

WATER MANAGEMENT BOARD

May 5, 2016

Floyd Matthew Training Center

Joe Foss Building

523 E Capitol Avenue

Pierre SD

Scheduled hearing times are Central Daylight Time

AGENDA

Scheduled times are estimates only. Agenda items may be delayed due to prior scheduled items.
Breaks will be at the discretion of the chair.

May 5, 2016

10:00 AM Call to Order

March 3, 2016, Board Minutes

July 6 – 7, 2016 Meeting Location (Pierre suggested)

Status and Review of Water Rights Litigation – Matt Naasz

Administer Oath to Department of Environment and Natural Resources Staff

Update on DENR Activities

- DENR website on Observation Wells and Lake Water Levels – Jeanne Goodman
- Lead and Copper Monitoring in South Dakota – Mark Mayer
- Transcanada Freeman Pipeline Spill Update – Brian Walsh

Cancellation Consideration – Eric Gronlund

Withdrawal of Water Permit Application No. 119-3, Hansen – Eric Gronlund

Deferred Water Permit Application No. 8068-3, Thunder Ridge LLC – Eric Gronlund

10:30 AM Water Permit Application No. 8195-3, Chad Anderson – Mark Rath

11:00 AM Water Permit Application Nos. 2746-2, 2747-2 and 2748-2, Forrest Stewart – Ken Buhler

ADJOURN

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at (605) 773-3296 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

WATER MANAGEMENT BOARD MEETING

May 5, 2016

Qualifications: wi - well interference wcr - well construction rules iq - irrigation questionnaire lf - low flow

No.	Name	Address	County	Amount	Use	Source	Qualifications
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Water Permit Application to be Considered as Scheduled

2746-2	Forrest Stewart	Cody NE	BT	2.45 cfs	160 acres	1 well-Ogallala Aquifer	wi, wcr, iq, 1 special
2747-2	Forrest Stewart	Cody NE	BT	1.34 cfs	64 acres	1 well-Ogallala Aquifer	wi, wcr, iq, 1 special
2748-2	Forrest Stewart	Cody NE	BT	1.56 cfs	75 acres	1 well-Ogallala Aquifer	wi, wcr, iq, 1 special
8068-3	Thunder Ridge RE LLC	Pipestone MN	TU	0.11 cfs	commercial	2 wells-Sioux Quartzite Wash	deferral
8195-3	Chad Anderson	Dell Rapids	MY	1.33 cfs	120 acres	Big Sioux River	iq, 3 special

Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations

8188-3	Jensen Rock & Sand Inc.	Mobridge	RB	1.44 cfs	industrial	2 wells-Coteau Lake Aquifer	wi, 2 special
8194-3	Lakeside Dairy	Ortley	GT	0.446 cfs	commercial	1 well-Prairie Coteau Aquifer	wi, wcr, 4 special
8196-3	Red Willow Httm Brethren	White	BG	3.56 cfs	275 acres	4 wells-Unnamed Creek management unit:Big Sioux Aquifer	wi, wcr, iq
8197-3	Bauer Feedlot	Mina	BN	0.16 cfs	commercial	2 wells-Inyan Kara Aquifer	wi, wcr, 4 special
8198-3	Steven Beeson	Wagner	CM	0.45 cfs	no add'l ac	1 well-Choteau:West Aquifer	wi, iq
8199-3	Donahue Farms	Howard	MR	0.162 cfs	commercial	3 wells-Floyd East James Aqu.	wi, wcr, 4 special
8201-3	Kerry Holscher	Waubay	DA	2.22 cfs	240 acres	2 wells-Prairie Coteau Aquifer	wi, wcr, iq
8202-3	Gerald Benjamin	Elk Point	UN	1.89 cfs	132 acres	1 well-Missouri:Elk Point Aqu.	wi, iq
8203-3	Milton Morris	Pierre	SU	1.11 cfs	fwp & recreational	1 well-Grey Goose Aquifer & 8.45 acre-feet storage dam	wi, 2 special
8206-3	Blue Haven Barn & Gardens	Lennox	MA	0.078 cfs	3.5 acres	3 acre-feet storage pond	iq
8209-3	Nathan Meland	Wallace	CD	0.87 cfs	61 acres	26 acre slough	iq

Readvertisement

6748-3	Brian & Ed Havlik	Kimball	JE	0.12 cfs	commercial & domestic	1 well-Crow Creek Aquifer	wi, wcr, iq
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CANCELLATIONS – May 5, 2016

Number	Original Owner	Present Owner(s) & Other Persons Notified	County	Amount C.F.S.	Use	Reason	Source	Date Notified	Letters
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DIVISION II WATER PERMITS

PE 1268-2	R E Turner dba Bad River Ranches	Dusty Hepper, Ranch Mgr Carter Kruse, Rep for R E Turner Enterprises	PE	6.00	IRR	A/F	Bad River	3-23-16	
PE 1586-2	Larry D Larsen	same	LY	1.14	IRR	A/F	Lake Larsen	3-24-16	
PE 1899-2	Old Home Campground	Rushmore Cave LLC % Tom Hagen	PE	0.03	COM	A/F	ground water -- two wells Deadwood Formation	3-23-16	
PE 2198-2	Mineral Technology Corporation	(same) % Mark Hughes, Mgr	PE	0.33	IND	A/F	Holy Terror Mine Shaft	3-22-16	
PE 2384-2	Joe Theberge	same	PE	0.12	COM DOM	A/F	Deadwood Formation (commercial use) Tertiary Aged Gravel (domestic use)	3-22-16	
PE 2405-2	Gary & Margaret McDowell	Lucy Ganje	PE	0.022	COM	A/F	ground water – one well Precambrian Rock	3-21-16	
PE 2439-2	Thomas E Leigland	Gary Haag w/Forest Service Andy Kelford w/Pacer Corp.	CU	0.016	IND	A/F	ground water – one well Crystalline Rock	3-24-16	
PE 2463-2	Hot Springs Housing & Redevelopment Commission	(same) % Greg Foust, Executive Director	FR	0.50	GEO	A/F	Fall River	3-23-16	
PE 2463A-2	Hot Springs Housing & Redevelopment Commission	(same) % Greg Foust, Executive Director	FR	no add'l	GEO	A/F	Fall River	3-23-16	
No. 2463A-2 allowed an extension of time for the project authorized under No. 2463-2									
PE 2648-2	Quinten Burull	Cody Burull	LY	1.78	IRR	NC	dugout	3-21-16	

DIVISION III WATER PERMITS, WATER RIGHTS AND FLOOD CONTROL PERMIT

FC 37	SD Dept. of Transportation	(same) % Kevin Marton	BG		FC	NC A	Twin Lakes	3-21-16	
RT 305-3	Commercial Trust & Savings Bank & Iner Houska	Dvonne Hansen Patricia Morrison	DN	0.89	IRR	A/F	James River	3-30-16	yes

ABBREVIATIONS

				PAGE 1
N/C = NON-CONSTRUCTION	A/F = ABANDONMENT OR FORFEITURE	A = ABANDONMENT	F = FORFEITURE	
VR = VESTED RIGHT	FC = FLOOD CONTROL PERMIT	PE = WATER PERMIT	RT = WATER RIGHT	
IRR = IRRIGATION	GEO = GEOTHERMAL HEATING	COM = COMMERCIAL	MUN = MUNICIPAL	
INS = INSTITUTIONAL	SHD = SUBURBAN HOUSING DEVELOPMENT	RWS = RURAL WATER SYSTEM	IND = INDUSTRIAL	

CANCELLATIONS – May 5, 2016

Number	Original Owner	Present Owner(s) & Other Persons Notified	County	Amount C.F.S.	Use	Reason	Source	Date Notified	Letters
RT 2672-3	Marilyn A Steiger	same	CK	1.78	IRR	A/F	ground water – one well Prairie Coteau Aquifer	3-22-16	
RT 3412B-3	Mark & Niki Rethke	same	GT	0.69	IRR	A/F	ground water – one well Veblen Aquifer	3-23-16	
PE 5440-3	Peter Klein	Marlen Laska	CM	0.14	COM	A/F	ground water – one well Codell Sandstone Aquifer	3-22-16	
PE 6281-3	Dakota Value Capture Cooperative	(same) % Curt Mortenson and Paul Symens, Registered Agent	HU	2.22	COM	NC	ground water – two wells Gray Goose Aquifer	3-21-16 3-22-16	
PE 6929-3	Marvin Post	same	BG	1.78	IRR	NC	ground water – one well Big Sioux Brookings Aquifer	3-30-16	

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MINUTES OF THE 197TH MEETING OF THE
WATER MANAGEMENT BOARD
via TELEPHONE CONFERENCE at the
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITAL AVE
PIERRE, SD

MARCH 3, 2016

CALL TO ORDER: Chairman Jim Hutmacher called the meeting to order at 9:32 a.m.

APPLICATIONS: Water Permit Application No. 7537-3, Brett Flihs

The following were present at the Training Center for the meeting:

Department of Environment and Natural Resources (DENR): Jami Burrer – Board Secretary; Eric Gronlund, Jeanne Goodman, Adam Mathiowetz, Karen Schlaak, Ron Duvall, Genny McMath and Mark Rath – Water Rights Program; Steve Pirner – Secretary's Office.

Attorney General's Office: Ann Mines-Bailey, counsel to the Water Rights Program.

Legislative Oversight Committee: Representative Mary Duvall.

The following were present via teleconference for the meeting:

Board Members: Chad Comes, Jim Hutmacher, Peggy Dixon, Tim Bjork, Rodney Freeman, and Leo Holzbauer. Ev Hoyt was absent.

Attorney General's Office: Matthew Naasz, counsel to the board.

APPROVE December 9, 2015, MINUTES: Motion by Freeman to approve the board minutes correcting the spelling of Mr. Foubert's name, and authorizing Bjork to sign the minutes, seconded by Bjork. Motion carried unanimously by roll vote.

NEXT MEETING: May 4-5, 2016. Pierre.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: None.

ADMINISTER OATH TO DENR STAFF: The court reporter administered the oath to the DENR Staff who intended to testify during the meeting.

LEGISLATIVE UPDATE, Steve Pirner:

Mr. Pirner stated there is a link on DENR's website for the public to view legislation tracking. DENR only worked one bill this year, the Annual Governor's Water Funding Bill, Senate Bill 68. The bill focused on Big Sioux flooding with over two million dollars of appropriation to pay off the state's commitment for the Sioux Falls flood control project. There was an additional

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\$750,000 for the Big Sioux Base and Hydrologic Model. This came out of the flooding in 2011 and 2014 in the Lower Big Sioux. The existing flood modeling and the existing tools that were available for this area were inaccurate. The money will be used to redo the flood modeling effort. There is a public input meeting which is tentatively scheduled for March 22, 2016, in North Sioux City, South Dakota. If the Board approves a motion for a request for proposals (RFP), DENR will look for a qualified engineering and hydrologic firm. There is also \$250,000 in the funding for another Big Sioux flood control study; this is a Watertown issue. The Corps of Engineers contacted the City of Watertown and stated flood control projects in Watertown need to be re-analyzed. The City of Watertown asked DENR to help pay the non-federal cost share of the program.

Mr. Pirner stated there is a \$5 million appropriation in the bill for the consolidated program. This is the program the Board of Water and Natural Resources uses to help provide financial assistance to smaller water and waste water projects across the state. There is \$2.4 million for the Solid Waste Management Program, to help fund regional landfills and recycling projects. The total amount appropriated by the bill is around \$8.2 million, along with other fees and federal funds.

Mr. Pirner stated the bill passed the Senate with a 35-0 vote. In the House the bill passed the joint appropriations committee, but on the house floor there were six "no" votes. However, the bill received the two-thirds majority of the votes that it needed to pass and be delivered to the governor.

Mr. Pirner stated House Bill (HB) 1214 is an act to regulate conflicts of interest for authority, board, and commission members. When the bill was first introduced by Representative Mickelson the Water Management Board was not included in the bill. However, it was amended to include the board.

Mr. Pirner stated the Governor recommended DENR's budget as a status quo budget, with no increase in FTE, personal services, and no increase in operating expenses. The budget is still pending in front of the Legislature.

Mr. Pirner stated HB 1082 is an act to codify the list of navigable streams requiring gates. Representative Mary Duvall is the sponsor and author of the bill and is present today.

Ms. Duvall stated last fall the Water Management Board was presented with an issue regarding Firesteel Creek and its navigability. After listening to the meeting and looking in the code book to read the list of navigable streams that required gates, it was noticed that what was in the code book was not accurate. In the code book it stated an appointed board had an authority to make changes to statute through the rules process, however, the code book did not reflect those changes. HB 1082 was submitted to correct that issue. The bill fixed the code book to reflect the list of streams that required gates by incorporating the list existing in rule since 1994. The provision to petition the Water Management Board to make a determination was removed. Any changes to the list will need to be made legislatively and not through the administrative rules process.

Ms. Duvall stated Firesteel Creek is still in a state of limbo, because HB 1082 does not go into effect until July 1, 2016. As of that date the board will no longer have authority over the Firesteel Creek issues. It is her understanding DENR will notify the petitioner, the landowners, and others who provided testimony during the December 2015 hearing, to explain what HB 1082 is and what it does. Since it is still a pending action, the Firesteel Creek petition will be placed on the July 2016 agenda for final action, and dismissal is recommended since the board will no longer have jurisdiction.

Mr. Pirner stated the rule adopted on the Firesteel Creek issue went to the interim Rules Review Committee, and the committee remanded the rules back to the board.

RAPID VALLEY WATER MASTER, Mark Rath:

Mr. Rath stated there is a state law that requires the annual appointment of the Rapid Valley Water Master to be subject to the board's approval. The Water Master's duties include the allocation of water flows from Rapid Creek, both natural flows of Rapid Creek and purchase water releases from Pactola and Deerfield Reservoirs. The Water Master also acts as an agent to the board and the chief engineer if there are minor disputes with people taking water out of order or things of that nature. Each February, DENR contacts the Rapid Valley Conservancy District regarding this appointment for the upcoming irrigation season. This year the district requested that Kevin Ham be appointed as the Water Master. Mr. Ham has been the Water Master since 2005. The recommendation is for the board to approve the appointment of Kevin Ham for the 2016 season.

Motion to appoint Kevin Ham as the Rapid Valley Water Master by Freeman, seconded by Comes. Motion carried unanimously by roll vote.

VIOLATIONS FOR FAILURE TO REPORT IRRIGATION QUESTIONNAIRE, Genny McMath:

Ms. McMath stated on October 23, 2015, 3,834 irrigation questionnaires were mailed by first class mail to irrigators for reporting water use in 2015. The permit holders were given until December 1, 2015 to return the forms. The cover letter included the following examples of how questionnaires could be completed and returned: Online, Mail, or Fax. On January 15, 2016, 222 notices (involving 419 permits) were mailed to those irrigators who had not returned their irrigation questionnaires. Additional questionnaire forms were included with the mailing. All of the notices were sent by "certified mail." The January 15th notice advised permit holders that the Board may take one or more of the following actions pursuant to SDCL 46-1-12 and SDCL 46-1-14:

- The permit(s) could be suspended for:
 1. A period of up to one year (first violation); or
 2. A period of up to three years (second violation - includes one previous suspension);

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- The permit(s) could be canceled for a third violation (includes at least two previous suspensions);
- The permit(s) could be amended to include the mandatory irrigation questionnaire qualification;
- Postpone any action or take no action.

Ms. McMath stated the Water Rights Program is recommending the Board take the following action for those permits with irrigation questionnaires not received by March 3, 2016:

- Suspend the permits/rights (listed on attachment) as follows:
 1. First Violation - one year suspension - effective April 4, 2016;

If the irrigator sends in the questionnaire prior to April 4th no suspension will occur. Following the March 3rd hearing, all permit holders are sent a notice informing them of the Board action with the opportunity to submit the questionnaire by April 4th to avoid suspension. All follow-up notices will be sent by certified mail.

- Amend the permits/rights (listed on attachment) to include the following qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

Motion by Freeman, seconded by Bjork, to suspend water rights listed under Violation 1 (Permit Nos. 1921-1, 1922-1, 1801A-1, 495-2, 2175-2, 1350-3, 6042-3, 7286-3, 7543-3, 1342-2, 7196-3, 1349-2, and 7124-3) for one year, effective 30 days from today's date. Under Violation A (Permit Nos. 962B-1, 4292-3, 386-2, and 2457-3) be amended to include the qualification. Motion carried unanimously by roll vote.

WATER PERMIT APPLICATION NO 7537-3, Brett Flihs:

Mr. Gronlund stated what was previously provided to board in this matter.

Water Permit Application No. 7537-3 proposed to appropriate 6.6 cubic feet of water per second from three well fields, each comprised of 12 to 14 wells, completed into the Lake Silt aquifer for irrigation of 480 acres in Brown County. The application was deferred in 2013 in order to allow for a pump test to be completed so that an evaluation on the availability of unappropriated water and potential impact to existing users could be conducted.

Mr. Gronlund stated in November 2015, the Chief Engineer recommended denial of Application No. 7537-3 because based on the information available there is not a reasonable probability that there is unappropriated water available. The applicant was made aware of this recommendation and did not file opposition to the recommendation. Since this matter formally came before the Water Management Board and was deferred it must be brought back before

the Board for final action. Therefore notice was sent to the applicant scheduling Application No. 7537-3 before the Board today with a denial recommendation.

Mr. Gronlund stated Mr. Flihs will get 75 percent of the application filing fees returned to him and he did not seem surprised by the recommendation for denial.

Motion to deny Water Permit Application No. 7537-3 by Freeman, seconded by Holzbauer. Motion carried unanimously by roll vote.

CANCELLATION CONSIDERATIONS, Eric Gronlund:

Mr. Gronlund stated what was previously provided to the board in this matter.

Mr. Gronlund stated there are 16 cancellations scheduled for today. There were no letters received from permit holders in regards to the hearing; there is also no one present at the meeting today. The recommendation is for cancellation of the 16 permits/rights listed.

Motion to approve the cancellation requests as recommended by DENR staff, shown on the table below by Freeman, seconded by Dixon. Motion carried unanimously by roll vote.

PE 1161-2	Glen Hostutler, Hostutler Inc.	Abandonment or Forfeiture
PE 2400-2	Warren Karlen w/Karlen Family Partnership	Abandonment or Forfeiture
PE 2592-2	George & Joseph Clinton, Clinton Ranch Ltd Partnership, Donley Hewett	Abandonment or Forfeiture
PE 2628-2	Brandon Powles	Non-Construction
RT 60-3	Arthur Geyer	Abandonment or Forfeiture
RT 1398-3	Marv Schlomer w/ M&M Farms Inc	Abandonment or Forfeiture
RT1937-3	Joe Zimprich	Abandonment or Forfeiture
RT 2866-3	John & Jolene Hermoe	Abandonment or Forfeiture
RT 3243-3	Richard Boomsma	Abandonment or Forfeiture
RT 3689-3	Marv Schlomer w/ M&M Farms Inc	Abandonment or Forfeiture
RT 4034B-3	Chip Carlson w/ Henry Carlson Company	Abandonment or Forfeiture
RT 4361A-3	Darrell Muller	Abandonment or Forfeiture
PE 6107-3	Harlow C Lomheim	Non-Construction
PE 6686-3	Tom Schaffer w/ Sarah Sue LLC	Non-Construction
PE 6859-3	Marv Schlomer w/ M&M Farms Inc	Non-Construction
PE 7063-3	Anthony Ekren, Kurtis Domnick and Bradley Fehr w/ Riverview LLP	Non-Construction

ADJOURN: Chairman Hutmacher declared the meeting adjourned.

A court reporter was present for the meeting, and a transcript of the proceedings from March 3, 2016, may be obtained by contacting Carla Bachand, PO Box 903, Pierre, SD 57501-0903, telephone number (605) 224-7611.

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The meeting was also digitally recorded and a copy of the recording is available on the department's website at <http://denr.sd.gov/boards/schedule.aspx>.

Approved this 5th day of May.

Chairman, Water Management Board

Secretary, Water Management Board

Draft

Summary of Lead and Copper Monitoring in South Dakota

What Causes Lead in Drinking Water:

- Lead enters tap water through the corrosion of plumbing materials.
- Homes built before 1986 are more likely to have lead fixtures and solder. Older homes built prior to World War II are more likely to contain lead pipes.
- The amount of lead in tap water also depends on the types and amounts of minerals in the water, how long the water stays in the pipes, the amount of wear in the pipes, the pH of the water, and its temperature.

What is the Lead and Copper Rule:

- In June of 1991, the United States Environmental Protection Agency published a regulation to control lead and copper in the drinking water; this became known as the Lead and Copper Rule.
- The treatment technique for the rule requires systems to monitor drinking water at customer taps.
- If the 90th percentile for lead exceeds an action level of 15 parts per billion; the system must undertake a number of additional actions to control corrosion. Typically an orthophosphate is added to control the corrosivity of the water.
- The regulation also requires systems to collect customer tap samples from sites served by the system that are more likely to have plumbing materials containing lead. If the 90th percentile action level for lead is exceeded, then water systems are required to take additional actions such as public notice and determine an optimal corrosion control plan.

How often do systems test for Lead and Copper:

- Initially systems are required to conduct 2 consecutive rounds of 6 month monitoring.
- Any water system that demonstrates 2 consecutive rounds of 6 month monitoring periods that the 90th percentile tap water level is equal to or below 5 parts per billion and the copper level is equal to or below 0.65 parts per million may reduce its sampling frequency to once every 3 years.
- If a system is not able to demonstrate levels less than or equal to 5 parts per billion for lead and less than or equal to 0.65 parts per million for copper; they will continue on to 2 rounds of annual monitoring. After 2 rounds of annual monitoring, the system will move to sampling every 3 years.
- If a system changes sources or treatment techniques, the system starts back at 2 rounds of consecutive 6 month monitoring.

Monitoring for Lead and Copper in South Dakota's Water Systems:

- 23 systems, which serve a total of 93,273 people in South Dakota, have corrosion control treatment installed to help limit the corrosion potential of the treated water and reduce lead and copper leaching from the plumbing.
- Since the promulgation of the lead and copper rule in 1991, 32 South Dakota systems have exceeded the lead action level and distributed the required public notices. All systems have also installed corrosion control treatment.
- Currently one system which supplies water to 180 people exceeds the action level for lead. The system changed operators and had discontinued using their existing corrosion control treatment system. This was determined in September of 2014. We contacted them in November of 2014 informing them of public education requirements and instructed them to restart their corrosion control equipment which was completed in September 2015. The system is now required to complete two 6-month monitoring periods followed by two rounds of annual monitoring before they will be allowed to sample on a 3 year cycle. The first 6-month sampling will be in May 2016.
- All public water systems are required to issue a Consumer Confidence Report each year. Lead and Copper sampling results for the system are required to be shown on the report. To see your system's report you may visit the State of South Dakota's Drinking Water Website at <http://denr.sd.gov/des/dw/dwhome.aspx>



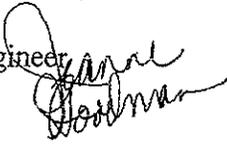
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 2016

NOTICE OF CANCELLATION

TO: Carter Kruse, 901 Technology Blvd, Bozeman MT 59718
Dusty Hepper, Bad River Ranches, 28044 Bad River Rd, Ft Pierre SD 57532

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Cancellation of Water Permit No. 1268-2

Water Permit No. 1268-2 authorizes diversion of water from the Bad River for irrigation of 420 acres in portions of Sections 20, 21, 28 and 29, T4N, R30E in Stanley County. Records on file with the Water Rights Program indicate the land was last irrigated in 2005. On February 25, 2016, Mike DeFea with our program spoke with Mr. Hepper concerning the 2015 irrigation questionnaire which indicated the use had been abandoned. Mr. Hepper confirmed they had no plans to irrigate due to the poor water quality in the river. In a separate phone conversation with Mike DeFea and Ron Duvall with our program, Mr. Kruse concurred and requested the permit be cancelled. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1268-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1268-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1268-2 based upon facts presented at the public hearing. Our records show R E Turner to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation; and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 23, 2016
Dusty Hepper
Carter Kruse
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 1268-2, R E TURNER

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1268-2

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

Irrigation questionnaire records on file with the water permit indicate the land was last irrigated in 2005. The ranch manager has indicated on the 2015 irrigation questionnaire that use had been abandoned. During a follow-up phone conversation, he stated they no longer intend to irrigate due to poor water quality in the river. On February 25, 2016, Ron Duvall and Mike DeFea with the program spoke with Carter Kruse, a representative for Turner Enterprises. Mr. Kruse confirmed the information and indicated the permit could be cancelled.

Jeanne Goodman, Chief Engineer
March 23, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 2016

NOTICE OF CANCELLATION

TO: Larry D Larsen, 215 E Lawler Avenue, Chamberlain SD 57325

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 1586-2

Water Permit No. 1586-2 authorizes diversion of water from Lake Larsen for irrigation purposes in Lyman County. On September 22, 2015, Mike DeFea with our program contacted you regarding the permit. It is our understanding you have not irrigated for many years and have made a decision not to irrigate in the future. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1586-2 for abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1586-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1586-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 24, 2016
Larry D Larsen
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1586-2, LARRY D LARSEN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1586-2.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

On September 22, 2015, Mike DeFea spoke with Larry Larsen concerning the permit. Mr. Larson indicated he has not irrigated for many years. He confirmed he no longer intends to irrigate and the irrigation system has been removed.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 24, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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March 23, 2016

NOTICE OF CANCELLATION

TO: Tom Hagen, Rushmore Cave LLC, 13622 Highway 40, Keystone SD 57751

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Cancellation of Water Permit No. 1899-2

Water Permit No. 1899-2, listed in the name of Old Home Campground, authorizes diversion of ground water from two wells for commercial purposes at a campground and café. On March 1, 2016, Steve Quissell with our program contacted you regarding the two wells described in the water permit. You confirmed Rushmore Cave LLC purchased the Old Home Campground site. It is our understanding the campground has been abandoned for many years. You indicated the wells do not have pumps in them and there has been no power to the site for at least the last 8 years. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No 1899-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1899-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1899-2 based upon facts presented at the public hearing. Our records show Rushmore Cave LLC to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 23, 2016
Rushmore Cave LLC
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1899-2, OLD HOME CAMPGROUND

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1899-2, now owned by Rushmore Cave LLC.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

On March 1, 2016, Steve Quissell with our program contacted Tom Hagen with Rushmore Cave LLC. The campground has been abandoned for many years. Mr. Hagen indicated he has been with the Rushmore Cave for 8 years and knows that since that time there has been no power to the site and no pumps in the wells.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 23, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



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March 22, 2016

NOTICE OF CANCELLATION

TO: Mark Hughes, Mgr., Mineral Technology Corporation, 4490 Elk Vale Rd.,
Rapid City SD 57701

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2198-2

Water Permit No. 2198-2 authorizes diversion of water from the Holy Terror Mine Shaft for industrial purposes. On October 23, 2015, Steve Quissell with the Water Rights Program, spoke with you about any use of water being made from the mine for industrial purposes. It is our understanding the collapsed mine shaft was never used as a water source for mining after 1997. Water had been obtained from the City of Keystone and also from another well on site for a couple years after the mine collapsed but not from the mine itself. The mine has been shut down for over 2 years. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2198-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 2198-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2198-2 based upon facts presented at the public hearing. Our records show Mineral Technology to be the holder of the water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 22, 2016
Mark Hughes
Mineral Technology Corporation
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 1, 2016.



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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 2198-2, MINERAL TECHNOLOGY CORPORATION

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2198-2.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

Records on file with the Water Rights Program indicate the mine shaft collapsed back in 1997. On October 23, 2015, Steve Quissell spoke with the manager of Mineral Technology Corporation about the permit. Mr. Hughes confirmed that the Holy Terror Mine shaft has not been used as a water source since the mine collapsed in 1997. They had used water from the city of Keystone for a couple years but due to the expense involved began to use another well on site. The mine has been closed down for over two years.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 22, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



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March 22, 2016

NOTICE OF CANCELLATION

TO: Joe Theberge, 8101 W Hwy 44, Rapid City SD 57709

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2384-2

Water Permit No. 2384-2 authorizes use of water from the Deadwood formation for commercial purposes and from the Tertiary Aged Gravel Deposit for domestic use. On October 23, 2015, Steve Quissell with our program conducted an investigation for licensing purposes and found the only use being made of the water was for domestic use. Mr. Quissell noted your domestic use was 15 gallons per minute and included household, drip irrigation for the garden and livestock watering. Domestic use not exceeding 18 gallons per minute can be done for the above uses without having a water permit in place. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2384-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 2384-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2384-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 22, 2016
Joe Theberge
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 1, 2016.



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RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 2384-2, JOE THEBERGE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2384-2.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

An October 23, 2015 investigation of the water use system for licensing purposes found the wells were only being used for domestic purposes for household, drip irrigation of a garden less than an acre and for livestock watering. No commercial use was being made. An appropriate water permit is not required for domestic use not exceeding 18 gallons per minute.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 22, 2016

Notes:

- Cancellation of the water permit does not prohibit a new application for this project in the future.
- You are still authorized to use the wells for domestic use provided you do not exceed 18 gpm.



DEPARTMENT of ENVIRONMENT
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March 21, 2016

NOTICE OF CANCELLATION

TO: Lucy Ganje, 902 N 39th St, Grand Forks ND 58203

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2405-2

Water Permit No. 2405-2, listed in the names of Gary & Margaret McDowell, authorized diversion of ground water for commercial purposes in a bed and breakfast business. An October 26, 2015 investigation of the area for licensing purposes found no evidence of a business on site. A review of property records found you now own the property. On January 29, 2016, Lynn Beck with our program spoke with you about the project. It is our understanding the well was drilled and is used for domestic purposes however the commercial use for a bed and breakfast was never put to use. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2405-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 2405-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2405-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 21, 2015
Lucy Ganje
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 31, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 2405-2, GARY & MARGARET MCDOWELL

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2405-2. The property is now owned by Lucy Ganje.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture. On October 26, 2015, an investigation for licensing purposes was conducted on the property which found no use of water was being made for commercial purposes. The former owners of the property could not be located. On January 29, 2016, Lynn Beck with the Water Rights Program spoke with Ms. Ganje and was told a well was drilled and is used for domestic purposes. The commercial use for a bed and breakfast was never developed.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 21, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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March 24, 2016

NOTICE OF CANCELLATION

TO: Gary Haag, US Forest Service, Black Hills National Forest,
1019 N 5th St, Custer SD 57730
Andy Kelford, Pacer Corporation, PO Box 912, Custer SD 57730

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2439-2

Water Permit No. 2439-2, issued to Thomas Leigland, authorized diversion of ground water from one well (Crystalline Rock) located in the SE ¼ NW ¼ Section 19, T5S, R5E in Custer County for industrial use purposes at the Myrtle Ann Mine Site. On February 4, 2016, Steve Quissell with our program contacted both Mr. Haag and Mr. Kelford concerning any use of water being made under this permit. It is our understanding Pacer Corporation had taken over control of the Myrtle Ann Mine from Thomas Leigland. Mr. Haag has confirmed all reclamation has been done. Electricity was never brought in to the well and it is unknown if the well was ever used. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2439-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 2439-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2439-2 based upon facts presented at the public hearing. Our records show the US Forest Service to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

March 24, 2016
Gary Haag, Forest Service
Andy Kelford, Pacer Corp
Page 2

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



DEPARTMENT of ENVIRONMENT
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<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 2439-2, THOMAS LEIGLAND

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2439-2. The land is owned by the US Forest Service.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

As part of a licensing investigation, Steve Quissell contacted Andy Kelford with Pacer Corporation and Gary Haag with the Black Hills National Forest. Pacer Corporation took over control of the Myrtle Ann Mine from Thomas Leigland and was operating under a "Plan of Operations" while working at the mine on Forest Service property. On February 4, 2016, Mr. Quissell spoke with Gary Haag who indicated all reclamation work had been done. He further indicated he was familiar with the well location and knew that electricity had never been brought to the well and it was unknown if the well was ever used.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 24, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



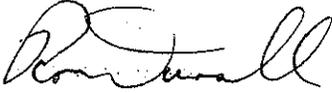
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March 23, 2016

NOTICE OF CANCELLATION

TO: Greg Foust, Executive Director, Hot Springs Housing & Redevelopment Commission
201 S River St., Hot Springs SD 57747

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Cancellation of Water Permit Nos. 2463-2 and 2463A-2

Water Permit No. 2463-2 authorized diversion of water from Fall River for geothermal heating and cooling purposes in an apartment complex. Water Permit No. 2463A-2 authorized a one year extension of time for the same project. On February 2, 2016, Steve Quissell with our program contacted you as part of a licensing investigation. It is our understanding the system was completed in 2007 with water circulated through the facility, however the system did not work properly and was eliminated. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit Nos. 2463-2 and 2463A-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit Nos. 2463-2 and 2463A-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit Nos. 2463-2 and 2463A-2 based upon facts presented at the public hearing. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 23, 2016

Greg Foust, Executive Director

Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NOS. 2463-2 AND 2463A-2
HOT SPRINGS HOUSING AND REDEVELOPMENT COMMISSION**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Nos. 2463-2 and 2463A-2.

The Chief Engineer is recommending cancellation of the above water permits due to abandonment and/or forfeiture.

On February 2, 2016, Steve Quissell spoke with Greg Foust concerning the project. Mr. Foust explained the system was completed in 2007 including the pump used to circulate the water through the facility but the system never worked satisfactorily. The geothermal portion of the heating system was eliminated and in its place boilers and a cooling tower were installed. Mr. Foust stated the pump installed on the bank of Fall River was removed. He requested cancellation of the water permits.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 23, 2016

Note:

Cancellation does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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March 21, 2016

NOTICE OF CANCELLATION

TO: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 2648-2

Water Permit No. 2648-2, issued to Quinten Burull, authorized use of runoff from an existing dugout authorized under Water Right No. 1397-2 and a new dugout to irrigate 90 acres located in portions of the S ½ Section 10 and the N ½ Section 15, T103N, R74W in Lyman County. On October 22, 2015, Mike DeFea, a staff engineer with our program met with you as part of licensing investigations for your father's permits. It is our understanding the new dugout and irrigation system authorized under No. 2648-2 were not constructed. The time limit for completion of works as specified in the permit expired on July 19, 2015. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 2648-2 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 2648-2 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 2648-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 21, 2016
Cody Burull
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 31, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 2648-2, QUINTEN BURULL

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 2648-2, now owned by Cody Burull.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction.

During licensing investigation on October 22, 2015, Mr. Burull confirmed the system authorized under Permit No. 2648-2 was not constructed. The time limit for completion of works as specified in the permit expired on July 19, 2015.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 21, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



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(INTEROFFICE)
March 21, 2016

NOTICE OF CANCELLATION

TO: Kevin Marton, SD Department of Transportation, 700 E Broadway Ave
Pierre SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Flood Control Permit No. FC-37

Flood Control Permit No. FC-37 authorizes operation of a control structure between Twin Lakes and Lake Sinai in Brookings County. The structure was to be operated to alleviate flooding to the US Highway 81 roadway; erosion to the roadway shoulder; to prevent snow and ice issues on the driving surface and to maintain added storm water detention in Twin Lakes. On February 29, 2016, Mark Rath, a staff engineer in our program, contacted you about making an onsite visit to the project area for the purposes of licensing. It is our understanding that due to the cost of obtaining flood easements, the SD DOT has decided to pursue a road grade raise instead of constructing the flood control project. The Chief Engineer of the Water Rights Program is recommending cancellation of Flood Control Permit No. FC-37 due to non-construction or abandonment.

The Water Management Board will consider cancellation of Flood Control Permit No. FC-37 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Flood Control Permit No. FC-37 based upon facts presented at the public hearing. Our records show you to be the holder of the flood control permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 31, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR FLOOD CONTROL PERMIT NO. FC-37

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Flood Control Permit No. FC-37.

The Chief Engineer is recommending cancellation of the above permit due to non-construction or abandonment. Kevin Marton with the SD Department of Transportation has confirmed the department has no intent to construct the project.

In 2012 when the Department obtained the flood control permit, the permit was contingent on securing easements and/or agreements on property where there was an increased likelihood or severity of flood damages outside the normal channel including the shoreline of Lake Sinai. Mr. Marton indicated they have decided to pursue a road grade raise instead because the flood easements were too cost prohibitive.

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written in a cursive style.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 21, 2016

Note:

Cancellation of the permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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March 30, 2016

NOTICE OF CANCELLATION

TO: Dvonne Hansen, 24524 SD Hwy 37, Letcher SD 57359
Patricia Morrison, 24896 411th Ave, Mitchell SD 57301

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 305-3

Water Right No. 305-3, listed in the name of Iner Houska authorized diversion of water from the James River for irrigation purposes. In 1986, portions of the land were turned over to Commercial Trust and Savings Bank and sold to Richard & Dvonne Hansen and Walter Morrison. Irrigation was last reported in 1987. In September, 2015, Lynn Beck with our program spoke with both of you, as the current owners of the property, concerning whether or not the land was being irrigated. It is our understanding the land has not been irrigated since you owned the land. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 305-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 305-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 305-3 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 30, 2016
Dvonne Hansen
Patricia Morrison
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 11, 2016.



DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 305-3, INER HOUSKA
& COMMERCIAL TRUST AND SAVINGS BANK**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 305-3, Dvonne Hansen and Patricia Morrison.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture.

In 1986, most of the land described in the water right was foreclosed on by Commercial Trust and Savings Bank and later sold to Richard & Dvonne Hansen and Walter Morrison. Mr. Houska retained some of the acreage and reported "no irrigation" from 1988 to 2000. In 2000, Edna Houska reported Mr. Houska was deceased and she did not intend to irrigate.

Records on file with the Water Rights Program indicate irrigation on any of the land was last reported in 1987. In September, 2015, Lynn Beck spoke with both Dvonne Hansen and Patricia Morrison. Both land owners indicated they have never irrigated the property however would like to keep the water right for possible future irrigation.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 30, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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March 22, 2016

NOTICE OF CANCELLATION

TO: Marilyn A Steiger, 42087 177th St, Clark SD 57225

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 2672-3

Water Right No. 2672-3 authorizes diversion of ground water to irrigate 130 acres in the NE ¼ Section 7, T115N, R58W in Clark County. Irrigation questionnaire records show the land was last irrigated in 1989. On September 14, 2015, Lynn Beck, a staff engineer with this program spoke with you about the water right. You expressed desire to keep the water right in the event someone wanted to use it in the future and acknowledged the land had not been irrigated in years. It is our understanding the center pivot system is still there but you were unsure if it worked. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2672-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 2672-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 2672-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 22, 2016
Marilyn A Steiger
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 1, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 2672-3, MARILYN A STEIGER

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 2672-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture.

Irrigation questionnaires for Water Right No. 2672-3 reflect the land was last irrigated in 1989. On September 14, 2015, Lynn Beck spoke with Marilyn Steiger about the water right. Mrs. Steiger confirmed the land is not being irrigated but expressed desire to keep the water right in the event someone wanted to use it in the future. A center pivot is still on site but may not be in working condition.

A handwritten signature in black ink that reads "Ron Duvall". The signature is fluid and cursive.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 22, 2016

Note:

Cancellation of the water right does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
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March 23, 2016

NOTICE OF CANCELLATION

TO: Mark & Niki Rethke, 14563 477th St, Milbank SD 57252

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 3412B-3

Water Right No. 3412B-3 authorizes diversion of ground water from the Veblen Aquifer for irrigation of 77 acres in the SE ¼ Section 36, T121N, R47W in Grant County. On September 16, 2015, Lynn Beck with our program spoke with Mark Rethke concerning any use of water being made on the land described in the water right. It is our understanding you have not irrigated the land since you purchased the property in 2011 and have no current plans to irrigate. Irrigation questionnaires on file with the water right indicate irrigation last took place in 1992. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 3412B-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 3412B-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 3412B-3 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 23, 2016
Mark & Niki Rethke
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 4, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 3412B-3, MARK & NIKI RETHKE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 3412B-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture.

Current landowners are Mark & Niki Rethke. On September 16, 2015, Lynn Beck spoke with Mark Rethke concerning irrigation on the property. Mr. Rethke indicated they have not irrigated since they purchased the property in 2011 and currently have no plans to irrigate. The well is in place however there is currently no irrigation system present. Prior to the Rethke's owning the land, irrigation was last reported in 1992.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 23, 2016

Note:

Cancellation of the water right does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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March 22, 2016

NOTICE OF CANCELLATION

TO: Marlen Laska, 770 Lake St, Lake Andes SD 57356

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 5440-3

Water Permit No. 5440-3, listed in the name of Peter Klein, authorizes use of ground water (Codell Sandstone Aquifer) for commercial purposes at a race track and concession building. On March 21, 2016, Ken Buhler, a staff engineer with our program, spoke with you about the permit. It is our understanding that you purchased the property, had the racetrack leveled and have restored the area back to farm land. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 5440-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 5440-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 5440-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 22, 2016
Marlen Laska
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 1, 2016.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 5440-3, PETER KLEIN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 5440-3, now owned by Marlen Laska.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

On October 28, 2015, Ken Buhler with the Water Rights Program conducted a field investigation and found no evidence of the race track or concession building on the property. On March 21, 2016, Mr. Buhler spoke with Marlen Laska who purchased the land after Mr. Klein passed away. Mr. Laska indicated when the highway was redone; he had the construction company level the race track. The well was plugged and the property has been restored to farm land.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 22, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



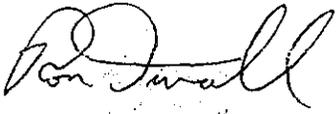
DEPARTMENT of ENVIRONMENT
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<http://denr.sd.gov>

March 22, 2016

NOTICE OF CANCELLATION

TO: Paul Symens, Agent, Dakota Value Capture Cooperative, 41547 115th St
Amherst SD 57421

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Cancellation of Water Permit No. 6281-3

Water Permit No. 6281-3 authorized diversion of ground water (one new and one existing well) for commercial purposes in an integrated livestock confinement facility and ethanol production complex. On November 27, 2015, Mike DeFea, a staff engineer with our program, spoke with Curt Mortenson as part of a licensing investigation for Dakota Value Capture Cooperative. It is our understanding the project was never developed. The time limit for completion of works as specified on the permit expired March 13, 2007. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 6281-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 6281-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 6281-3 based upon facts presented at the public hearing. Our records show you to be the registered agent for Dakota Value Capture Cooperative. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 22, 2016

Paul Symens

Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3; parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 31, 2016.

Note: A "Notice of Cancellation" was also provided to Curt Mortenson, PO Box 190, Ft Pierre SD 57532



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 6281-3, DAKOTA VALUE CAPTURE COOPERATIVE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 6281-3.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction. On November 17, 2015, Mike DeFea, a staff engineer, spoke with Curt Mortenson regarding the permit. Mr. Mortenson indicated the project was never developed.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 22, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
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March 21, 2016

NOTICE OF CANCELLATION

TO: Curt Mortenson, Dakota Value Capture Cooperative, PO Box 190, Ft Pierre SD 57532

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Cancellation of Water Permit No. 6281-3

Water Permit No. 6281-3 authorized diversion of ground water (one new and one existing well) for commercial purposes in an integrated livestock confinement facility and ethanol production complex. On November 27, 2015, Mike DeFea, a staff engineer with our program, spoke with you as part of a licensing investigation about the permit for Dakota Value Capture Cooperative. It is our understanding the project was never developed. The time limit for completion of works as specified on the permit expired March 13, 2007. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 6281-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 6281-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 6281-3 based upon facts presented at the public hearing. Our records show you to be the contact person for Dakota Value Capture Cooperative. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 21, 2016
Curt Mortenson
Page 2

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The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 31, 2016.



DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 6281-3, DAKOTA VALUE CAPTURE COOPERATIVE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 6281-3.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction. On November 17, 2015, Mike DeFea, a staff engineer, spoke with Curt Mortenson regarding the permit. Mr. Mortenson indicated the project was never developed.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 21, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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March 30, 2016

NOTICE OF CANCELLATION

TO: Marvin Post, 21242 461st Ave, Volga SD 57071

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 6929-3

Water Permit No. 6929-3 authorizes diversion of water from the Big Sioux Brookings Aquifer for irrigation of the NW ¼ Section 28, T110N, R51W in Brookings County. On March 22, 2016, Ken Buhler, a staff engineer with our program, spoke with you regarding the permit. It is our understanding the system was never developed. The time limit for completion of works as specified on the permit expired February 18, 2013. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 6929-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 6929-3 at 10:00 a.m., Thursday, May 5, 2016 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 6929-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 25, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 30, 2016
Marvin Post
Page 2

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 25, 2016.

Prior to April 25, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 11, 2016.



DEPARTMENT of ENVIRONMENT
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<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 6929-3, MARVIN POST

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 6929-3.

The Chief Engineer is recommending cancellation of the above water permit due to non-construction. On March 22, 2016, Ken Buhler contacted the permit holder regarding the irrigation system. Mr. Post confirmed the system was never developed. The time period for completion of works lapsed in February 2013.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 30, 2016

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.

CERTIFICATION

I hereby certify that on March 21, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 21, 2016 regarding cancellations addressed as stated below:

Water Permit No. 2648-2

Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Water Permit No. 2405-2

Lucy Ganje, 902 N 39th St, Grand Forks ND 58203

Water Permit No. 6281-3

Curt Mortenson, Dakota Value Capture Cooperative, PO Box 190, Ft Pierre SD 57532

Flood Control Permit 37

(Interoffice) Kevin Marton, SD Department of Transportation, 700 E Broadway Ave, Pierre SD 57501



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of March, 20 16.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019

CERTIFICATION

I hereby certify that on March 22, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 22, 2016 regarding cancellations addressed as stated below:

Water Permit No. 5440-3

Marlen Laska, 770 Lake St, Lake Andes SD 57356

Water Permit No. 2198-2

Mark Hughes, Mgr., Mineral Technology Corp, 4490 Elk Vale Rd., Rapid City SD 57701

Water Right No. 2672-3

Marilyn A Steiger, 42087 177th St, Clark SD 57225

Water Permit No. 6281-3

Paul Symens, Agent, Dakota Value Capture Cooperative, 41547 115th St, Amherst SD 57421

Water Permit No. 2384-2

Joe Theberge, 8101 W Hwy 44, Rapid City SD 57709



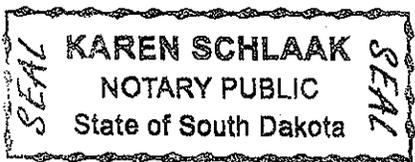
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of March, 2016.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 16, 2016

NOTICE

TO: Bill Hansen
2201 State Street
Centerville SD 57014

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Withdrawal of Water Permit No. 119-3, W. E. Hansen and Jerald Hansen

Water Permit Application No. 119-3 dating back to 1955 sought to appropriate 1.5 cubic feet of water per second from the Vermillion River to irrigate 105 acres in the SE ¼ Section 3, T95N, R52W. The plat book indicates the land is currently owned by Scott and Bill Hansen. There is on record Water Permit No. 182-3 to irrigate this same land from a well.

In February, Eric Gronlund of the Water Rights Program was in contact with you regarding whether the land is irrigated from the Vermillion River. You indicated to your knowledge the land was never irrigated from the Vermillion River. Instead the land is irrigated from the well authorized by Water Right No. 182-3.

The administrative record for No. 119-3 does not indicate the Water Rights Commission ever approved Application No. 119-3. The application was public noticed and an initial hearing held before the Water Rights Commission in September of 1955. At that time the Commission took no action on the application until a field examination was conducted by this office. The record does not show the application ever came back before the Commission for final action.

The Water Management Board will consider withdrawal of Water Permit Application No. 119-3 at 10:00 AM (Central Daylight time), on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Ann Mines-Bailey, Assistant Attorney General

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 119-3, W. E. HANSEN AND JERALD HANSEN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 119-3.

The Chief Engineer is recommending withdrawal of the water permit application.

In February 2016, Eric Gronlund with the Water Rights Program was in contact with you regarding the status of the water permit. You confirmed that your brother Scott and yourself own the property in question and the diversion of water from the Vermillion River does not take place to irrigate this land. The land is irrigated from a well authorized by Water Right No. 182-3.



Jeanne Goodman, Chief Engineer
Water Rights Program, DENR
March 16, 2016

NOTE: Withdrawal of the water permit does not prohibit a new application for diversion from the Vermillion River.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 19, 2016

NOTICE

TO: Dr. Luke Minion
Thunder Ridge RE LLC
PO Box 188
Pipestone MN 56164

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Water Permit Application No. 8068-3, Thunder Ridge RE LLC

Water Permit Application No. 8068-3 proposes to appropriate 0.11 cubic feet of water per second from two wells to be completed into the Sioux Quartzite Wash aquifer (272 feet deep) located in the N 1/2 NE 1/4 Section 19-T100N-R55W for commercial use in a swine confinement facility in Turner County, South Dakota. On March 4, 2015, the Water Management Board deferred consideration of Water Permit Application No. 8068-3 for one year in order to obtain additional observation well water level records for the aquifer.

The Water Rights Program's review of the application and observation well records in preparation to schedule the application back for Board consideration led to question whether the water source is correctly identified as the Sioux Quartzite Wash aquifer. To evaluate the criteria in state law for when a permit application can be issued, it is imperative to correctly identify the source. The well site is in a location of complex geology, and since the South Dakota Geological Survey is already scheduled to drill test holes near the area this spring or early summer, the Chief Engineer recommends continued deferral of the application until the water source can be definitively determined. It will be recommended the application remain deferred until the Geological Survey work is completed and the application is further evaluated.

Since the one year period has past, the application will be brought back before the Board for an update. Specifically, the recommendation to the Water Management Board will be to continue deferral until additional test holes are drilled and the information evaluated. The deferral will be for no longer than March 2017.

The Water Management Board will consider deferred Application No. 8068-3 at 10:00 AM (Central Daylight Time) on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate.

Applicable provisions of the public notice published February 12, 2015, in The New Era and Argus Leader still apply.

Please contact Eric Gronlund at (605) 773-3352 if you have questions about the deferral of the application.

c: Ann Mines-Bailey, Assistant Attorney General
Todd Van Maanen, Eisenbraun & Associates, 215 Walnut, Yankton SD 57078
Marty Rost, Pipestone Veterinary Services, 1300 S Hwy 75, Pipestone MN 56164
Sean R Simpson, Vice President & General Counsel, Pipestone Veterinary Services, 1300 S Hwy 75, Pipestone MN 56164

REPORT ON WATER PERMIT APPLICATION NO. 8195-3
CHAD ANDERSON
FEBRUARY 9, 2016

Application No. 8195-3, Chad Anderson, proposes to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W. The water will be used for irrigation purposes. The proposed project is located approximately 10 miles southwest of Flandreau in Moody County.

Review of Existing Water Rights

There are 59 existing water rights/permits appropriating 159.81 cfs from the Big Sioux River from its headwaters to the confluence with the Missouri River in Union County. In addition, there are two water rights from the river appropriating 2000 cfs of flood flows only to maintain lake levels in Lake Poinsett and Dry Lake in Hamlin County. Downstream from this proposed project to the eastern edge of Sioux Falls there are 17 existing water rights/permits appropriating 103 cfs. The Big Sioux River downstream from Sioux Falls generally receives sufficient flow from tributary inflows and effluent discharge from the Sioux Falls waste water treatment plant to meet the needs of the water permit/right holders. The City of Sioux Falls also holds Future Use Permit Nos. 3981-3 and 3981A-3 for a total of 30,000 acre-feet of Big Sioux River water held in reserve for future development (Water Rights, 2016).

Review of the Proposed Water Source

The applicant proposes to pump water for irrigation from the Big Sioux River during the period May through September. The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or "potholes," and are commonly referred to as the "Prairie Pothole Region" (Hoogestrat and Stamm, 2015).

The USGS maintains several long term stream gaging stations on the Big Sioux River between the headwaters and the confluence with the Missouri River. Two of these gaging stations are located in this river reach immediately upstream and downstream of the proposed project (USGS, 2016). The gaging station located approximately 36 miles upstream having a 63 year period of record is the USGS Gaging Station No. 06480000 Big Sioux River near Brookings SD, Figure 1.

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	2	1	12	70	44	31	17	8	5	9	12	4
25%	5	5	50	137	113	85	48	24	18	19	23	12
50%	16	17	191	387	310	261	144	67	52	63	56	37
75%	53	90	587	1211	815	815	453	257	165	168	179	113
90%	143	221	1685	2768	1767	1714	1064	735	480	442	363	208

Figure 1. USGS Gaging Station No. 06480000 Big Sioux River near Brookings SD. Flow in cubic feet per second. Period of Record - 1953 to 2016.

As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains snowpack melt and runoff from larger rain events. Runoff tends to decrease in the late summer months going in to fall and winter. At the 50th percentile, monthly flow values range from 310 cfs in May to 52 cfs in September.

The most recent water permit issued from the Big Sioux River in this reach is Water Permit No. 7110-3. This water permit is located immediately upstream from this proposed project. This permit was issued with the following qualifications to protect existing water rights, including City of Sioux Falls's future use permits.

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
- The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 7110-3 will be subject to these prior rights and an increased bypass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
- The Water Management Board retains jurisdiction of Permit no 7110-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.

The second nearby stream gaging station is the USGS Gaging Station No. 06481000 Big Sioux River near Dell Rapids located approximately 16 miles downstream and has a 68 year period of record, Figure 2.

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	5	4	29	108	70	46	30	16	12	14	18	11
25%	11	12	83	197	176	133	73	41	32	33	36	21
50%	25	29	291	569	454	391	233	110	82	88	79	54
75%	86	131	857	1696	1095	981	636	352	232	216	246	146
90%	174	319	2041	4296	2153	2106	1383	901	553	525	480	307

Figure 2. USGS Gaging Station No. 06481000 Big Sioux River near Dell Rapids SD. Flow in cubic feet per second. Period of Record - 1948 to 2016.

If this application is approved, with similar qualifications as No. 7110-3, including requiring a 43 cfs bypass at the Dell Rapid gaging station, there should be sufficient water available to satisfy this permit the majority of the time. At the 25th percentile level, even if a 43 cfs by pass is required, the data indicates water should be available during the irrigation season from May into August before the cutoff limit is reached. During drier climatic conditions, particularly during the latter part of the irrigation season, the applicant may not be able to pump due to low flows in the river.

If at a future date the City of Sioux Falls develops water appropriations under their future use permits, or if a review of water availability increases due to increased runoff or a decrease in the use of water by existing rights, the bypass qualification may need to be amended by the Water Management Board.

Conclusions

1. This application proposes to appropriate 1.33 cubic feet of water per second (cfs) from the Big Sioux River for irrigation of 120 acres.
2. If this application is approved it should contain the following qualifications:
 - Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
 - The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 8195-3 will be subject to these prior rights and an increased by-pass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
 - The Water Management Board retains jurisdiction of Permit No 8195-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.
3. If this application is approved with the proposed qualifications there should be sufficient water available to satisfy this permit the majority of the time. Although during drier climatic conditions, particularly during the later summer months, the applicant may not be able to pump due to low flows in the river.

4. If at a future date the City of Sioux Falls develops water appropriations under their future use permits, or if a review of water availability increases due to increased runoff or a decrease in the use of water by existing rights, the bypass qualification may need to be amended by the Water Management Board.



Mark D. Rath
Natural Resources Engineer III

References

Hoogstraat, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945-2013. USGS Scientific Investigations Report 2015-5146.

USGS. 2016. United States Geological Survey, National Water Information System - Stream Gaging Station Network for South Dakota.

Water Rights. 2016. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

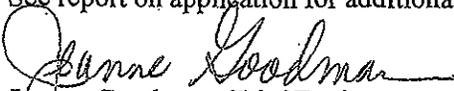
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8195-3, Chad Anderson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8195-3, Chad Anderson, 47866 244th Street, Dell Rapids SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 8195-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
2. The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 8195-3 will be subject to these prior rights and an increased by-pass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
3. The Water Management Board retains jurisdiction of Permit no 8195-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
February 23, 2016

City of Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

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Sioux Falls, SD 57117-7402
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Sioux Falls, SD 57104-1201
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Sioux Falls, SD 57117-7402
T: 605-367-8810 F: 367-7883

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4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

March 10, 2016

Jeanne Goodman, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Jeanne:

The City of Sioux Falls is submitting comments responding to the Chief Engineer's recommendation regarding Water Permit Application 8195-3 to appropriate water for irrigation by Mr. Chad Anderson of Dell Rapids, SD. We are asking the Water Rights Board to consider changing the minimum flow requirements needed at the Dell Rapids USGS gaging station No. 06481000 to protect the diversion capacity of existing senior surface water rights of the Big Sioux River held by the City. We have concern the recommended required minimum bypass flow rate of 43cfs as measured at the Dell Rapids USGS gaging station will limit water withdrawal rates that will be needed by the City during low river flows or drought conditions. The City will most likely utilize the Big Sioux River source to its fullest extent preserving the ground water resources during extended dry weather or drought conditions:

The City of Sioux Falls currently holds the following senior water rights:

5431-3: 17.8 cubic feet per second (cfs) & 6,360 acre feet

5512-3: 1.23 cubic feet per second (cfs) & 200 acre feet

6210-3: 69.6 cubic feet per second (cfs) & 20,000 acre feet

Note: The existing water rights listed above require a bypass flow rate of 20cfs at the Cliff Avenue USGS gaging station No. 06482020.

If the City wishes to utilize the full potential of the existing 88.63 cfs from the three senior water rights there must be a minimum of 108.63 bypassing the Dell Rapids gaging station.

The City of Sioux Falls would like the Water Rights Board to please consider raising the minimum bypass of Water Right 8195-3 at the Dell Rapids gaging station to protect the most senior water rights held by the City of Sioux Falls. If you have any questions, please contact me at (605) 373-6940.

This is a petition to intervene. Please send a copy of all correspondence to:

Diane Best
Public Works Legal Advisor
City of Sioux Falls
P.O. Box 7402
Sioux Falls, SD 57117-4-7402

Please inform us of the hearing date. In the meantime, if we can accommodate for a larger bypass at the Dell Rapids gaging station we would entertain withdrawing our intervention on this application.

Sincerely,

Greg Anderson
Water Superintendent
Sioux Falls Water Division

Cc: Chad Anderson

RECEIVED
MAR 14 2016
WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

RECEIVED

MAR 07 2016

WATER RIGHTS
PROGRAM

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application

No. 8195-3 to

Appropriate Water

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

March 2, 2016

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

\$ 25³⁰

M. Headrick bookkeeper
Subscribed and sworn to before me this

3rd day of March AD 2016

[Signature]
Notary Public, County Moody, South Dakota

ROGER W. JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA
My commission expires 2/17/18

NOTICE OF APPLICATION NO. 8195-3 to Appropriate Water

Notice is given that Chad Anderson, 47880 244th St, Dell Rapids SD 57022 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8195-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 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 <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is: "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.
Published once at the total approximate cost of \$25

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1084881		
	3/2, 2016	P.O. Box 677349, Dallas, TX 75267-7349	
			\$65.36

Water Rights Program
Attn: Karen Schlaak
523 E Capitol Ave

Pierre, SD 57501

RECEIVED

MAR 04 2016

WATER RIGHTS PROGRAM

NOTICE OF APPLICATION NO. 8195-3 To Appropriate Water Notice is given that Chad Anderson, 47880 244th St, Dell Rapids SD 57022 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A, the Chief Engineer recommends APPROVAL of Application No. 8195-3 with the following conditions: 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 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 <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the total cost of \$65.36. Mar. 2, 2016 1084881

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Argus Leader
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COUNTY OF MINNEHAHA } ss

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

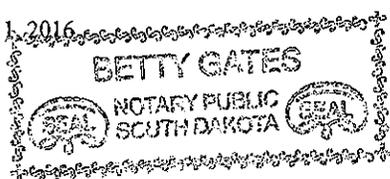
Wednesday the 2 day of March 2016,
 _____ the _____ day of _____ 2016,
 _____, the _____ day of _____ 2016,

and that \$65.36 was charged for publishing the same including a \$10.00 affidavit fee.

Shelley Rasmussen
Subscribed and sworn to before me 3/2/2016

Betty Gates
Notary Public, South Dakota

My Commission expires March 11, 2016





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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March 16, 2016

NOTICE OF HEARING

TO: Chad Anderson
47866 244th Street
Dell Rapids SD 57022

Diane Best, Public Works Legal Advisor
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Notice of Hearing on Water Permit Application No. 8195-3, Chad Anderson

The city of Sioux Falls submitted a petition regarding the Chief Engineer's recommendation regarding Water Permit Application No. 8195-3. This was in response to the Notice of Application published in the Moody County Enterprise and Argus Leader. This notice schedules a hearing on Application No. 8195-3 before the South Dakota Water Management Board.

Water Permit Application No. 8195-3 proposes to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8195-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will consider Application No. 8195-3 at 10:30 AM (Central Daylight Time) on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

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 these applications after it reaches a conclusion based on the facts presented at the public hearing.

The May 5, 2016, 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 or support the application. The request for an automatic delay must be filed by April 25, 2016. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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.

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavits of publication and petition in the matter of Water Permit Application No. 8195-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

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 direct mail to you, and the applicable date to give notice to the Chief Engineer is March 28, 2016. 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines-Bailey, Assistant Attorney General

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2746-2, 2747-2 AND 2478-2
FORREST STEWART
11 MARCH 2016**

Water Permit Application No. 2746-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 160 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T36N-R34W. The application proposes to divert water from a well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T36N-R34W at a maximum diversion rate of 2.45 cubic feet of water per second (cfs). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 64 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W at a maximum diversion rate of 1.34 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 75 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W at a maximum diversion rate of 1.56 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: Ogallala aquifer (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The High Plains aquifer system underlies 174,000 square miles of the United States, extending from southern South Dakota to Texas (Gutentag and others, 1984). The High Plains aquifer is generally considered to be composed of the upper sandstone units of the Arikaree Formation, the overlying Ogallala and Sand Hills Formations, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). In South Dakota, the High Plains aquifer includes the Arikaree Group, Batesland Formation, Ogallala Group, and overlying alluvial and eolian deposits (Filipovic, 2011). For water management purposes, the South Dakota Department of Environment and Natural Resources-Water Rights Program, and the South Dakota Water Management Board have historically considered appropriations from the High Plains aquifer either from the Ogallala aquifer or from the Arikaree aquifer. The Ogallala aquifer is considered the source for this proposed appropriation.

The Ogallala Group consists of clays, silts, sands, and surface gravel deposits, and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala aquifer is estimated to underlie 1,140,360 acres and contain 19,929,600 ac-ft of recoverable water in South Dakota (Allen and others, 1985). Allen and others, (1985) estimated the Ogallala aquifer to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County. The test hole logs submitted with Application Nos. 2746-2 and 2747-2 indicate the base of the Ogallala is approximately 270 and 218 feet below grade, respectively.

The aquifer is under unconfined conditions and the water table was reported to be approximately 21-37 feet below grade in April 2015. Groundwater flow in this area is generally from the southwest to northeast but locally topographically controlled and is towards the Little White River (Filipovic, 2011).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the greenhorn formation and the water is to be used by a water distribution system, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

These applications propose to authorize the irrigation of 299 additional acres from the Ogallala aquifer. The average annual diversion rate associated with this proposed appropriation can be expected to be less than 300 acre-feet per year.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer occurs from precipitation on the outcrop areas. Estimates for the average annual recharge to the Ogallala aquifer are shown in Table 1.

Table 1. Average annual recharge estimates for the Ogallala aquifer

ESTIMATED AVERAGE ANNUAL RECHARGE	METHOD	SOURCE
2.2-3.4 inches/year	Observation Well Data	Hedges and Burch, 1985
1.88 inches/year	Base flow Recession Analysis	Hedges and Burch, 1985
1.3-1.8 inches/year	Digital Model	Kolm and Case, 1983
2.91 inches/year	Digital Model	Long and Putnam, 2010

Therefore, recharge to the Ogallala aquifer in South Dakota is estimated to range from 124,000 to 323,000 ac-ft/yr. Recharge to the portion of the aquifer in Bennett County ranges from 30,400 to 79,600 ac-ft/yr.

Discharge:

Discharge from the Ogallala aquifer occurs through evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, and well withdrawals (Filipovic, 2011). There are currently 171 water rights/permits and three future use permits appropriating water from the Ogallala aquifer in South Dakota, with 45 water rights/permits in Bennett County (Water Rights, 2016b). In addition to appropriative users, there are a number of wells completed into the Ogallala aquifer that are used for self-supply domestic use and livestock watering. The reasonable domestic use that occurs through these wells does not contribute significantly to a hydrologic budget for the Ogallala aquifer. The Pine Ridge and Rosebud Indian Reservations tribal members operate a number of irrigation wells completed into the Ogallala aquifer. When investigating 2010 aerial photography for the area, the majority of the irrigation is authorized by SD DENR-Water Rights Program and the Water Management Board (Buhler, 2012).

The irrigation development of the Ogallala aquifer has remained relatively constant over the period of record of 1982-2015 (see Tables 2 & 3). Well withdrawals for irrigation have fluctuated over the years due to climatic and economic conditions. The average irrigation pumpage reported for the Ogallala aquifer in South Dakota over the period of record is 18,589.67 ac-ft/yr. Average irrigation pumpage from the Ogallala aquifer in Bennett County from 1982-2014 is 7390.8 ac-ft/yr (Water Rights, 1983-2015).

Table 2. Historic Irrigation use from the Ogallala aquifer in South Dakota (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	93	62475.95	9217.41
1983	101	66508.65	10175.49
1984	109	68087.95	13273.4
1985	108	56382.05	18536.5
1986	105	59270.95	12952.6
1987	104	59472.95	12347.9
1988	103	57456.1	16154.4
1989	104	56839.4	27261.5
1990	107	57288.4	16511.6
1991	108	56438.8	16049.54
1992	107	54197.5	11985.8
1993	105	53357.5	11099.9
1994	108	54664.2	16699.41
1995	107	54719.2	14276.9
1996	110	55713.2	21222.84
1997	111	55610.2	18707
1998	109	54106.8	13777.34
1999	110	54366.8	13733.72
2000	111	54686.8	16141.74
2001	110	54653.6	18121.82
2002	105	52218.8	24176.59
2003	105	51408.8	22085.21
2004	107	51877.8	23939.9
2005	108	52537.8	20131.74
2006	111	52953.7	25733.32
2007	114	52681.7	24051.2
2008	116	53095.7	24498.85
2009	116	53095.7	22130.45
2010	115	52529.7	21261.58
2011	116	52856.7	15294.73
2012	118	53238.7	33224.01
2013	129	57392.7	26527.51
2014	136	59732.7	22157.13
Max	136	68087.95	33224.01
Min	93	51408.8	9217.41
Average	109	55693.3	18589.67

Table 3. Historic Irrigation use from the Ogallala aquifer in Bennett County, SD (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	35	17457.3	2032.77
1983	37	18134.3	4259.07
1984	44	22288.2	4816.4
1985	42	19778	8022
1986	41	19935	4359.6
1987	40	19663	5624
1988	39	18063	6366.5
1989	41	18730	10212.6
1990	43	19248	7169
1991	43	19248	6270.2
1992	43	19248	5629
1993	43	19248	4447.5
1994	44	20500	7448.54
1995	42	20218	5936.46
1996	44	20204	6430.94
1997	44	19677	7069
1998	44	19697	5805.38
1999	44	19697	5745.8
2000	44	19697	6812.18
2001	43	18950.9	7149.91
2002	42	18950.9	8321.28
2003	44	19604.9	7164.72
2004	44	19529.9	9067.61
2005	44	19925.9	8563.55
2006	43	19529.9	10838.95
2007	45	19245.9	10468.27
2008	45	19267.9	9976.89
2009	45	19267.9	8283.03
2010	45	19157.9	7347.36
2011	45	19489.9	6289.23
2012	42	18463.9	13134.53
2013	50	21665.9	13568.44
2014	53	22885.19	9265.19
Min	35	17475.3	2032.77
Max	50	22885.19	13568.44
Average	42.9	19036.5	7390.8

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming the following: water rights/permits limited by an annual volume will pump the entire volume appropriated, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits can be fully developed. Therefore, withdrawal due to non-irrigation use water rights/permits and future use permits is expected to be less than 9,760 ac-ft/yr in South Dakota and 29 ac-ft/yr in Bennett County alone (Water Rights, 2016b).

Water Balance:

Currently, discharge from the Ogallala aquifer as a result of well withdrawals is estimated to be 28,350 ac-ft/yr for South Dakota, and 7,390 ac-ft/yr for Bennett County. These are both much lower than the lowest of the recharge estimates, indicating that at least 95,650 ac-ft/yr and 23,010 ac-ft/yr of unappropriated water is available in the Ogallala in South Dakota and Bennett County, respectively. Therefore, unappropriated water is available for the appropriations proposed by these permit applications.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board rely upon the record of observation well measurements in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer, with 19 of these in Bennett County (Water Rights, 2016a). The locations of the three observation wells can be seen in Figure 1. Hydrographs for three of the nearest observation wells to the well sites proposed by these applications are shown in Figures 2-9.

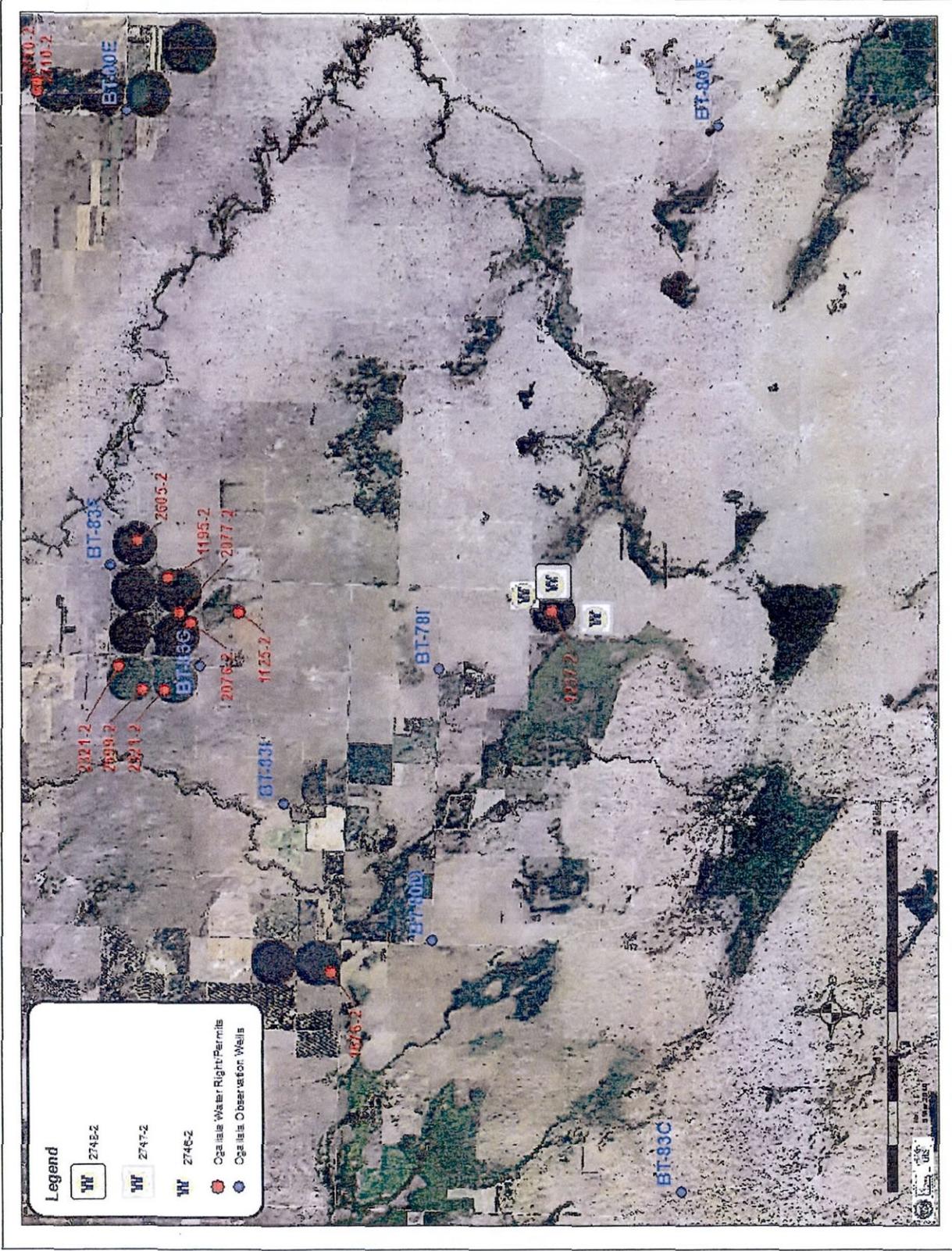


Figure 1. Aerial photo showing the location of: a) the well sites proposed by Application Nos. 2746-2, 2747-2 and 2748-2; b) Ogallala aquifer observation wells monitored by DENR-Water Rights Program; and c) Water rights/permits appropriating water from the Ogallala aquifer in the area.

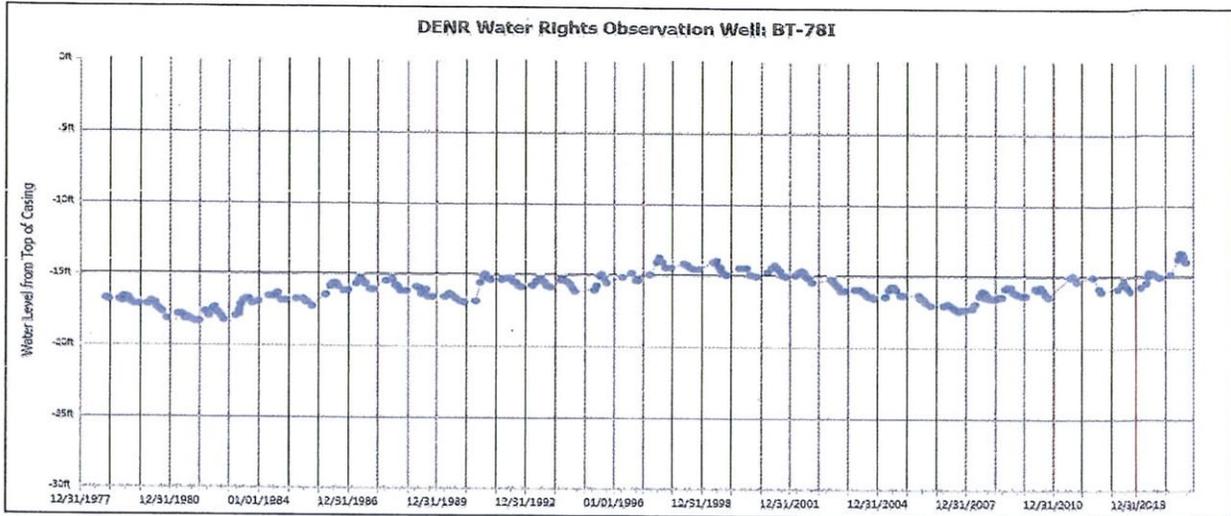


Figure 2. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

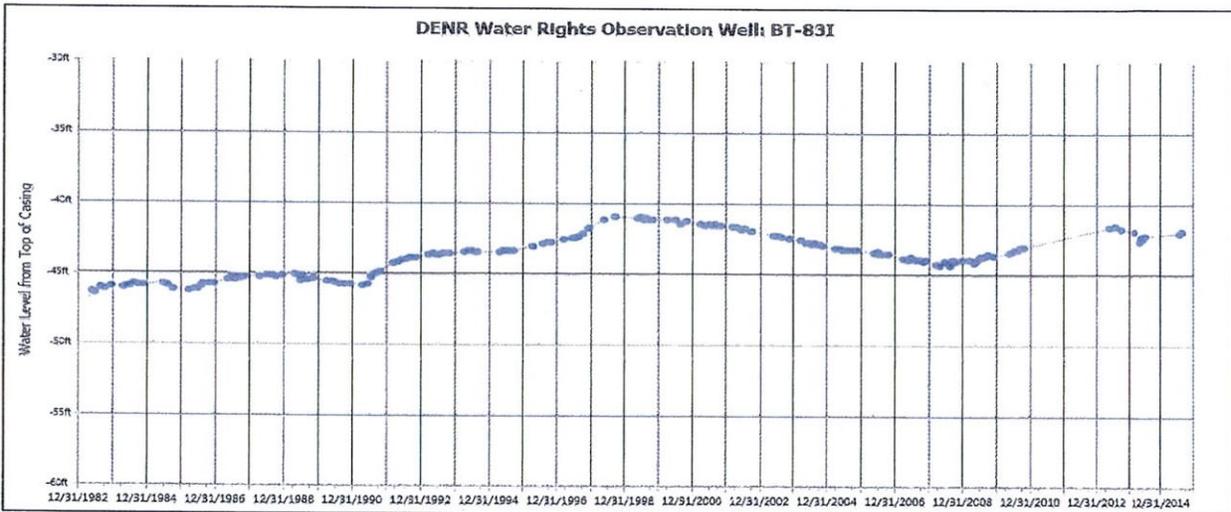


Figure 3. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

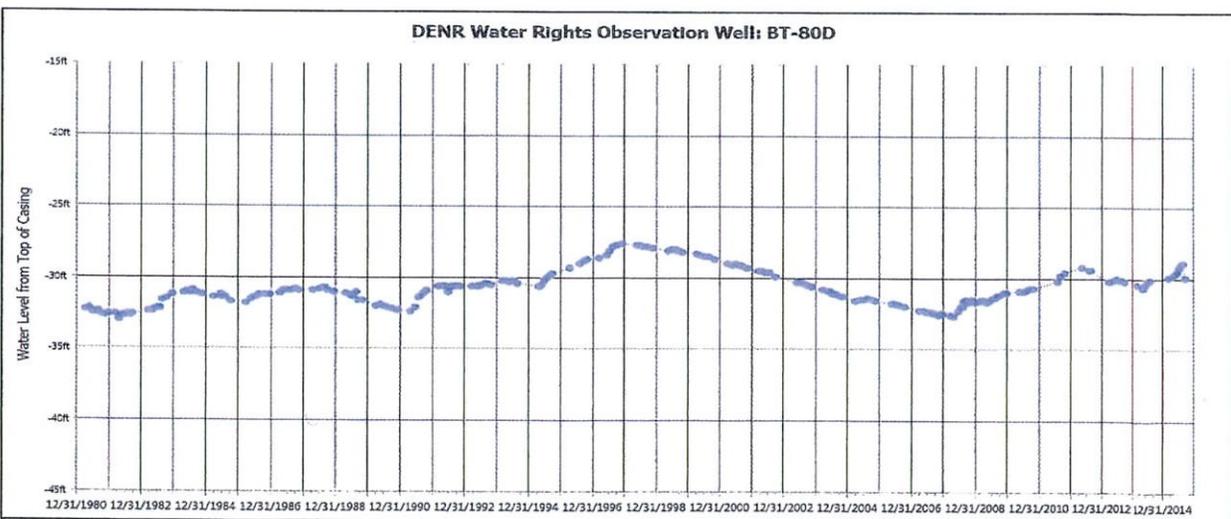


Figure 4. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

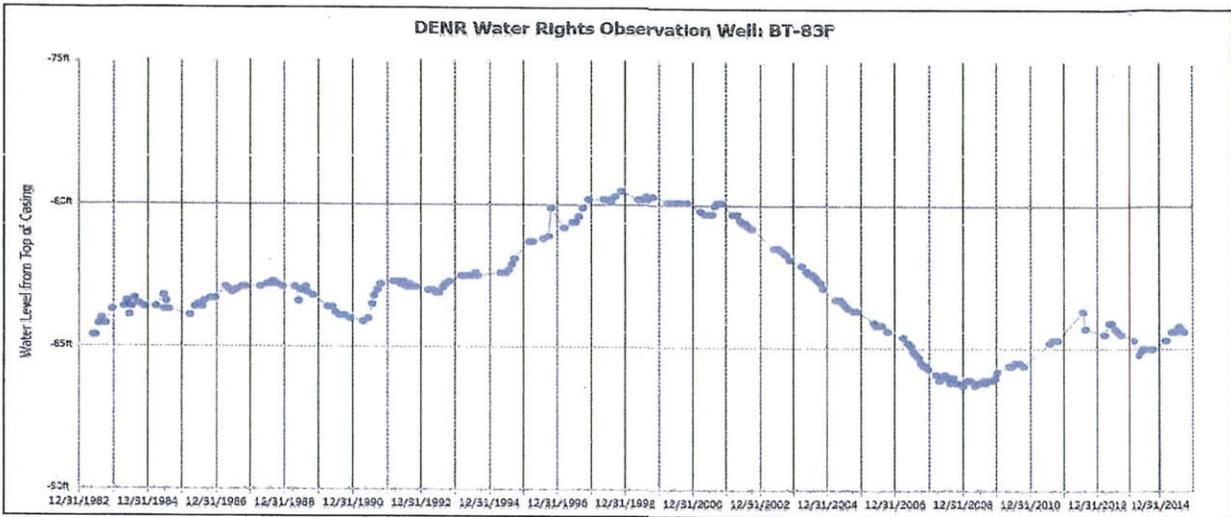


Figure 5. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

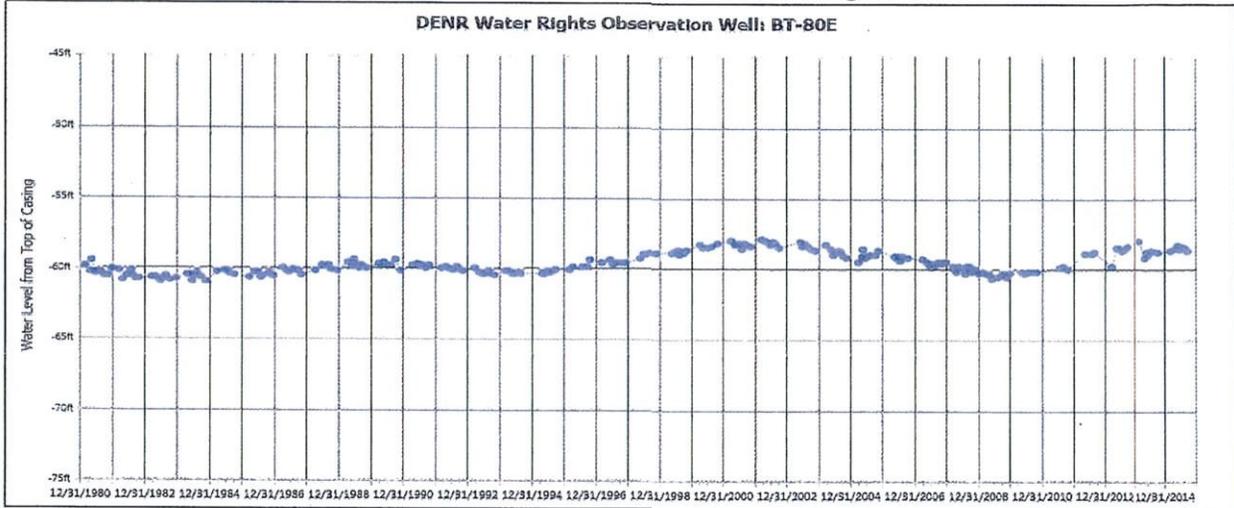


Figure 6. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

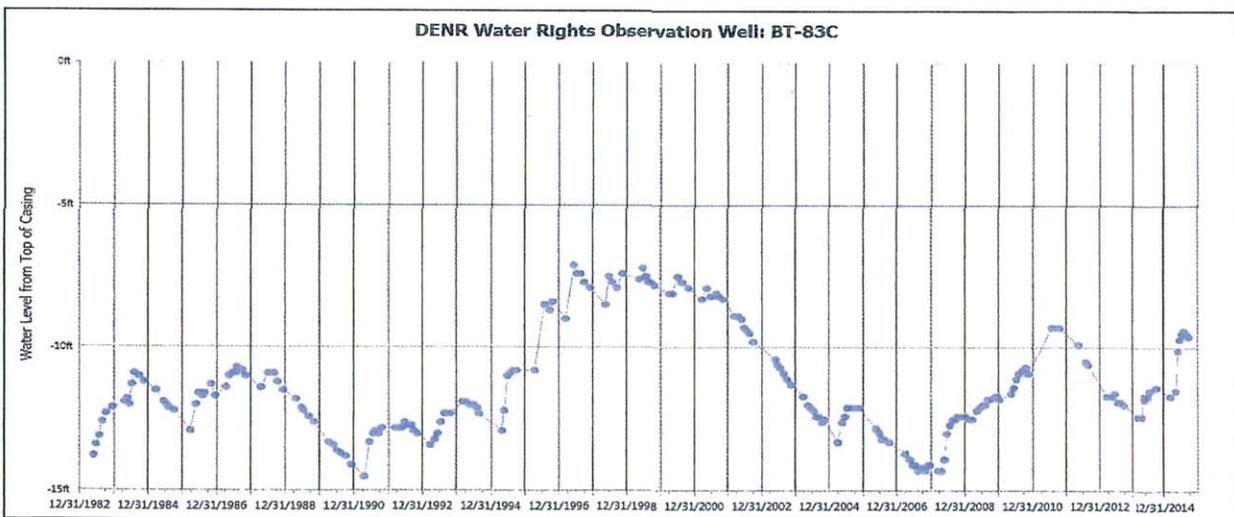


Figure 7. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

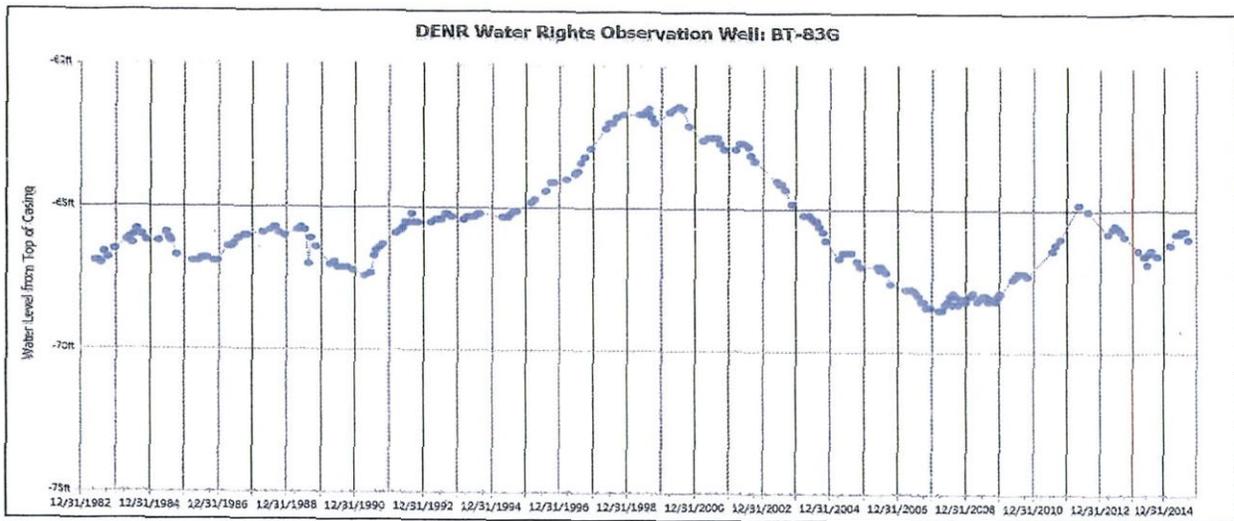


Figure 8. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

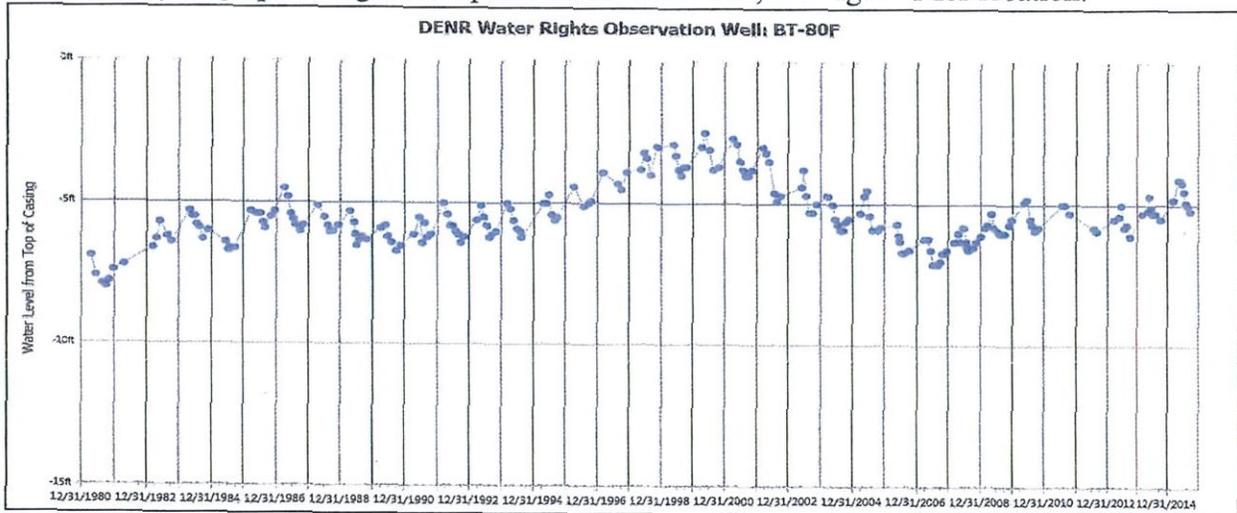


Figure 9. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The climatic conditions mask the temporal effects of well withdrawals indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support these proposed appropriations.

EXISTING WATER RIGHTS:

There are a number of completion reports on file with the DENR-Water Rights Program for domestic wells in this area. The approximate location of diversion points authorized for existing water rights/permits in this area are shown in Figure 1 and identified in Table 4.

Table 4. Water Rights/Permits shown in Figure 1.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1125-2	MARK/ILA MAE WALKER	10/02/1972	LC	IRR	2.67	246
1195-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	1.44	132
1237-2	BILLY JOE KIRK	02/04/1975	LC	IRR	1.78	132
1676-2	GEORGE/ELSIE FARLEY	09/17/1976	LC	IRR	2	262
2076-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2077-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2321-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	3.22	367
2605-2	PAUL FANNING	12/15/2006	LC	IRR	1.56	124
2699-2	PLATTE HTRN BRTH	11/15/2012	PE	IRR	2.12	197
2710-2	O'NEILL CATTLE CO INC	03/11/2013	LC	IRR	5.12	591

The well that supplies Water Right No. 1237-2 is located within approximately one-half mile of the wells proposed by Application Nos. 2746-2, 2747-2 and 2748-2.

The unconfined conditions of the Ogallala aquifer dictate that drawdown due to pumping will not be significant far from the proposed well site. Observation well data (see Figures 2-9) documents minimal drawdown from withdrawals of fairly concentrated irrigation wells. Considering the saturated thickness of the aquifer in this area (approximately 200 feet), the proposed diversions are not expected to significantly lower water levels within the aquifer. Given adequate well construction, the resultant drawdown is not expected to be sufficient to cause impairment in existing wells.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. However, reasonable domestic use must be assured before irrigation use is allowed. Adequate well defined by ARSD 74:02:20(6) are not expected to be adversely or unlawfully impaired.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

Water Permit Application No. 2746-2, proposes to divert 2.45 cfs to irrigate 160 acres, or the equivalent of 1.072 cfs per 70 acres. Water Permit Application No. 2747-2 proposes to divert 1.34 cfs to irrigate 64 acre, the equivalent of 1.466 cfs/70 acres, and Water Permit Application No. 2748-2 each propose to divert 1.56 cfs to irrigate 75 acres, the equivalent of 1.456 cfs/70 acres. The applicant has indicated that the soils in the area are very sandy and require higher application rates. In addition, Mr. Stewart indicated that in each case the irrigation equipment requires approximately the requested rate to operate correctly.

CONCLUSIONS

1. Water Permit Application No. 2746-2 proposes to divert water at a maximum diversion rate of 2.45 cfs to irrigate 160 acres.
2. Water Permit Application No. 2747-2 proposes to divert water at a maximum diversion rate of 1.34 cfs to irrigate 64 acres.

3. Water Permit Application No. 2748-2 proposes to divert water at a maximum diversion rate of 1.56 cfs to irrigate 75 acres.
4. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer.
5. The applicant has requested diversion rates in excess of one cfs per 70 acres to properly supply the irrigation pivots.
6. There is a reasonable probability that these appropriations can be made without adversely impacting existing water rights or nearby wells.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Peters, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Buhler, K.A., 2012, Report on Water Permit Application No. 2559A-2 for John Markus: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota
- Filipovic, D, 2011, Hydrologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey Program, Vermillion, South Dakota.
- Gutentag, E.D., Hiemes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Hedges, L.S., and Burch, S.L., 1985, Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge: SD DENR-Geological Survey, Vermillion, South Dakota.
- Kolm, K.E. and H.L. Case III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey. Lakewood, Colorado.
- Long, A.J., and Putnam, L.D., 2010, Simulated Groundwater Flow in the Ogallala and Arikaree Aquifers, Rosebud Indian Reservation Area, South Dakota=Revisions with Data Through Water Year 2008 and Simulations of Potential Future Scenarios: U.S. Geological Survey Scientific Investigations Report 2010-5104, 54 p.

Water Rights, 1983-2015, "1982-2014 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights, 2016a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

dennr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2746-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2746-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2746-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2746-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2746-2 authorizes a maximum diversion rate of 2.45 cfs for the irrigation of 160 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 21, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2747-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2747-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2747-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2747-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2747-2 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 21, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2748-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2748-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2748-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2748-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2748-2 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 75 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

March 21, 2016

RECEIVED

APR - 7 2016

WATER RIGHTS
PROGRAM

Monday, April 4, 2016

Water Rights Program
523 E Capitol
Pierre S.D. 57501

To Whom It May Concern

This Letter is to contest water rights applications 27462-2, 2747-2 & 2748-2

By Forrest Stewart of Cody, NE.

Due to the proximity of existing well, I have concerns with 3 new wells
affecting operation of my well on NW1/4 Sec 30, 36N & 34W.

Your addressing of this matter is appreciated.

Thank You

Billy Joe Kirk

Billy Joe Kirk

Stewart, Forrest

RECEIVED

APR - 4 2016

WATER RIGHTS PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Taylor Kratovil, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the Bennett County Booster is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

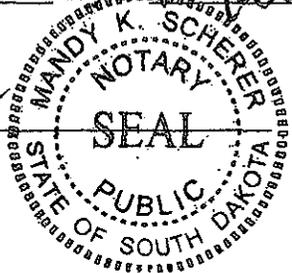
March 30, 2016

That the full amount of the fee charged for the publication of the attached public notice, \$42.84 insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Taylor Kratovil

Subscribed and sworn to before me this 30 day of March, 2016.

Mandy K. Scherer
Notary Public



My Commission Expires
December 9, 2021

Legal Notices

Notice of Meeting of County Equalization Board

SDCL 10-11-05
 NOTICE IS HEREBY GIVEN That the Board of County Commissioners, sitting as a County Board of Equalization of Bennett County, South Dakota will meet in the Commissioners' Chambers in said County on **TUESDAY, the 12th day of April, 2016**, (being the second Tuesday in April) for the purpose of reviewing, correcting and equalizing the assessment of said County for the year 2016.

All persons considering themselves aggrieved by said assessment are required to submit written notice to the County Auditor no later than April 5, 2016.

Susan Williams, Bennett County Auditor
 Bennett County

Dated March 15, 2016
 Published once at the total approximate cost of \$13.60
 Published: March 30, 2016

Notice of Tacking Tax Deed by County

CERTIFICATE NUMBER: 93 of 2011
LEGAL DESCRIPTION: LOTS SIX (6) AND SEVEN (7), BLOCK THREE (3) OF THE FIRST ADDITION TO MARTIN, BENNETT COUNTY, SOUTH DAKOTA.

To Kenneth Miller (son of Floyd Miller deceased) the owner of record of the aforementioned described real property, the person in whose name said property is taxed and person in possession of said property. To the City of Martin, and to any other persons or entity who may have an interest in the aforementioned property.

You are hereby notified that, as part of said tax and for unpaid taxes by the County Treasurer of Bennett County, South Dakota, the aforesaid real property situated in Bennett County, South Dakota, was first offered for sale at public auction to competitive bidders. Not having been sold for want of bidders, said County Treasurer's Certificate of sale was issued by the County Treasurer of Bennett County, South Dakota, who is now the lawful owner thereof. The right of redemption will expire and deed for said lot will be made upon expiration of sixty days from completed service of notice.

Dated this 16th day of March, 2016

Jaker Donovan
 Bennett County Treasurer

Published twice at the total approximate cost of \$34.44
 Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA) IN THE CIRCUIT COURT
)
 COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
)
 In the matter of the estate of)
 William Lee Kennedy,) O3PRO #16-2
 Deceased.) Notice to Creditors of Appointment
) of Personal Representative

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of William Lee Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016.

J/ Jolene Dee Robinson
 PO Box 481
 Martin, SD 57551

Becky Klaudt
 Bennett County Clerk of Courts
 PO Box 281
 Martin, South Dakota 57551
 605-685-6969

Ryan McKnight, Attorney
 Kjerstad McKnight Law Office
 PO Box 848
 Philip, South Dakota 57367
 605-859-2783

Published three times at the total approximate cost of \$76.54
 Published: March 16, 23, 30, 2016

Notice of Hearing

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
)
 COUNTY OF BENNETT) SIXTH JUDICIAL COURT
)
 In the Matter of the Petition regarding)
) CIV: 13-3
 Alexandru Marie Hopkins-Salomon)
 (Birth Certificate Name), A Minor Child) AMENDED
)
 For a Change of Name to) NOTICES OF HEARING
 Alexandru Marie Salomon) FOR NAME CHANGE
 (Proposed Name)) OF A MINOR CHILD
) (UNCONTESTED)

In the Matter of the Petition regarding)
) CIV: 13-3
 Stefonna Emmanuela Hopkins-Salomon)
 (Birth Certificate Name), A Minor Child) AMENDED
)
 For a Change of Name to) NOTICES OF HEARING
 Stefonna Emmanuela Salomon) FOR NAME CHANGE
 (Proposed Name)) OF A MINOR CHILD
) (UNCONTESTED)

In the Matter of the Petition regarding)
) CIV: 13-3
 Jyles Cody Lee Hopkins-Salomon)
 (Birth Certificate Name), A Minor Child) AMENDED
)
 For a Change of Name to) NOTICES OF HEARING
 Jyles Lee Salomon) FOR NAME CHANGE
 (Proposed Name)) OF A MINOR CHILD
) (UNCONTESTED)

NOTICE IS HEREBY GIVEN that a Verified Petition for Name Change of a Minor Child has been filed by Alana Desiree Salomon the object and prayer of which is to change their minor child's name from **Alexandru Marie Hopkins-Salomon to Alexandru Marie Salomon**; from **Stefonna Emmanuela Hopkins-Salomon to Stefonna Emmanuela Salomon**; from **Jyles Cody Lee Hopkins-Salomon to Jyles Lee Salomon**.

On the 12 day of April, 2016, at the hour of 1:00 p.m. said Verified Petition will be heard by this Court before the Honorable Kathleen Trandahl Presiding at the Court Room in the Bennett County Courthouse, City of Martin, Bennett County, South Dakota, or as soon thereafter as is convenient for the court. Any interested party may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 1 day of March, 2016, at Martin, South Dakota.

J/ Rebecca J. Klaudt
 Clerk of Court

Published four times at the total approximate cost of \$121.16
 Published: March 9, 16, 23, 30, 2016

Request for Proposal

The Martin Housing Authority will be receiving bids for the demolition/disposal and re-construction of a driveway, sidewalks and patio at 101 Dorothy Street until 3:00 p.m. Tuesday, April 5, 2016.

This will include all labor and materials needed to tear out and replace the existing concrete.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statements of Bidders and Davis Bacon wage rates are enclosed.

Project should be completed no later than July 31, 2016. Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Concrete Bid" and may be deposited at the Office, or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551-0149.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
 Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids for Thirty three (33) 40"x46" DBL Hung, Pull Impervio Pocket Replacement Window Units, for an approved equivalent at three duplexes until 3:00 p.m. Tuesday, April 12, 2016.

Work shall include removal and disposal of existing windows (HA will keep some parts), installation of new windows and trim. Work is to be completed by July 31, 2016.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statement of Bidders and Davis Bacon wage rates are enclosed.

Please contact the MHA at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Window Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
 Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids until 3:00 p.m. on Tuesday, April 5, 2016 for the installation of 23 (twenty-three) Westinghouse FG75 Series energy star rated Heat Pumps with LP Auxiliary heat for an approved equivalent to be installed over the next 4 (four) years. The number of units installed each year is dependent upon MHA yearly funding.

The work shall include removal and disposal of the existing heating/AC units, replacement of gas fittings, valves, ductwork, freon and thermostats.

A copy of the specifications, along with HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications, Other Statement of Bidders and a current Davis Bacon Wage Rate Determination may be picked up at the office.

Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Heat Pump Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$31.98
 Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA) IN THE CIRCUIT COURT
)
 COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
)
 In the matter of the estate of)
 Helen Cloone Kennedy,) O3PRO #16-4
 Deceased.) Notice to Creditors of Appointment
) of Personal Representative

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of Helen Cloone Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016.

J/ Jolene Dee Robinson
 PO Box 481
 Martin, SD 57551

Becky Klaudt
 Bennett County Clerk of Courts
 PO Box 281
 Martin, South Dakota 57551
 605-685-6969

Ryan McKnight, Attorney
 Kjerstad McKnight Law Office
 PO Box 848
 Philip, South Dakota 57367
 605-859-2783

Published three times at the total approximate cost of \$76.54
 Published: March 16, 23, 30, 2016

OST Early Intervention/
 Special Education

is now accepting bids for the following services for the 2016-2017 year

- Occupational Therapy
- Physical Therapy
- Speech/Language
- Special Instruction

Please send all bids & proposals to:
 OST Special Education/ Early Intervention Program
 Attn: Stephanie Louder
 PO Box 1991
 Pine Ridge, SD 57770

Please be specific on envelope.
 Bid Format:

Will be accepting bids until April 29, 2016

Notice of Application to Appropriate Water

NOTICE OF APPLICATION NOS. 2746-2, 2747-2, 2748-2 to Appropriate Water

Notice is given that Forrest Stewart, 29845 237th Ave. Cody, NE 68811 has filed the following applications for a water permit.

Application No. 2746-2 proposes to appropriate 2.85 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 35; all in T26N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2747-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unduly impaired, 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 <http://denr.sd.gov/public> or contact Eric Grounded for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, P.O. Box 523, E Capitol, Pierre SD 57501 (505 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 11, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall set on the application pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
 Published once at the total approximate cost of \$42.84
 Published: March 30, 2016

Washington, D.C. - completely original—in concept, design, and execution. Artwork must also be entered in the original medium; no scanned reproductions are allowed. To submit an entry, send a completed student release form and a high-quality photo of the art to the South Dakota Arts Council's Rebecca Cruse at rebecca.cruse@sds.edu by April 19. Winners will be notified on April 22.

Click here for a full list of rules and guidelines. More information can also be found by visiting the Congressional Art Competition website or by calling Rep. Noem's Washington, DC, office at 202-225-2801.

Any high school student in South Dakota is welcome to enter. Artwork must be

completely original—in concept, design, and execution. Artwork must also be entered in the original medium; no scanned reproductions are allowed. To submit an entry, send a completed student release form and a high-quality photo of the art to the South Dakota Arts Council's Rebecca Cruse at rebecca.cruse@sds.edu by April 19. Winners will be notified on April 22.

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The City of Britton is offering

APARTMENTS FOR SALE

- Parkview Apartments - a 7 apartment complex located on 3rd Street and 4th Avenue
- Midtown Apartments - a 5 apartment complex located on 7th Street and 8th Avenue

Selected bids will be received and opened June 13 at 2:00 pm. For information contact Marie Marlow at City Hall 605-445-5721 from 8:30 am - 5:30 pm.

Bennett County Nursing Home

Job Opening

Certified Nursing Assistant (CNA)

Seeking full-time and Part-time CNAs at the Bennett County Nursing Home. Turn applications into Melanie Peil, Human Resources. Improved salary scale and competitive benefits package.

For application or questions please contact Melanie Peil at 605-685-6622, ext. 1138 or apply on-line at bennettcountyhospital.com

Bennett County Hospital and Nursing Home

is an equal opportunity employer.
 Martin, S.D. 57551

RECEIVED

APR - 4 2016

WATER RIGHTS PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

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

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

3-31-16

Cost of Printing \$44.06

Marylinn Baker (Signature)

Bookkeeper (Title)

4-1-16 (Date Signed)

Public Notice
NOTICE OF APPLICATION NOS. 2746-2, 2747-2, 2748-2 to appropriate water
Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (880 feet deep) located in the SE 1/4 SE 1/4 Section 18 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 18; all in T56N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Application No. 2747-2 proposes to appropriate 1.94 cfs from one well to be completed into the Ogallala Aquifer (800 feet deep) located in the NW 1/4 SE 1/4 Section 30; of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SD 1/4 Section 30; all in T56N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Application No. 2748-2 proposes to appropriate 1.88 cfs from one well to be completed into the Ogallala Aquifer (800 feet deep) located in the NW 1/4 NW 1/4 Section 20 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 20 and SW 1/4 SW 1/4 Section 22; all in T56N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2747-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unduly impaired, 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 http://dwr.sd.gov/public or contact Eric Gronlund for the information, or other information, at the Water Rights Program address provided below. Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Eng-



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and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 13, 2016

NOTICE OF HEARING

TO: Forrest Stewart
29845 237th Avenue
Cody NE 69211

Billy Joe Kirk
107 Dakota Drive
Martin SD 57551

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application Nos. 2746-2, 2747-2 and 2748-2,
Forrest Stewart

A petition of opposition to the Chief Engineer's recommendation of approval of Water Permit Application Nos. 2746-2, 2747-2 and 2748-2 was filed by Billy Joe Kirk. This was in response to the Notice of Application published in the Bennett Co Booster II and Capital Journal. This notice schedules a hearing on Application Nos. 2746-2, 2747-2 and 2748-2 before the South Dakota Water Management Board.

Water Permit Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 19; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Water Permit Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2748-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will consider Application Nos. 2746-2, 2748-2 and 2748-2 at 9:00 AM (Central Daylight Time) on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

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 these applications after it reaches a conclusion based on the facts presented at the public hearing.

The May 5, 2016, 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 or support the applications. The request for an automatic delay must be filed by April 25, 2016. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendations, applications or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendations, affidavits of publication and petition in the matter of Water Permit Application Nos. 2746-2, 2748-2 and 2748-2. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

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 direct mail to you, and the applicable date to give notice to the Chief Engineer is April 25, 2016. 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 these applications: 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

