BY:
WEB WATER DEVELOPMENT ASSOCIATION, INC

DATE: 16 MARCH 1983 (AMENDED)
31 MARCH 1983 (REVISED)

SHEET 1 OF 1 SHEETS

EXHIBIT A1 ATTACHED TO AND MADE
A PART OF DACW45-2-83-6103

Updated 7/26/99

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 5, 2023

RECEIVED OF WEB Water Development Association, Inc., 38462 US Hwy 12 Aberdeen SD 57401

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

Fee for Application for Permit No. <u>8778-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$895.00
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 _____	\$ _____
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	\$895.00

By Eric Gronlund
Chief Engineer
vm

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, July 5, 2023 2:07 PM
To: Bigby, Beth
Subject: RE: Check Received

Yes, water permit application - application fee \$895

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Bigby, Beth <Beth.Bigby@state.sd.us>
Sent: Wednesday, July 5, 2023 2:04 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Check Received

One more! I just received a check that is from Web Water Development Association Inc totaling 895.00, is this something you were expecting as well?

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, July 5, 2023 11:35 AM
To: Bigby, Beth <Beth.Bigby@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Check Received

Yes, it's for a new water right application.

Application fee \$850
Inspection fee \$200

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us

Rodriguez, Rachel

From: Angie Hammrich <ahammrich@webwater.org>
Sent: Thursday, June 29, 2023 3:45 PM
To: Duvall, Ron
Cc: Schlaak, Karen; Rodriguez, Rachel; Eric Hansen; Clayton Larson; Shane Phillips
Subject: RE: [EXT] Future Use Reservation
Attachments: Water Rights Application Basis and Map 6 29 23.pdf

Ron,

Attached is the Water Rights Application Basis and Map as requested.

The \$895.00 was sent in the mail today.

Please let me know if you need additional information.

Thank you,
Angie Hammrich

Angie Hammrich
General Manager
WEB Water

v: 605.229.4749

f: 605.229.4492

ahammrich@webwater.org

Confidentiality Note: This email message, including any attachment(s), is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or otherwise protected by law. Any unauthorized use, disclosure, or distribution of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately by reply email and destroy the original and all copies of the email, including any attachment(s).

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, May 5, 2023 4:16 PM
To: Angie Hammrich <ahammrich@webwater.org>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Future Use Reservation

CAUTION! This email originated from outside of WEB Water. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Hammrich,

Regarding your application to reserve an additional 10,000 acre-feet of water from the Missouri River received on May 2, 2023, the following are needed to complete the application:

- You will need to provide a basis for the amount of water requested. Please refer to [74:02:01:24.01](#).
- A map showing the area from which withdrawals are planned at a future date. The map should include a government section corner so the legal description can be derived from the area being identified on the map.
- The application fee is \$895.00.

Rodriguez, Rachel

From: Duvall, Ron
Sent: Friday, May 5, 2023 4:16 PM
To: Angie Hammrich
Cc: Schlaak, Karen; Rodriguez, Rachel
Subject: Future Use Reservation

Ms. Hammrich,

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- You will need to provide a basis for the amount of water requested. Please refer to [74:02:01:24.01](#).
- A map showing the area from which withdrawals are planned at a future date. The map should include a government section corner so the legal description can be derived from the area being identified on the map.
- The application fee is \$895.00.

For the above items, you could refer to your last future use reservation – [Water Permit No. 8552-3 can be viewed online here](#).

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Schlaak, Karen

From: Duvall, Ron
Sent: Friday, May 5, 2023 4:16 PM
To: Angie Hammrich
Cc: Schlaak, Karen; Rodriguez, Rachel
Subject: Future Use Reservation

Ms. Hammrich,

Regarding your application to reserve an additional 10,000 acre-feet of water from the Missouri River received on May 2, 2023, the following are needed to complete the application:

- You will need to provide a basis for the amount of water requested. Please refer to [74:02:01:24.01](#).
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Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA



**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
APPLICATION NO. 8778-3, WEB Water Development Association, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 8778-3, WEB Water Development Association, Inc., 38462 US Highway 12, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 8778-3 for reservation of 10,000 acre-feet of water annually because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Water Permit No. 8778-3 reserves 10,000 acre-feet of water annually from the natural flows of the Missouri River.
2. That Future Use Water Permit No. 8778-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer
August 24, 2023

REPORT ON FUTURE USE WATER PERMIT APPLICATION NO. 8778-3
WEB Water Development Association, Inc.
August 22, 2023

Future Use Water Permit Application No. 8778-3, proposes to appropriate and reserve for future use 10,000 acre-feet of water annually from the Missouri River with the diversion to be located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. The water is to be reserved for future water supplies for rural water system use. WEB Water Development Association Inc. (WEB) serves users in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day and Clark counties in South Dakota and Emmons, McIntosh and Dickey counties in North Dakota. This application does not authorize construction of works or application of water to beneficial use. The Missouri River diversion site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-10 and 46-5-38.1 sets out the criteria and conditions under which a future use permit may be approved and Administrative Rule 74:02:01:24.01 defines the limits the Water Management Board may place on a future use permit. SDCL 46-2A-10 allows a future use permit to be approved only if 1) there is reasonable probability unappropriated water is available for appropriation; 2) the quantity of water reserved will be needed by the entity; 3) the proposed use will be a beneficial use; and 4) the proposed use is in the public interest. This report will address the first two criteria.

Review of the Proposed Water Source

The water source for this future use reservation is from the natural flow of the Missouri River flowing through Lake Oahe in the reach impounded behind Oahe Dam. The US Army Corps of Engineers constructed Oahe Dam impounding Lake Oahe in the 1950s and 1960's as a part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point, are operated as a system providing storage and water releases for congressionally authorized purposes. Specifically, Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in the instream reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with excess natural

flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson. 2001). A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can be derived from this study for the Missouri River at Oahe Dam (Figure 1). A percentile is a measure used in statistics to indicate the value below which a given percentage of observations in a group of observations fall, in this case daily flow. The Missouri River natural flow percentile hydrograph shows a double peak for the three percentile levels shown. The first March-April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snowmelt runoff from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph, corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available (Jacobson, 2001).

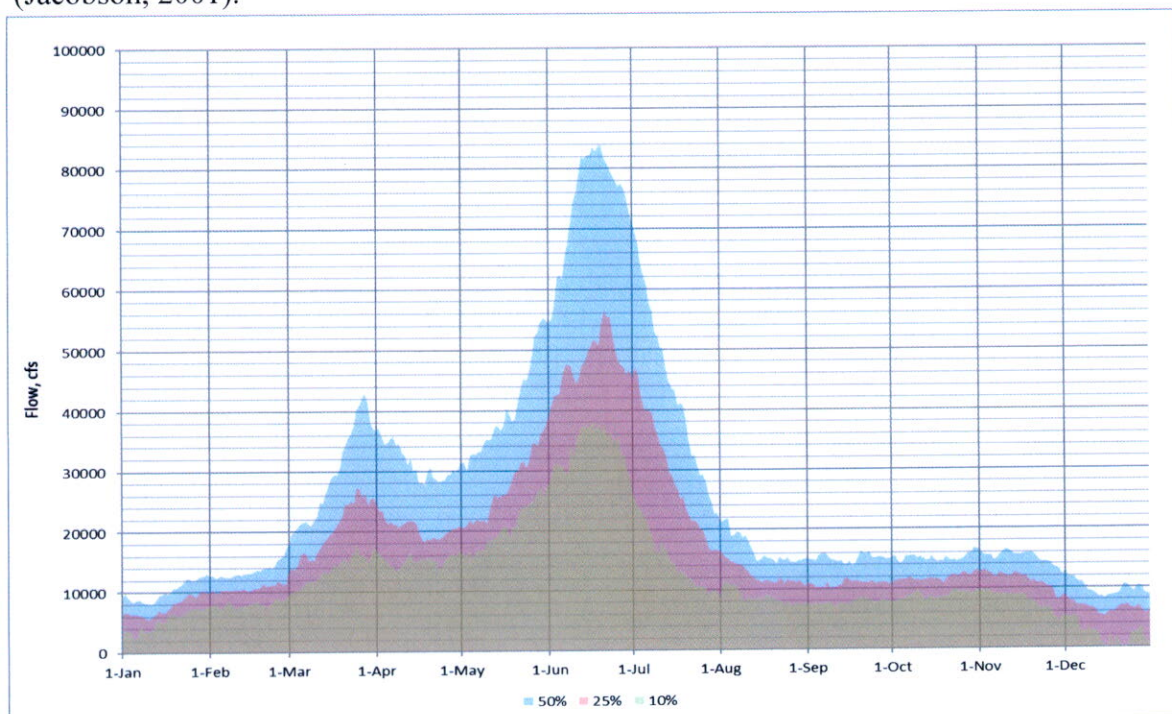


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam (Jacobson, 2001).

If this future use reservation is approved, even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available throughout the year including the irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

As noted earlier, the flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25, and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 1). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from the plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snowmelt runoff from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available downstream of the future use area, if this project is approved. As Figure 2 demonstrates, existing water rights will not be adversely impacted by this future use reservation. Water availability is not a concern if the diversion is developed under this reservation of water when using the natural flows of the Missouri River as a source (Jacobson, 2001).

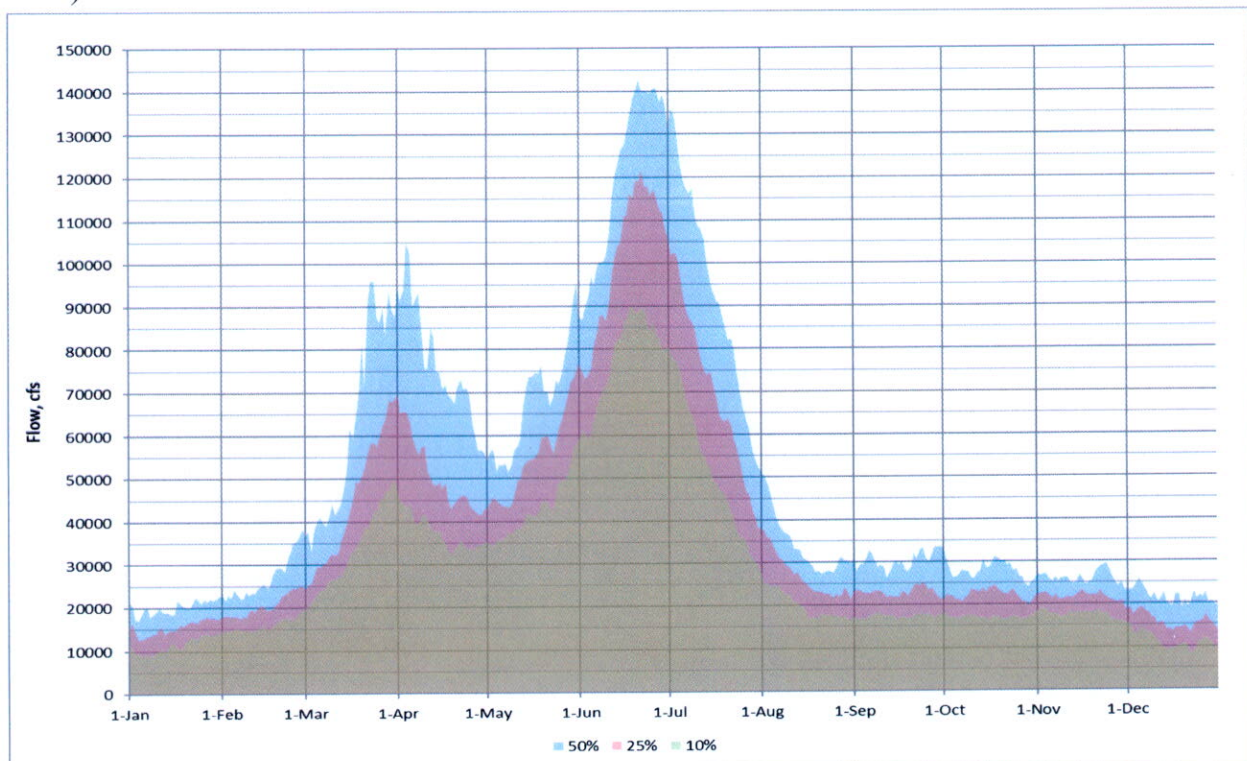


Figure 2 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2001)

Review of the Existing Water Rights

There are 251 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1254.183 cubic feet of water (cfs) (Water Rights, 2023). Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights. Currently there are 19 future use permits reserving 355,201 acre-feet annually. There is one future use permit for approximately 1.1 million acre-feet held by the US Bureau of Reclamation for the suspended Oahe Irrigation Project (Water Rights, 2023). Included in this tally, WEB currently holds Future Use Permit Nos. 2671-3, 3429-3 and 8552-3. Future Use Permit No. 2671-3, initially obtained by the Oahe Conservancy Subdistrict, was assigned to WEB in 1985 when the subdistrict was dissolved. This future use permit reserved 10,000 acre-feet annually from the Missouri River which has all been placed to beneficial use by WEB leaving no water in reserve under No. 2671-3. Future Use Permit No. 3429-3 was also initially held by the subdistrict reserving 20,000 acre-feet annually and then transferred to WEB. Water Permit No. 6824-3 placed 5,000 acre-feet annually to beneficial use leaving 15,000 acre-feet annually in reserve under No. 3429-3. Future Use Permit No. 8552-3 reserves an additional 10,000 acre-feet annually (Water Rights, 2023).

Reported and Projected Water Use by WEB

As part of the application, WEB provided information supporting their need for an additional reservation of Missouri River water. WEB has \$82,000,000.00 for their Moratorium Improvements project and Water Treatment Plant Expansion project. Originally, when WEB obtained Future Use Permit No. 8552-3, their intent was to bury a 30" inch diameter raw water line and new treated water mainline. However, this line is now to be enlarged to 49.5" inch diameter. The upsized mainline would have the capacity to transport 53.3 million gallons of water per day (MGD) equating to 60,000 acre-feet (ac-ft) annually. Currently, WEB has 40,000 ac-ft of Missouri River natural flows reserved annually for their use by having obtained water permits and future use permits. If this application is approved, it will raise the total annual volume reserved for WEB's use to 50,000 ac-ft annually. This is 10,000 ac-ft annually less than the 60,000 ac-ft annual design capacity of the main water lines. WEB indicated they would come back at a future date with a permit application to reserve an additional 10,000 ac-ft annually.

Conclusions

1. The applicant proposes to reserve for future use 10,000 acre-feet of water from the Missouri River.
2. The water source for the proposed future use reservation is natural flows of the Missouri River taken from a location in Walworth County.

3. Based upon a review of a USGS report analyzing the natural flow of the Missouri River, the review indicates a reasonable probability unappropriated water is available for reservation of water.
4. The applicant has demonstrated for the WEB Water Development Association Inc. to meet projected future water requirements, WEB needs to secure additional water supplies from the Missouri River.



Mark D. Rath

Natural Resources Engineer III

References

1. USACE. 2022. US Army Corps of Engineers, Northwest Division, Missouri River Mainstem System 2022 – 2023 Annual Operating Plan. USACE-NWD, PO Box 2870, Portland OR 97208-2870.
2. Jacobson. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO.
3. Water Rights. 2023. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

September 6, 2023

WEB Water Development Association, Inc.
c/o Angie Hammrich
38462 US Highway 12
Aberdeen SD 57401

Dear Ms. Hammrich:

Water Permit Application No. 8778-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

•Mobridge Tribune	605-845-3646	•Highmore Herald	605-852-2927
•Edmunds County Tribune	605-426-6471	•Miller Press	605-853-3575
•Aberdeen American News	855-753-8597	•Redfield Press	605-472-0822
•Pollock Prairie Pioneer	605-889-2320	•Huron Plainsman	605-353-7414
•Northwest Blade	605-284-2631	•Marshall/Britton County Journal	605-448-2281
•Potter County News	605-765-2464	•Webster Reporter & Farmer (M)	605-345-3356
•Faulk County Recorder	605-598-6525	•Clark County Courier	605-532-3654

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

Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Please note that as a corporation, WEB Water Development Association, Inc. will need to be represented by legal counsel before the Water Management Board.

(continued)

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper – Publish the Notice on September 11, 2023. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that “if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer’s recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer’s recommendation with qualifications, the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer.

These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application 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 September 25, 2023.

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at an approximate cost of _____.

Instruction to Newspaper – Publish the Notice on September 13 or 14, 2023. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer’s recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

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Published once at an approximate cost of _____.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, September 6, 2023 1:50 PM
To: Rodriguez, Rachel
Cc: ahammrich@webwater.org
Subject: RE: [EXT] 9259516 - RE: 8778-3 WEB Water Development Association - Public Notice
Attachments: Order_Confirmation_Liners.pdf

Hello,

Your notice is scheduled to run on 9/13 in the American News.
The total cost is \$92.58, which includes an affidavit that will be mailed to you after the final run date.
An order confirmation containing a proof of the notice is attached for your review.
Any changes/revisions to the notice are needed before 5pm CST on 9/8.
Your notice is scheduled to run per your request and will publish unless you advise otherwise.
Invoices are mailed out at the end of each month for all ads that finished running in that month.

In the future, if you would like to utilize our online self-serve ads portal to place your legal notices, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. Anything missing and/or incorrect can cause your publication to be rejected in which you will be responsible for all fees to republished.

Thank you,
Forrest Grade
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, September 6, 2023 10:05 AM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: 9259516 - RE: 8778-3 WEB Water Development Association - Public Notice

ahammrich@webwater.org

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, September 6, 2023 10:04 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] 8778-3 WEB Water Development Association - Public Notice

Hello,

What is the email for the billing party?

Thank you,
Forrest Grade
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, September 6, 2023 8:58 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 8778-3 WEB Water Development Association - Public Notice

Attached is a notice to be published on September 13, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Redfield Office <office@redfieldpress.com>
Sent: Wednesday, September 6, 2023 11:22 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8778-3 WEB Water Development Association - Public Notice- "office@redfieldpress.com" <office@redfieldpress.com>

Will run in the paper (1) time on 9/13/23. Will be billed to Web Water.

Thanks,
Have a Wonderful Wednesday!!
Cindy

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, September 6, 2023 9:14 AM
To: Redfield Office <office@redfieldpress.com>
Subject: 8778-3 WEB Water Development Association - Public Notice- "office@redfieldpress.com" <office@redfieldpress.com>

Attached is a notice to be published on September 13, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Highmore Herald <hiherald@venturecomm.net>
Sent: Wednesday, September 6, 2023 9:50 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 8778-3 WEB Water Development Association - Public Notice

Received and scheduled.

Mary Beth Hamlin
The Highmore Herald
PO Box 435
Highmore, SD 57345
(605) 852-2927
hiherald@venturecomm.net

From: Rodriguez, Rachel [mailto:Rachel.Rodriguez@state.sd.us]
Sent: Wednesday, September 06, 2023 9:07 AM
To: hiherald@venturecomm.net
Subject: 8778-3 WEB Water Development Association - Public Notice

Attached is a notice to be published on September 14, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Jane Bachman <jane@mbridgetribune.com>
Sent: Wednesday, September 6, 2023 9:05 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8778-3 WEB Water Development Association - Public Notice

Thank you Rachel
I will get this set up and scheduled for the Tribune on the 13th.
Jane

From: "Rodriguez, Rachel" <Rachel.Rodriguez@state.sd.us>
Date: Wednesday, September 6, 2023 at 8:54 AM
To: Jane Bachman <jane@mbridgetribune.com>
Subject: 8778-3 WEB Water Development Association - Public Notice

Attached is a notice to be published on September 13, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Molly McRoberts <molly@pottercountynews.com>
Sent: Wednesday, September 6, 2023 9:12 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 8778-3 WEB Water Development Association - Public Notice

Got it. Thank you.
Molly McRoberts
Potter County News/Gettysburg
605-769-1180 call/text
molly@pottercountynews.com

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, September 6, 2023 9:04 AM
To: Molly McRoberts <molly@pottercountynews.com>
Subject: 8778-3 WEB Water Development Association - Public Notice

Attached is a notice to be published on September 14, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Northwest Blade <nwblade@valleytel.net>
Sent: Wednesday, September 6, 2023 9:21 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8778-3 WEB Water Development Association - Public Notice

Got it. Will do!

Kaitlin

Northwest Blade
605-284-2631
nwblade@valleytel.net
facebook.com/PridePublications

On 2023-09-06 09:02, Rodriguez, Rachel wrote:

Attached is a notice to be published on September 14, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Wednesday, September 6, 2023 8:54 AM
To: ads@mobridgetribune.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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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: Wednesday, September 6, 2023 8:57 AM
To: 'iptribune@valleytel.net'
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 8:58 AM
To: aan-legals@aberndeennews.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:01 AM
To: pioneer@valleytel.net
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:02 AM
To: nwblade@valleytel.net
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:04 AM
To: molly@pottercountynews.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

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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: Wednesday, September 6, 2023 9:06 AM
To: info@faulkcountyrecord.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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Thank you,

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DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:07 AM
To: hiherald@venturecomm.net
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Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:13 AM
To: advertising@themillerpress.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol 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: Wednesday, September 6, 2023 9:14 AM
To: office@redfieldpress.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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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: Wednesday, September 6, 2023 9:16 AM
To: rcrandall@plainsman.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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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: Wednesday, September 6, 2023 9:19 AM
To: dcard@brittonsd.com
Cc: journal@brittonsd.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 6, 2023 9:20 AM
To: clarkcountycourier@gmail.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 13, 2023.

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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: Wednesday, September 6, 2023 9:24 AM
To: news@reporterandfarmer.com
Subject: 8778-3 WEB Water Development Association - Public Notice
Attachments: 8778-3 public.wmb_final_Monday.docx; FORM8.FRM.doc

Attached is a notice to be published on September 11, 2023.

WEB Water Development Association, Inc., c/o Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401, (605 229-4749) has been notified to contact you to authorize publication and arrange for payment.

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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



Mobridge Tribune Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

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

WEB files application to appropriate and reserve water

WEB Water Development Association Inc.

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: 9/13/2023

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$76.23** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

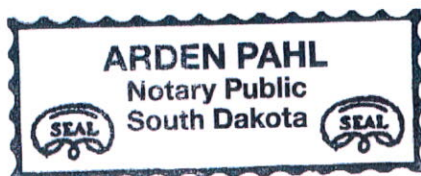
Lori Cox

Subscribed and sworn to before me this date of
9/18/2023

Arden Pahl

Arden Pahl, Notary Public
State of South Dakota

My commission expires August 1, 2025



VEB files application to appropriate and reserve water

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public

interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report, are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter

concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application 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 September 25, 2023.

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47; 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at the total approximate cost of \$76.23 and can be viewed free of charge at www.sdpublicnotices.com. 091323

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) SS
County of Edmunds)

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

NOTICE OF HEARING

APPROPRIATE AND RESERVE WATER

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 forone..... successive issues.

The First publication being made on the13..... day of Sept., 20²³

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

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

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

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

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

Seventy-sevenDollars and

sixtycents (\$ 77.60)

Signed:.....

Subscribed and sworn to before me this28..... day of Sept., 20²³




Notary Public - Edmunds County, South Dakota

My commission expires February 26, 2025

RECEIVED

OCT 02 2023

OFFICE OF
WATER

PUBLIC

Public Notice Advertising P

PUBLIC NOTICE

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

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NOTICES

Protects Your Right to Know

that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

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Published once at the total approximate cost of \$77.60 /may be viewed free of charge at www.sdpublicnotices.com (Publish T 9-13)

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Web Water Development Association Inc
38456 Us Highway 12
Aberdeen SD 57401-8402

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

09/13/2023

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 09/13/2023

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost: \$92.58

Order No: 9259516

of Copies:

Customer No: 1059835

1

PO #: Water app. 8778-3

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF HEARING on
Application No. 8778-3 to
Appropriate and Reserve
Water for Future Use

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Published Sep. 13, 2023, at the total approximate cost of \$92.58 and may be viewed free of charge at www.sdpublishnotices.com

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF CAMPBELL, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

WEB files application to appropriate and reserve water

WEB Water

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

1- Prairie Pioneer: 9/14/2023

That the full amount of the fees for the publication of the annexed notice is \$76.23

Lori Cox

Subscribed and sworn to before me this 9/22/2023

Arden Pahl

Arden Pahl, Notary Public

State of South Dakota

My commission expires August 1, 2025



WEB files application to appropriate and reserve water

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water

annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's

recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application 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 September 25, 2023.

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20; 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Published once at the total approximate cost of \$76.23 and can be viewed free of charge at www.sdpublicnotices.com

-091423

AFFIDAVIT OF PUBLICATION

The Northwest Blade
P.O. Box 797; Eureka, SD 57437
605-284-2631

RECEIVED
SEP 15 2023
OFFICE OF
WATER

STATE OF South Dakota: COUNTY OF McPherson

I, Kaitlin Huber, am authorized by the publisher as agent to make this affidavit of publication.
Under oath, I state that the following is true and correct.

The Northwest Blade is a newspaper which is published weekly and is of general circulation and is in compliance with South Dakota Newspaper Association legalized Statutes.

The notice has been published in the newspaper listed above.

DATE(S) OF PUBLICATION

09/14/2023 - Notice of Hearing, Application 8778-3

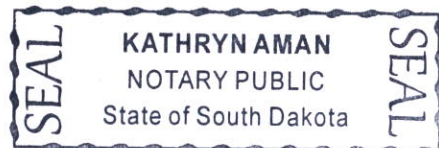
NAME OF THE CORPORATION/GOVERNMENT OFFICE: Water Rights Program

TYPE OF DOCUMENT: Legal

AUTHORIZED SIGNATURE: Kaitlin Huber

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

13th DAY OF September, 2023.



NOTARY SIGNATURE: Kathryn Aman
commission expires 4-4-24

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on

approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The appli-

cation 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 September 25, 2023.

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

the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2)

cant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the appli-

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 September 25, 2023. However, since this particular matter is a water permit application 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.

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Published once at an approximate cost of \$80.07 at 4 cents per reader and can be viewed free of charge at www.sdpublicnotices.com.

Potter County News

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER, ss.

I, Lori Cox being first duly sworn, on oath says, that she is the bookkeeper of the POTTER COUNTY NEWS, a weekly newspaper published in Gettysburg, County of Potter, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of hearing: WEB Water

WEB Water Development Association

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

1- Potter County News: 9/14/2023

That the full amount of the fees for the publication of the annexed notice is \$76.23

Lori Cox

Subscribed and sworn to before me on 9/18/2023

Arden Pahl

Arden Pahl

State of South Dakota

My commission expires August 1, 2025



Notice of hearing: WEB water

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Published once at the total approximate cost of \$76.23 and can be viewed free of charge at www.sdpublicnotices.com

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[illegible]

One (1)
 which same was published, is attached to this
 printed in said newspaper at least once in each
 newspaper was regularly published, to wit
 Wednesday September 13, 2023
 that the full amount of the fees for the publication
 of the proposed action is \$ 77.10
 [Signature]
 Subscribed and sworn to before me this
 September 30, 2023
 [Signature]
 Notary Public

Qty / inches	Rate
	77.18
	6.20%
Total	
Payments	
Balance	

Affidavit of Publication

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF HYDE)

MARY ANN MORFORD

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

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for one (1) issue, the publication being made on September 14, 2023; and that \$ 83.33 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 15th
day of September 2023
Mary Ettemlin
Notary Public, Hyde County, South Dakota
My Commission Expires July 8, 2028

RECEIVED

SEP 18 2023

OFFICE OF
WATER

NOTICE OF HEARING ON APPLICATION NO. 8778-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy. 12, Aberdeen South Dakota 57401, has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge, South Dakota.

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Any interested person may file a comment on the application 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 September 25, 2023.

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru

46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

FPNO 06

LPNO 06

Published once at the total approximate cost of \$83.33 and can be viewed free of charge at www.sdpublicnotices.com.

**AFFIDAVIT OF
PUBLICATION**
The Miller Press

STATE OF SOUTH DAKOTA)
)SS
County of Hand)

Michael G. Caviness of said county being first duly sworn, on oath, says that he is the publisher of *The Miller Press*, a weekly newspaper published in Miller, said County of Hand by Hand County Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has been published within said County for fifty weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Web water files for
water permit

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

9/9 2023; 20
20; 20
20; 20

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

\$ 77.60

Michael G. Caviness, Publisher

Subscribed and sworn to before me this 9 day of Sept. 2023.

Janet L. Kittelson, Notary Public
My Commission expires: 7-25-26

WEB Water files for water permit

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications,

the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to

be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application 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 September 25, 2023.

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published September 9, 2023, at a total approximate cost of \$77.60 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#7043 NOTICE OF HEARING

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on September 13th, That Seventy-One and 14/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

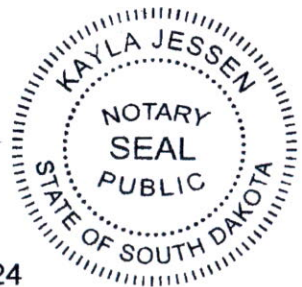
Cindy Crook

Subscribed and sworn to before me this 13th, day of September, 2023

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2024



Notice of Hearing

#7043

NOTICE OF HEARING on Application No. 8778-3 to Appropriate and Reserve Water for Future Use

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 US Hwy 12, Aberdeen SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day, and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew

Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-33 thru 46-5-39, 46-5-46, 46-5-

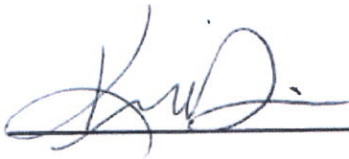
47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published once at the total approximate cost of \$71.14 and may be viewed free of charge at www.sdpublishing.com. (Sept. 13)

Proof Of Publication

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

Legal Notice Number: 2185

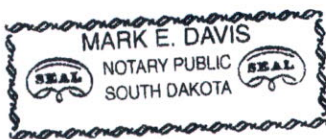
I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: WEB Water Development Association – Notice of Hearing was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 9/13/2023. That the full amount of the fee charged for the \$83.58 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this date 9-28-23


Notary Public, South Dakota

My Term Expires 12/27/2024



Proof Of Publication

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

Legal Notice Number: 2185

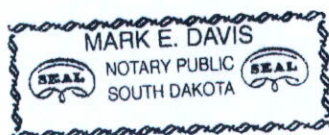
I, Kim Davis, being duly sworn on oath say that the Plain-
Beadle County South Dakota, and that said newspaper has
copies daily; that said newspaper has been published weekly
weeks immediately prior to this date, that said newspaper
office maintained at said place of publication; that I am
newspaper and know that facts herein state. The annex
Development Association – Notice of Hearing was published
not in any supplement of the said newspaper; the public
full amount of the fee charged for the \$83.58 insures to
newspaper; that no agreement or understanding for the
any other person, and that no part thereof has been agreed
ever.



Subscribed and sworn to me before this date 9-2


Notary Public, South Dakota

My Term Expires 12/27/2024



2000 - Legals

F. P. 09-13-23

**NOTICE OF HEARING
on Application
No. 8778-3 to
Appropriate and
Reserve Water for
Future Use**

Notice is given that
WEB Water Development
Association, Inc., Angie
Hammrich, General
Manager, 38462 US Hwy
12, Aberdeen SD 57401
has filed an application
for a future use water
permit to appropriate and
reserve 10,000 acre-feet
of water annually from the
Missouri River located
in the NW 1/4 NE 1/4
Section 32-T123N-R78W.
This application does not
authorize construction of
works or application of
water to beneficial use.
The water is reserved for
rural water system use
in Walworth, Edmunds,
Brown, Campbell,
McPherson, Potter,
Faulk, Hyde, Hand,
Spink, Beadle, Marshall,
Day, and Clark counties
in South Dakota; and
Emmons, McIntosh,
and Dickey counties in
North Dakota. This site
is located approximately
10 miles southeast of
Mobridge SD.

South Dakota
Codified Law (SDCL)
46-2A-4(10) provides
that "if the applicant
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recommendation of
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and no petition to
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Engineer shall act on
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recommendation and
no hearing may be held
before the board, unless
the Chief Engineer
makes a finding that
an application, even if
uncontested, presents
important issues of public
policy or public interest
that should be heard by
the board." In this case,
the Chief Engineer finds
that this application
presents important
issues of public interest
that should be heard by
the Water Management
Board.

Pursuant to SDCL
46-2A-2, the Chief
Engineer recommends
APPROVAL of Application
No. 8778-3 with
qualifications because
1) unappropriated water
is available, 2) WEB
Water Development
Association, Inc.
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defined by SDCL 46-2-
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Any person meeting the
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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, Foss Building,
523 E Capitol, Pierre SD
57501" or call (605) 773-
3352. The applicant's
mailing address is given
above. If contesting
the Chief Engineer's
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applicant shall also file a
petition. A petition filed
by either an interested
person or the applicant
must be filed by
September 25, 2023.

The petition shall
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include a statement
describing the unique
injury upon approval of
the application on the
petitioner, the petitioner's
reasons for opposing
the application, and
the name and mailing
address of the petitioner
or the petitioner's
legal counsel, if legal
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present at the hearing
and to be represented by
a lawyer. These and other
due process rights will be
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exercised at the hearing
and decisions of the
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to the Circuit Court and
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The October hearing
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If an automatic delay is
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use the Office of Hearing
Examiners by giving
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ten days after service of a
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Hearing, service is being
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Engineer is September
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since this particular
matter is a water permit
application and not a
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excess of \$2,500.00 or
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disputes the applicability
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the Board.

As applicable, the
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1-26-16 thru 1-26-28;
SDCL 46-1 thru 46-1-
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11, 46-2-17; 46-2A-1 thru
46-2A-12, 46-2A-14, 46-
2A-15, 46-2A-20, 46-2A-
21, 46-2A-23; 46-5-1.1,
46-5-2 thru 46-5-26, 46-
5-30.2 thru 46-5-30.4,
46-5-31, 46-5-32 thru
46-5-34.1, 46-5-38 thru
46-5-39, 46-5-48, 46-5-
47, 46-5-49; 46-6-1 thru
46-6-3.1, 46-6-8.1, 46-6-
10, 46-6-13, 46-6-14, 46-
6-21, 46-6-26; and Board
Rules ARSD 74:02:01:01
thru 74:02:01:25.02;
74:02:01:35.01.

No. 2185 (adv.)
Published one time at the
total approximate cost
of \$83.58 and may be
viewed free of charge at
www.sdpublicnotices.com.

Form 8

RECEIVED
SEP 25 2023
OFFICE OF
WATER

PROOF OF PUBLICATION

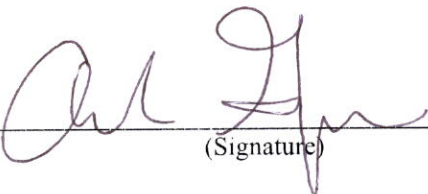
STATE OF SOUTH DAKOTA)
County of Marshall) SS

I, Amanda Greenmyer
certify that the attached printed Notice was taken
from the Marshall County
Journal

printed and published in Britton
County of Marshall and
state of South Dakota. The notice was published
in the newspaper on the following date:

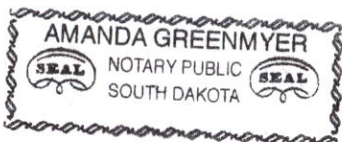
Sept 13, 2023

Cost of Printing \$67.86


(Signature)

Legal Correspondance / Advertising
(Title)

Sept 19, 2023
(Date Signed)



RECEIVED

SEP 25 2023

OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

} ss.

Amanda Fanger, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, Amanda Fanger, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Water Rights Program Hearing on Application 8778-3, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

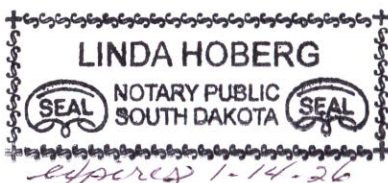
First Publication September 11, 2023;
Second Publication ;
Third Publication ;
Fourth Publication ;
Fifth Publication ;

That the full amount of fees for publication of the annexed notice is \$89.23 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 11th day of September, 2023.

Amanda Fanger

Linda Hoberg
Notary Public, Day County, South Dakota



NOTICE OF HEARING ON
APPLICATION NO. 8778-3
TO APPROPRIATE AND
RESERVE WATER FOR
FUTURE USE

Notice is given that WEB Water Development Association, Inc., Angie Hammrich, General Manager, 38462 U.S. Hwy. 12, Aberdeen, SD 57401 has filed an application for a future use water permit to appropriate and reserve 10,000 acre-feet of water annually from the Missouri River located in the NW 1/4 NE 1/4 Section 32-T123N-R78W. This application does not authorize construction of works or application of water to beneficial use. The water is reserved for rural water system use in Walworth, Edmunds, Brown, Campbell, McPherson, Potter, Faulk, Hyde, Hand, Spink, Beadle, Marshall, Day and Clark counties in South Dakota; and Emmons, McIntosh, and Dickey counties in North Dakota. This site is located approximately 10 miles southeast of Mobridge, SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8778-3 with qualifications because 1) unappropriated water is available, 2) WEB Water Development Association, Inc. has demonstrated a reasonable need to reserve water in the amount of 10,000 acre-feet of water annually, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are 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 consider this application at 9:45 AM (Central Time) on October 4, 2023, in the Matthew Training Center, Joe Foss Bldg., 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application 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, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file

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 September 25, 2023. However, since this particular matter is a water permit application 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.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 through 1-26-28; SDCL 46-1-1 through 46-1-9, 46-1-13 through 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 through 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 through 46-5-26, 46-5-30.2 through 46-5-30.4, 46-5-31, 46-5-32 through 46-5-34.1, 46-5-38 through 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 through 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 through 74:02:01:25.02; 74:02:01:35.01.

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a petition. A petition filed by either an interested person or the applicant must be filed by September 25, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The October hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by September 25, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application 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 September 25, 2023.

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.

**NOTICE OF HEARING ON A
APPROPRIATE AND RESERV**

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Affidavit of Publication

State of South Dakota

§

County of Clark

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

Water Rights Program

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

One

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

September 13, 2023

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

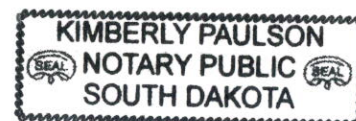
\$80.72

Karli Paulson

Subscribed and sworn to before me this

28th day of September, 2023

K Paulson



Notary Public

Clark County, South Dakota

My Commission expires: 04/27/2029

RECEIVED

OCT 02 2023

**OFFICE OF
WATER**

**APPLICATION NO. 8778-3 TO
E WATER FOR FUTURE USE**

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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Published once at the approximate cost of \$80.72 and can be viewed free of charge at www.sdpublicnotices.com
9-13-23



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 10 2023

WEB Water Development Association, Inc.
c/o Angie Hammrich, General Manager
38462 US Hwy 12
Aberdeen SD 57401

Dear Ms. Hammrich:

Enclosed is Future Use Permit No. 8778-3 as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in the future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Sincerely,

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

enclosure



**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.: 8778-3

Name of Applicant: WEB Water Development Association, Inc., Angie Hammrich

Date of Posting: 9/11/2023

Date of Removal: 10/10/2023

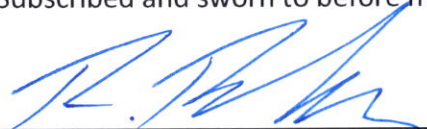


Ron Duvall, Engineer III

10/10/2023

Date

Subscribed and sworn to before me, a notary public, this 10 day of October, 2023.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

