



DANR
SOUTH DAKOTA

WATER MANAGEMENT BOARD
Meeting on May 7, 2025

Floyd Matthew Training Center
Joe Foss Bldg., 523 E Capitol Ave, Pierre SD

Any person(s) interested in speaking during the public comment period via remote connection can learn how at <https://boardsandcommissions.sd.gov> on the Water Management Board page.

Scheduled times are based on Central Time and are estimated start times.

Agenda items may be delayed due to prior scheduled items.

Live audio of the meeting is available at <https://www.sd.net>

May 7, 2025

- 9:30 AM Call to Order
 Roll Call
 Adopt Final Agenda
 Conflicts Disclosures and Requests for State Board Waivers
 Adopt March 5, 2025, Board Minutes
 Set July 9 - 10, 2025 Meeting Dates and Location
 Public comment period in accordance with SDCL 1-25-1
 Update on DANR Activities
 Status and Review of Water Rights Litigation
 Administer Oath to Department of Agriculture and Natural Resources Staff
 Seven Year Review of Future Use Permits – Amanda Dewell
 Cancellation Considerations – Amanda Dewell
 Consider Future Use Water Permit Application No. 2881-2, Western Dakota Regional Water System – Brittan Hullinger
- 9:45 AM Request to Rescind One-Year Suspension of Water Permit No. 8408-3 – Amanda Dewell
- Validation of Vested Claim No. 1548-3, Faulkton Dam – Amanda Dewell
- Consider Deferral Recommendation for Water Permit Application No. 8924-3, Ricky Miller – Ron Duvall

ADJOURN

WATER MANAGEMENT BOARD
Remote Conference Meeting on May 7, 2025

Board members are reminded they are subject to SDCL 3-23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

DRAFT

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>

MINUTES OF THE 253RD MEETING
OF THE WATER MANAGEMENT BOARD
REMOTE CONNECTION MEETING
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA
MARCH 5, 2025

CALL TO ORDER AND ROLL CALL: Chairman Hutmacher called the meeting to order at 9:30 a.m. Central Time. The roll was called, and a quorum was present.

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

The following attended the meeting:

Board Members: Jim Hutmacher, Rodney Freeman, Chad Comes, and Peggy Dixon participated remotely. Leo Holzbauer and William Larson were absent.

Department of Agriculture and Natural Resources (DANR): Eric Gronlund, Chief Engineer, Ron Duvall, Amanda Dewell, Whitney Kilts, Nakaila Steen, Kim Drennon, Tyler Jensen, Brittan Hullinger, Austin Settje, and Miranda Smith, Water Rights Program.

Attorney General's Office: David McVey, Board counsel; Jennifer Verleger Water Rights Program counsel.

Legislative Oversight Committee Members: Representative Nicole Uhre-Balk.

Findings of Fact, Conclusions of Law, and Final Decision in the matter of Water Permit Application No. 8864-3, Big Sioux Community Water System: Ryan Cwach, attorney for petitioner.

ADOPT FINAL AGENDA: Motion by Freeman, seconded by Comes, to adopt the final agenda. A roll call vote was taken, and the motion carried unanimously.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

ADOPT DECEMBER 4 AND 11, 2024, BOARD MINUTES: Motion by Freeman, seconded by Comes, to adopt the minutes for the December 4, 2024, and December 11, 2024, Water Management Board meetings. A roll call vote was taken, and the motion carried with Comes, Freeman, and Hutmacher voting aye. Dixon abstained.

SET MAY 7-8, 2025, MEETING DATES AND LOCATION: The next meeting is set for May 7-8, 2025, at the Matthew Training Center in Pierre.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: None.

UPDATE ON DANR ACTIVITIES: Eric Gronlund, Chief Engineer, Water Rights Program, welcomed new Legislative Oversight Committee member, Representative Nicole Uhre-Balk.

Mr. Gronlund reported that former Board member, Tim Bjork passed away. Mr. Bjork was a member of the Water Management Board for 17 years.

Mr. Gronlund provided a brief update on 2025 legislation pertinent to the Board.

Senate Joint Resolution (SJR) 501 is for legislative approval of a Future Use Water Permit Application No. 2881-2 by the Western Dakota Regional Water System seeking to reserve 20,765 acre-feet of water annually from the Missouri River. Since this is an appropriation of water greater than 10,000 acre-feet, it requires legislative approval. The Water Management Board acted on this application at its December 2024 meeting for the purpose of presenting it to the Legislature. SJR has made it through the Senate site entirely. It had its hearing before House Agriculture and Natural Resources on March 4 and passed on an 11 to 2 vote, and it is on the March 5 House of Representatives docket. If approved by the House, the matter will come back before the Water Management Board for final action at its May 2025, meeting.

House Bill 1026 which would provide approximately \$13,000,000 from the general fund for rehabilitation of the Richmond Lake dam northwest of Aberdeen. Richmond Dam is a high hazard dam owned by the Office of School and Public Lands and has a population at risk of 1,790 individuals if failure were to occur. The dam's spillway is at its end of life, and it only has the capacity to pass 56 percent of the 0.5 probable maximum flood event. It also has severe seepage issues. Rehabilitation of that dam will be an entire replacement of the spillway with a Labyrinth design and a cut-off wall to address the seepage issues.

The total estimated cost for this project is between \$20,000,000 and \$27,000,000. The \$13,000,000 provided by this bill is accompanied by \$9,650,000 previously appropriated by the Legislature and a \$2,940,000 FEMA High Hazard Potential Dam Grant, hopefully to get this project across the finish line. The Bill is now awaiting Governor Rhoden's signature.

Mr. Gronlund noted that Whitney Kilts, Water Rights staff, has been involved in this project, and DANR is the state-sponsoring agency for the FEMA grant.

Mr. Gronlund showed a photo of a Labyrinth spillway design.

Mr. Gronlund reported that Miranda Smith was recently hired as a Program Assistant, along with Natural Resources Technician, Kevin Peery, and Summer Intern, Jacob Mayer.

Mr. Gronlund announced that he is retiring after being employed with DANR since February 21, 1984.

The Board thanked Mr. Gronlund his years of service to the State and the Water Management Board.

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: David McVey reported that the McCook Lake appeal is still pending.

ADMINISTER OATH TO DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES STAFF: Rachel Rodriguez, Notary Public of South Dakota, administered the oath to staff who intended to testify during the meeting.

SEVEN YEAR REVIEW OF FUTURE USE PERMITS: A table listing the future use permits up for a seven-year review was included in the packet the Board members received prior to the meeting. Certain entities such as water distribution systems, municipalities and rural water systems can reserve water for future needs.

State law requires that future use permits be reviewed by the Water Management Board every seven years, and it requires the permit holder to demonstrate a reasonable need to retain the future use permit.

Amanda Dewell reported that there were three Future Use Permits included in the Board packet; however, the public notice that was provided to one of the newspapers for South Lincoln Rural Water System was not published. Therefore, the review of Future Use Permit No. 4817-3 will be postponed until the May 2025 Board meeting.

Ms. Dewell stated that Water Rights Program contacted East Dakota Water Development District and the City of Tyndall inquiring whether the entities wanted to retain the future use permits. The letters received from the entities requesting to retain their future use permits, the Chief Engineer's recommendations, and the Affidavits of Publication showing that the hearing was public noticed were included in the Board packet. No letters in opposition were received in response to the public notices.

The Chief Engineer recommended the Board allow the following Future Use Permits to remain in effect for an additional seven years, as listed below.

No.	Name	Amount Remaining in Reserve	Source
3574-3	East Dakota Water Development District	91,500 AF	Missouri River
4839A-3	City of Tyndall	410 AF	Choteau Tyndall

Motion by Freeman, seconded by Dixon, that Future Use Permit No. 3574-3 for East Dakota Water Development District remain in effect for 91,500 acre-feet. A roll call vote was taken, and the motion carried unanimously.

Motion by Freeman, seconded by Dixon, that Future Use Permit No. 4839A-3 for the City of Tyndall remain in effect for 410 acre-feet. A roll call vote was taken, and the motion carried unanimously.

IRRIGATION QUESTIONNAIRE VIOLATIONS FOR FAILURE TO REPORT 2024 WATER USE: Ms. Dewell presented the report on irrigation questionnaire violations.

On October 23, 2024, irrigation questionnaires were mailed by first class mail to 1,981 irrigators for reporting water use for the 2024 irrigation season. The permit holders were given until December 2, 2024, to return the forms. The cover letter included the three options for how questionnaires could be completed and returned; online, which is the preferred method, by mail, or by fax.

On January 14, 2025, 225 notices were mailed by first class mail to those irrigators who had not returned the irrigation questionnaires. Additional questionnaire forms were included with the mailing.

The January 14, 2025, notice advised permit holders that the Water Management Board may take one or more of the following actions regarding their permit(s) pursuant to SDCL 46-1-12 and SDCL 46-1-14:

- The permit(s) could be suspended for a period of up to one year (first violation) or a period of up to three years (second violation – includes one previous suspension).
- The permit(s) could be cancelled (third violation – includes at least two previous suspensions).
- The permit(s) could be amended to include the mandatory irrigation questionnaire qualification.
- The Board could postpone any action or take no action.

The Water Rights Program recommended that the Board take the following action for permits with irrigation questionnaires not received by March 5, 2025:

Suspend the following permits/rights for one year (effective April 4, 2025) unless the questionnaires are received prior to the effective date.

Violation 1

Water Permit No. 8001-3	Todd Block
Water Permit No. 8002-3	Todd Block
Water Permit No. 8408-3	Robert A Novotny
Water Right No. 842-1	Robert Phelps Jr

Water Right No. 3168-3	Larry Ryken
Water Right No. 4467-3	Layna Saathoff
Water Right No. 1523-2	Saddle Butte Angus, c/o Larry May
Water Permit No. 2378-2	Saddle Butte Angus, c/o Larry May
Water Right No. 8192-3	Stop Drop Lock Inc, c/o Karl Schenk
Water Right No. 6267-3	Selby Community Golf Course

Suspend the following permits/rights for three years (effective April 4, 2025) unless the questionnaires are received prior to the effective date.

Violation 2

Water Right No. 881-2	Ryan Edwards
Water Right No. 1994-3	Albert Hattum
Water Permit No. 8253-3	Makens Oak Tree LLP, c/o Michael Makens
Water Right No. 2954-3	Lane Tekrony

Amend the following permit/right to include the mandatory irrigation questionnaire qualification (effective March 5, 2025)

Violation A

Water Right No. 1091-3	Walter Heine
Water Right No. 2036-3	James & Joan McElhany
Water Right No. 3484-3	Charlotte Nichols, c/o Philip Nichols
Water Right No. 6278-3	Robert A Novotny
Water Right No. 2282-3	John or Byran Uecker

Motion by Freeman, seconded by Dixon, to suspend for one year those permits listed under Violation 1 effective April 4, 2025; to suspend for three years those permits listed under Violation 2 effective April 4, 2025; unless the questionnaires for the permits/rights subject to Violation 1 and 2 are submitted prior to the April 4, 2025 effective date; and to add the qualification to the permits listed under Violation A, effective March 5, 2025. A roll call vote was taken, and the motion carried unanimously.

CONSIDER FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION IN THE MATTER OF WATER PERMIT APPLICATION NO. 8864-3, BIG SIOUX

COMMUNITY WATER SYSTEM: David McVey stated that this matter came before the Board on December 4, 2024, and the water permit was granted by the Board subject to the qualifications of the Chief Engineer.

Ms. Verleger, on behalf of the Water Rights Program, filed proposed Findings of Fact and Conclusions of Law.

The petitioner in opposition also filed proposed Findings of Fact and Conclusions of Law. Subsequent to the filing of those documents, the petitioner in opposition also filed objections to

the Proposed Findings of Fact and Conclusions of Law filed by the Water Rights Program. The objections were not timely. Objections were due on January 21, 2025, and the petitioner's objections were received on January 22, 2025.

Mr. McVey stated that in preparation of the final Findings of Fact and Conclusions of Law, the objections of the petitioner were not considered; however, their original proposed alternative Findings of Fact and Conclusions of Law were considered. Each of the petitioner's Findings were considered, as required by SDCL 1-26-25. They were considered in paragraphs 1 and 2 of Section B of the Findings included in the Board packet. Mr. McVey said the petitioner's proposed findings were either noted and not adopted, determined to be duplicative of the Water Rights Program's proposed findings, or they were adopted and included in the final Findings.

Mr. McVey stated that the final Findings of Fact represent that Water Permit Application No. 8864-3 is granted with the following qualifications:

1. The well approved under Water Permit No. 8864-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled 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. 8864-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must 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. The permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer.
4. Water Permit No. 8864-3 authorizes a total annual diversion of up to 300 acre-feet of water from the Northern Skunk Creek Management Unit of the Big Sioux aquifer.

Chairman Hutmacher requested Board action.

Mr. Freeman asked if the Board needs to reject the Findings of the petitioner based upon the Findings set forth in paragraph B of the final Findings.

Mr. McVey stated that he does not believe that is necessary because the statute requires that in the Findings of Fact each proposed alternative needs to be addressed. He said each of those are addressed in paragraph B in the final Findings of Fact and Conclusions of Law, so approving the final Findings as written should be adequate for statutory compliance.

Motion by Freeman, seconded by Comes, to adopt the final Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Permit Application No. 8864-3, Big Sioux Community Water System. A roll call vote was taken, and the motion carried with Comes, Freeman, and Hutmacher voting aye. Dixon abstained.

APPOINTMENT OF RAPID VALLEY WATER MASTER: Nakaila Steen, Water Rights Program, reported that the Rapid Valley Conservancy District has requested that Kevin Ham be appointed as the water master for the 2025 irrigation season for the Rapid Creek area.

Motion by Freeman, seconded by Dixon, to appoint Kevin Ham as the Rapid Valley Water Master for the 2025 irrigation season. A roll call vote was taken, and the motion carried unanimously.

ADJOURN: Motion by Freeman, seconded by Comes, to adjourn. The motion carried unanimously.

Approved May 7, 2025.

Water Management Board

WATER MANAGEMENT BOARD MEETING

March 5, 2025

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

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
2040-1	Infinity Properties – Craig Baumiller	Summerset	MD	326 AF	WDS	1 well – Madison	wi, 4 special
8857-3	Jason & Kristy Liebe	Milbank	GT	2.7 cfs	Irrigation	2 wells – Veblen	wi, iq, 1 special
8883-3	Van Winkle Dairy LP, Kevin Van Winkle	Canistota	MC	117.6 AF	COM	3 wells – Cretaceous aged undifferentiated sandstone	wi, wcr, 4 special
8894-3	Nathan Skelley and Nicole Bell	Hartford	MA	0.32 cfs	Irrigation	1 well – Sioux Quartzite	wi, iq, 1 special
8899-3	Matt Fenske	Brookings	BG	18 AF	DOM/FWP	1 well – Howard	wi, 3 special
8900-3	Finley Farms LLLP	Oakes ND	BN	No Add'l	Irrigation	1 well – Middle James: Columbia	wi, iq
8901-3	Robert Maeschen	Ethan	DN	0.62 cfs	Irrigation	1 well – Niobrara	wi, wcr, iq
8902-3	Althoff Aggregates LLC	Waubay	DA	191 AF	IND	Coteau Lake/Surface Runoff	wi, 3 special
8904-3	Ace Ready Mix – Chris Klein	Sioux Falls	LN	13.5 AF	IND	Stormwater runoff	1 special
8905-3	High Country Properties LLC	Mitchell	JE	137.7 AF	FWP	Surface runoff	lf, 2 special
8906-3	Carper Ag LLC	Rutland	LK	0.63 cfs	Irrigation	2 wells – Battle Creek	wi, wcr, iq
8907-3	West Lake LLC	Ipswich	BN	324 AF	DOM/REC/FWP	3 wells – Middle James Aberdeen	wi, wcr, 3 special
8908-3	Bon Homme HBI (continued)	Tabor	BH	105 AF	COM	5 existing wells – Dakota	wi, 6 special
8909-3	Tim Neugebauer	Ethan	DN	2.22 cfs	Irrigation	1 well – Niobrara	wi, wcr, iq
8910-3	Nels Sorensen	Vermillion	CL	No Add'l	Irrigation	1 well – Lower Vermillion Missouri	wi, iq

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
3574-3	East Dakota Water Dev. Dist.	Brookings	CL	91,500 AF	Future	Missouri River	2 special
4817-3	South Lincoln RWS	Beresford	LN	1,448 AF	Future	Dakota	2 special
4839A-3	City of Tyndall	Tyndall	BH	410 AF	Future	Choteau Tyndall	4 special

WATER MANAGEMENT BOARD MEETING

May 7, 2025

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

Water Permit Applications to be Considered as Scheduled

No.	Name	Address	County	Amount	Use	Source	Qualifications
2881-2	Western Dakota Regional Water System	Rapid City	PE	20,765 AF	RWS/MUN	Missouri River	3 special
8924-3	Ricky Miller	Hitchcock	BD	1.89 cfs	Irrigation	Niobrara Aquifer	Deferral

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

No.	Name	Address	County	Amount	Use	Source	Qualifications
2041-1	Rodney Benson	Saint Onge	LA	0.34 cfs	WDS/RWS	1 well – Madison	wi, wcr, 3 special
2042-1	Broken Bridge Ranch LLC	Sturgis	MD	No Add'l	IRR (90 acres)	Belle Fourche River	lf, iq, 1 special
2883-2	Rapid Valley Sanitary District	Rapid City	PE	69.3 AF	Transfer Use	Rapid Creek	7 special
2884-2	Rapid Valley Sanitary District	Rapid City	PE	109.69 AF	Transfer Use	Rapid Creek	7 special
2885-2	Rapid Valley Sanitary District	Rapid City	PE	147.8 AF	Transfer Use	Rapid Creek	7 special
8864-3	Big Sioux Community Water System	Egan	LK	300 AF	RWS	1 well – Big Sioux Northern Skunk Creek	wi, wcr, 2 special
8913-3	Dennis Wolff	Long Lake	MP	2.2 cfs	IRR (157 ac)	4 wells – McPherson Mgmt Unit	wi, wcr, iq
8914-3	Todd Heine	Vermillion	CL	1.11 cfs	IRR (54 acres)	1 well – Missouri Elk Point	wi, iq, 1 special
8915-3	Joe Arthur	South Shore	CD	1.67 cfs	IRR (160 ac)	2 wells – Antelope Valley	wi, wcr, iq
8916-3	City of Sioux Falls	Sioux Falls	MA	0.024 AF	Municipal	1 well – Big Sioux Southern Skunk Creek	wi, wcr, 3 special
8917-3	Bon Homme Hutterian Brethren	Tabor	BH	1.67 cfs	IRR (60 acres)	Missouri River	iq, 1 special
8918-3	Plainview Dairy, LLC.	Toronto	DU	1.33 cfs	COM	2 wells – Big Sioux Brookings	wi, wcr, 4 special
8920-3	Ralph & Lucille Marquardt	Yankton	CL	No Add'l	IRR (140 ac)	1 well – Missouri Elk Point	wi, iq
8921-3	Brian Curry	Elk Point	UN	1.78 cfs	IRR (160 ac)	1 well – Missouri Elk Point	wi, wcr, iq

(continued)

Future Use Reviews

No.	Name	Address	County	Amount Remaining in Reserve	Use	Source	Qualifications
3574A-3	Clay RWS	Wakonda	CL	1,000 AF	RWS	Missouri River	2 special
4798-3	City of Parker	Parker	TU	340 AF	MUN	Parker Centerville Aquifer	1 special
4817-3	South Lincoln RWS	Beresford	LN	1,448 AF	RWS	Dakota Aquifer	2 special
4860-3	City of Hoven	Hoven	PT	410 AF	MUN	Bowdle Aquifer	1 special
6512-3	City of Madison	Madison	LK	387 AF	MUN	Howard Aquifer	4 special



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574A-3, Clay Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073.

The Chief Engineer is recommending that Future Use Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574A-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 3574A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3574A-3 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
March 7, 2025



CRWS
Clay Rural Water System, Inc.

30376 SD HWY 19
Wakonda, SD 57073-6416
Phone: 605-267-2088
Fax: 605-267-2085
Email: office@clayruralwater.com

RECEIVED

FEB 21 2025

OFFICE OF
WATER

February 18, 2025

Water Management Board
SD DANR-Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Water Management Board,

Regarding the letter received February 17, 2025, and The Future Use Water Permit No. 3574A-3. Clay Rural Water System Inc. requests to retain the future use permit for expanding growth in the area. The Missouri River is the southern boundary of our system. As we currently use ground water to supply our two treatment facilities, we have been seeing substantial growth from the North Sioux City Area where our Wynstone Water Treatment Plant is located, to the Gayville/Yankton Area that is supplied by our Wakonda Water Treatment Plant located north of Vermillion.

With the development and economic growth in these areas we may have to rely on this water use permit for future needs in the area. This permit is also considered to be an alternate source of supply in the event of a ground water source becoming contaminated.

For these reasons, we request the renewal of Future Use Permit 3574A-3.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Steve Muilenburg
General Manager

Steven Muilenburg:
General Manager
Clay Rural Water System
30376 SD HWY 19
Wakonda, SD 57073
Office: 605-267-2088
Cell: 605-670-2644

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0320-12 Notice of Hearing 3574-3

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

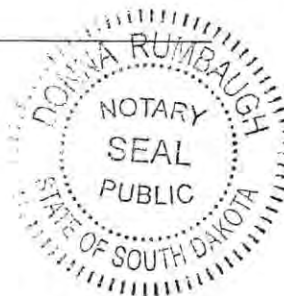
That \$53.76 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$53.76
Notary Fee...\$
Total \$53.76

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Amber D. Miller

certify that the attached printed Notice was taken
from the The New Era

printed and published in Parker
County of Turner and

state of South Dakota. The notice was published
in the newspaper on the following date:

March 20, 2025

Cost of Printing 53.76

Amber D. Miller
(Signature)

office assistant
(Title)

March 24, 2025
(Date Signed)

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

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit

on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$53.76 and may be viewed free of charge at www.sdpublicnotices.com.

(N0320-12)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Clay Rural Water Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

March 20, 2025

that the full amount of the fees charged for publishing the same to-wit: the sum of \$69.03 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 20th day of
March, 2025.



Notary Public, South Dakota



My Commission Expires
January 12, 2030

Notice of Hearing

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

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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RECEIVED

MAR 26 2025

OFFICE OF
WATER

and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

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Published in the Sioux Valley News on March 20, 2025, at the total approximate cost of \$69.03 and may be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Shannon L. Jost,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

Water Permit 3574A-3

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

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 20 day of March, 2025

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

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

\$ 66.48, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me

this 20 day of March, 2025

Notary Public

RECEIVED

MAR 31 2025

OFFICE OF
WATER

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

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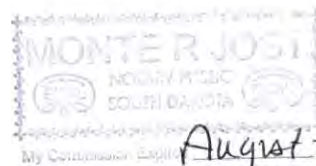
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Du-

vall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must



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Publish March 20, 2025

Published once at the total approximate cost of \$66.48 and may be viewed free of charge at www.sdpublicnotices.com
12-3-206

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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MAR 24 2025

OFFICE OF
WATER

CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

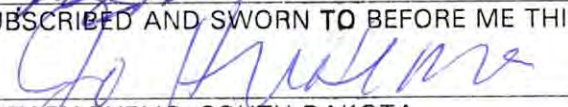
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PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF March, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$62.88 ENSURES TO THE
BENEFITS OF THE **PUBLISHER OF** SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY **OTHER** PERSON, AND THAT NO **PART** THEREOF
HAS BEEN AGREED TO **BE PAID** TO ANY PERSON WHOM**SOEVER**.

PUBLISHED ON: 03/21/2025

FILED ON: 03/21/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF March, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED

MAR 24 2025

OFFICE OF
WATER

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

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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Published March 21, 2025.

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MAR 24 2025

OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

MAR 24 2025

OFFICE OF
WATER

CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073-6416

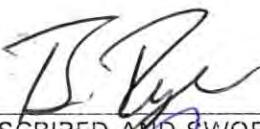
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

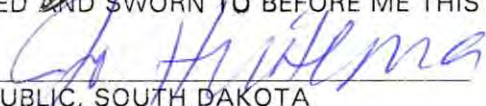
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PUBLISHED ON: 03/21/2025

FILED ON: 03/21/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF March, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



NOTICE OF HEARING TO
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RECEIVED

MAR 24 2025

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WATER

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The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address

provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17. This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$62.88 and can be viewed free of charge at www.sdpublicnotices.com

Published March 21, 2025.

RECEIVED

MAR 24 2025

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4798-3, City of Parker**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4798-3, City of Parker, PO Box 265, Parker SD 57053.

The Chief Engineer is recommending that Future Use Permit No. 4798-3 REMAIN in EFFECT for 340 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4798-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4798-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4798-3 is subject to payment of the \$ 85.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
March 7, 2025



www.parkersd.org

CITY OF PARKER

PO Box 265
Parker, SD 57053-0265
Derek Nolan, Mayor
Adam Jans, Finance Officer
605.297.4453

February 18, 2025

SD DENR
PMB 2020
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3182

Rachel Rodriguez
Water Rights Program

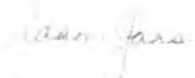
Dear Ms. Rodriguez:

I am writing in response to the City of Parker's Future Use Water Permit No. 4798-3. The City of Parker would like to retain this permit for possible future use. Currently Parker uses water from Lewis & Clark. However, in the event the city's supply gets eliminated or we reach our max allocation, the City will be dependent on our current use permit to serve existing and or new customers.

The City of Parker is asking the SD Department of Environment and Natural Resources to allow the city to retain its Future Use Permit No. 4798-3 for the entire 340 acres for the next seven (7) years.

Please feel free to contact me if you have any questions or concerns.

Sincerely,


Adam Jans
Finance Officer/Administrator

*Cc: Travis Friman, City of Parker Water Superintendent
Derek Nolan, Mayor—City of Parker*

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

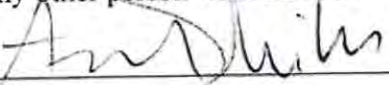
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0320-13 Notice of Hearing 4798-3

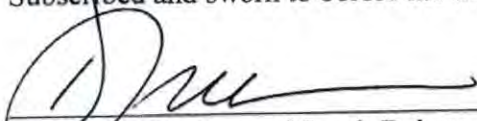
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

That \$54.88 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$54.88
Notary Fee...\$
Total \$54.88

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 4798-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4798-3 held by the City of Parker for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4798-3. This permit was approved 1981 and currently reserves 340 acre-feet from groundwater (less than 100 feet deep) located within the city limits and Parker Township in Sections 7, 8, 9, 15, 16, 17 and 18; all in T99N-R53W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4798-3 REMAIN in EFFECT for 340 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4798-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that

the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$54.88 and may be viewed free of charge at www.sdpublicnotices.com.

(N0320-19)



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION


Water Rights Program
Adam Jans
City of Parker
Po Box 265
Parker SD 57053-0265

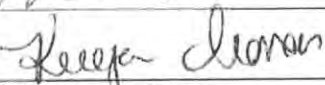
STATE OF WISCONSIN, COUNTY OF BROWN


The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/20/2025

and that the fees charged are legal.
Sworn to and subscribed before on 03/20/2025



Legal Clerk


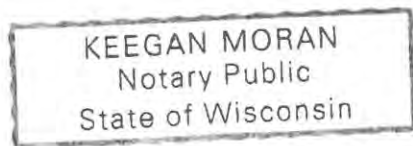
Notary, State of WI. County of Brown


My commission expires

Publication Cost:	\$83.37	
Tax Amount:	\$0.00	
Payment Cost:	\$83.37	
Order No:	11118555	# of Copies:
Customer No:	1248837	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER

PERMIT NO. 4798-3

Notice is given that the Water Management Board will review Future Use Permit No. 4798-3 held by the City of Parker for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4798-3. This permit was approved 1981 and currently reserves 340 acre-feet from groundwater (less than 100 feet deep) located within the city limits and Parker Township in Sections 7, 8, 9, 15, 16, 17 and 18; all in T99N-R53W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4798-3 REMAIN in EFFECT for 340 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4798-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at

<https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4798-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an

alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published on March 20, 2025 at the total approximate cost of \$83.37 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4817-3**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$185.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
January 29, 2025



January 27, 2025

South Dakota DANR
Water Rights Program
c/o Rachel Rodriguez
523 E Capitol Ave
Pierre, SD 57501

RE: Future Use Water Permit No. 4817-3

Dear Ms. Rodriguez,

South Lincoln Rural Water System (South Lincoln, SLRW) recently received notice of review for its Future Use Water Permit, Permit No. 4817-3. Under this permit, SLRW reserves 1,448 acre-feet for future use. It is South Lincoln's intent to renew the permit in its entirety until such time it is subject to additional review and renewal.

South Lincoln's existing water rights allow for a total withdrawal of 1,048 acre-feet under permits 4300-3, 6490-3, 5116, 5647, and 6300-3. The historic pumped volume from these permits has increased over the past several years from 643 acre-feet in 2017 to 964 acre-feet in 2024.

Recent projections suggest South Lincoln will meet or exceed its historical growth rate over the next decade. The system adds 25 to 40 new household and/or farm users annually and has, since the last permit review in 2017, added bulk users with contracts exceeding 400,000 gallons per day. The historic growth rate and large user inquiries suggest system demand will exceed 3,000 acre-feet by 2035. Such growth will likely require SLRW to convert its future use permit to an active permit and apply for additional future water rights.

Please consider this letter South Lincoln's formal request for the renewal of Permit No. 4817-3 as it is essential to meeting the future water needs of Lincoln, Turner, and Union Counties. The organization is aware the permit is subject to public notice and a hearing before the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read "John Stearns".

John Stearns
General Manager
South Lincoln Rural Water System, Inc
john.stearns@slrws.com

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

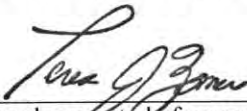
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

South Lincoln Rural Water Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

March 20, 2025

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$76.83** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **20th** day of
March, 2025.



Notary Public, South Dakota



RECEIVED

MAR 26 2025

**OFFICE OF
WATER**

**My Commission Expires
January 12, 2030**

Notice of Hearing

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must

Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing

concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss

issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published in the Sioux Valley News on March 20, 2025, at the total approximate cost of \$76.83 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

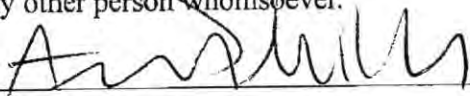
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

B0320-2 Notice of Hearing 4817-3

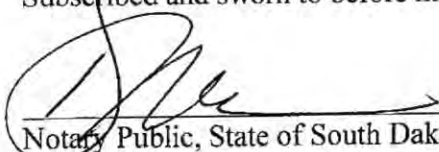
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

That \$66.96 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$66.96
Notary Fee...\$
Total ...\$66.96

udson Republic

is returned for trial water system. 25 days upon written request of the applicant.

well conduct the hearing to review the 16, 2015.
Notice is given to interested parties like Fernald No. 4817-3 on

Engineering is not final or binding
imposing or materials in an alternative
form. Should method Peter Wahl

*After it receives a commission from the state or federal government.
**Under SOLA 1-26-1707 no fee.

by giving notice of the request.

of the removal of other linked pieces may vary from piece to piece, depending on the way the material is constructed. This particular matter is a future concern of the reviewer within the context of the review.

any or records in a contested case hearing shall file a written petition conducted by the Board.

Chief Engineer: The Chief Engineer's address is "Water Plots."

petition. A petition filed by either

ment of permit on the petition, the reasons for petitioner's opposition

provisions of SOOL 45-1-14, 45-

100

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

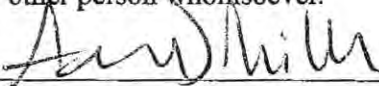
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0320-11 Notice of Hearing 4817-3

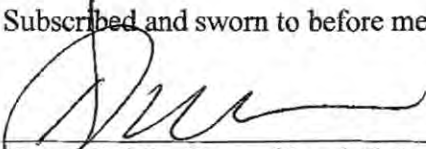
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

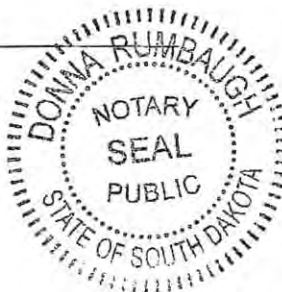
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Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$66.96
Notary Fee...\$
Total \$66.96

12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 on March 5, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

the renewal or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer.

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Published once at the total approximate cost of \$66.96 and may be viewed free of charge at www.sdpublicnotices.com.

(N0320-11)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11,



South Dakota

GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

John Stearns
South Lincoln Rural Water
28647 472Nd Ave
Beresford SD 57004-6024

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/20/2025

and that the fees charged are legal.

Sworn to and subscribed before on 03/20/2025

Legal Clerk

Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$90.62

Tax Amount: \$0.00

Payment Cost: \$90.62

Order No: 11117519

of Copies:

Customer No: 1248743

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the

future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-24-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published on Mar 20, 2025 at the total approximate cost of \$90.62 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4860-3, City of Hoven**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4860-3, City of Hoven, PO Box 157, Hoven SD 57450.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4860-3 is subject to payment of the \$ 95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
March 7, 2025

Rodriguez, Rachel

From: hovencity@venturecomm.net
Sent: Wednesday, February 19, 2025 10:36 AM
To: Rodriguez, Rachel
Subject: Fwd: [EXT] permit # 4860-3

----- Original Message -----

Subject: permit # 4860-3
Date: 2025-02-19 10:34
From: hovencity@venturecomm.net
To: rachel.rodriguez@stae.sd.us

Good morning. The City of Hoven would like to retain this permit for future use. We would utilize this water in the summer when we run low on water, for fire suppression, and in cases such as now when our water tower is froze up. We had our high school burn down a couple of years ago and it showed the need for extra water in case of an emergency. We live in a very rural area and fires can come up at any time and the next closest department is 23 miles. Water is always in demand for the safety of our residents.

Wendy Rausch

PUBLIC NOTICE

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36; all in T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4860-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4860-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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AFFIDAVIT OF PUBLICATION STATE OF SOUTH DAKOTA COUNTY OF POTTER

SARA JOHNSON, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF *THE HOVEN REVIEW*, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATE: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED, AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the *City of Hoven*

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least once a week, on the day of each week on which the newspaper was regularly published, to wit: *1 week - March 19, 2025*

175 lines x 0.391:

That the full amount of the fee for the publication of the annex notice is: *\$68.43*

Sara Johnson

Subscribed and sworn to for me this
26th day of *March*, 20*25*.

Paulette Maursetter

Notary Public

Edmunds County, South Dakota

My commission expires *June 12, 2025*



26-2085

(Date Signed)

Ad-Display1

Ad-Legal

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

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comment does not make the commentor a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$68.43 (March 19, 2025).

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

03/20/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 03/20/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$77.79

Tax Amount: \$0.00

Payment Cost: \$77.79

Order No: 11114552

Customer No: 559562

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 4860-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Haven for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36; all in T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4860-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at

<https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

The hearing to review Future Use Permit No. 4860-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals

requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh,

Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17."

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published on March 20, 2025 at the total approximate cost of \$77.79 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 6512-3, City of Madison**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 6512-3, City of Madison, c/o Rick Nighbert, Water Supt., 503 S. Highland Avenue, Madison SD 57042.

The Acting Chief Engineer is recommending that Future Use Permit No. 6512-3 REMAIN in EFFECT for 387 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 6512-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 6512-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 6512-3 is subject to payment of the \$ 95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
March 24, 2025

RECEIVED

MAR 21 2025

OFFICE OF
WATER



March 18, 2025

Rachel Rodriguez
SDDENR, Water Rights Program
523 E. Capitol
Pierre, SD 57501-3182

RE: Future Water Use Permit No. 6512-3

Ms. Rodriguez:

The City of Madison is planning to retain the future water use permit. The City feels there exists a reasonable need to reserve the subject 387 acre-feet. With continued growth and economic development, we feel it in our best interest to retain Permit No. 6512-3.

If there is a need for more information, please contact me at 605-291-6310.

Sincerely,

A handwritten signature in black ink that reads "Rick Nighbert".

Rick Nighbert
Water Superintendent

RN/re

Physical/Shipping Address

435 S. Highland Ave.
Madison, SD 57042

Mailing Address

503 S. Highland Ave.
Madison, SD 57042

Phone: (605) 256-7515

Fax: (605) 256-7538

www.CityofMadisonSD.com

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

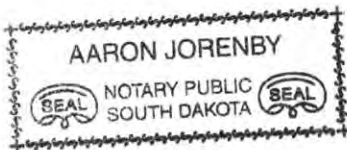
Leg#61516 Future Water Use

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

April 10, 2025

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Seventy-One Dollars and Thirty-Eight Cents \$71.38



[Handwritten signature]

11 day of

April

2025

[Handwritten signature]

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Legal 61516 1X
4/10

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 6512-3**

Notice is given that the Water Management Board will review Future Use Permit No. 6512-3 held by the City of Madison, c/o Rick Nighbert, Water Supt., 503 S. Highland Avenue, Madison SD 57042 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 6512-3. This permit was approved 2004 and currently reserves 387 acre-feet of water from the Howard Aquifer located in the NE 1/4 Section 8-T106N-R52W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 6512-3 REMAIN in EFFECT for 387 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 6512-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

RECEIVED

APR 25 2025

OFFICE OF
WATER

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by April 22, 2025. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal

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The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by April 22, 2025.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 22, 2025.

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South Dakota Department of Transportation Joint Powers Agreement for Pocket Gopher Control in Brookings County information was provided by Weed & Pest Supervisor Misty Roll call vote: Miller "aye"; VonderWal "aye"; Post "aye"; Hostler "aye"; Motion carried.

Motion by Hostler, seconded by Vanderwal to approve and authorize Chairperson Jensen to sign Agreement #25-33, a joint Use Parking Lot Easement for Brookings County and Brookings County and Cattle Structure regarding the Structure located at 060.326-118. Roll call vote: Hostler "aye"; Jensen "aye"; Miller "aye"; Jensen "aye"; Motion carried.

Motion by VanderWal, seconded by Miller to approve and authorize Chairperson Jensen to sign Agreement #25-34, a joint Use Parking Lot Easement for Brookings County and the 1971 Building parking lot and replacing Agreement #30-34, a joint Use Parking Lot Easement between Brookings County and the City of Brookings. Background information was provided by Commission Department Director Stacy Roll call vote: VanderWal "aye"; Post "aye"; Miller "aye"; Hostler "aye"; Jensen "aye"; Motion carried.

Motion by Post, seconded by Hostler to approve and authorize Chairperson Jensen to sign Agreement #25-35, an application for a permit for the construction of county highways made by Sioux Valley Energy in Lake Park. Background information was provided by Commission Department Director of Equalization Jacob Brehrer. All members voted "aye." Motion carried.

Motion by Post, seconded by Hostler to approve Abatement #25-09, an application for abatement of a nuisance under Tax Exemption in the amount of \$2,958.22. Background information was provided by Commission Department Director of Equalization Jacob Brehrer. All members voted "aye." Motion carried.

Motion by Post, seconded by Hostler to approve Abatement #25-10, an abatement application made by Jeffrey Pitts for the removal of a tree in the amount of \$113.53. Background information was provided by Commission Department Director of Equalization Jacob Brehrer. All members voted "aye." Motion carried.

Motion by Hostler, seconded by VanderWal to approve and authorize Chairperson Jensen to sign a request to Fill Vacancy for the Area Administrator of the OGC. All members voted "aye." Motion carried.

Motion by Post, seconded by Hostler to approve and authorize Chairperson Jensen to sign a request to Hire a Heavy Equipment Operator in the Highway Department. All members voted "aye." Motion carried.

Motion by Hostler, seconded by VanderWal to approve changes to the Pay/Tile Change Request Form. Background information was provided by Commission Department Director Stacy Roll call vote: Hostler "aye"; Miller "aye"; Jensen "aye"; Motion carried.

All members voted "aye." Motion carried.

Commission Department Director Stacy Steffen presented the Commission Department Director's Office Brookings County is holding the 10-Council Meeting on Tuesday, June 2nd at the BCOAC. She said the

[illegible]

00 Room, 3602, 50 E. Capital
 Avenue, Suite 250, ST 5760, on
 01 01/01/01 Receipt for absentee
 02 PM Central, to consider the
 03 adoption and amendment of
 04 the rules for absentee voting
 05 of South Dakota numbered
 06 50.02/00.04 Instructions to ab-
 07 sentee voters for absentee voting
 08 Primary election ballot
 09 for ballot marking device;
 10 50.02/00.04 Instructions to ab-
 11 sentee voters for absentee voting
 12 Primary election ballot
 13 for absentee ballot returned
 14 50.02/00.04 Instructions to ab-
 15 sentee voters for absentee voting
 16 Primary election ballot
 17 for absentee ballot returned
 18 50.04/00.07 Charges for infor-
 19 mation from the statewide vol-
 20 50.02/03.01 Voter registration
 21 form; 50.02/03.12 Agency vol-
 22 50.02/03.13 Voter registration
 23 instructions; 50.02/03.18 Voter
 24 registration instructions; 50.02/03.23 Voter
 25 registration instructions; 50.02/03.23 Voter
 26 registration instructions; 50.02/03.23 Voter
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 100 registration instructions; 50.02/03.23 Voter

The **Brookings Register**, Thursday, April 20, 2025 • **PAGE 11**

5:02:03:01 Voter registration form updates voter registration form to comply with 2025 legislation.

5:02:03:12 Agency voter registration instructions updates voter registration instructions for those who register to vote at state agencies.

5:02:03:13 Agency voter registration instructions updates voter registration instructions to comply with legislative changes.

5:02:03:19 Voter registration advice verification notice updates verification notice to comply with USPS rules and regulations.

05:02:03:19 Voter registration assistance confirmation notice allows auditors to use letters instead of postcards for voter assistance.

Persons interested in presenting amendments, data, or comments for or against the proposed rules may appear in person at the State Board of Elections to the South Dakota Board of Elections, Suite 204, 500 E. Capitol Avenue, Pierre, SD 57501. commentson@state.sds.gov. The deadline to submit any such written comments is 11:59 p.m. on this part-time board call seven to two hours before the date of the meeting.

After the written comment period, the State Board of Elections will review all written and oral comments it receives on the proposed rules. The State Board of Elections may then or amend a proposed rule at that time to include or exclude any rule that is located in this notice.

For Persons with Disabilities: If you are unable to access a physically accessible place, please contact State Board of Elections at 605/773-3537 for the public hearing if you have special needs for the public hearing. If you are unable to make by calling (605/773-3537). Copies of the proposed rules will be available for download from the State Board of Elections website at www.sds.gov. State Board of Election, SD elections@state.sds.gov. 605/773-3537.

Published IX at the total approximate cost of \$60.29 and with the assistance of the following: www.sds.gov/publicnotices.com.

counsel is obtained. The hearing to review Future Life Permit No. 6517-3 will be conducted on Thursday, April 24, 2025, at SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-1, 46-5-3-01, 46-7-3-01, 46-7-3-02, 46-7-3-03, 46-7-3-04, 46-7-3-05, 46-7-3-06, 46-7-3-07, 46-7-3-08, 46-7-3-09, 46-7-3-10, 46-7-3-11, 46-7-3-12, 46-7-3-13, 46-7-3-14, 46-7-3-15, 46-7-3-16, 46-7-3-17, 46-7-3-18, 46-7-3-19, 46-7-3-20, 46-7-3-21, 46-7-3-22, 46-7-3-23, 46-7-3-24, 46-7-3-25, 46-7-3-26, 46-7-3-27, 46-7-3-28, 46-7-3-29, 46-7-3-30, 46-7-3-31, 46-7-3-32, 46-7-3-33, 46-7-3-34, 46-7-3-35, 46-7-3-36, 46-7-3-37, 46-7-3-38, 46-7-3-39, 46-7-3-40, 46-7-3-41, 46-7-3-42, 46-7-3-43, 46-7-3-44, 46-7-3-45, 46-7-3-46, 46-7-3-47, 46-7-3-48, 46-7-3-49, 46-7-3-50, 46-7-3-51, 46-7-3-52, 46-7-3-53, 46-7-3-54, 46-7-3-55, 46-7-3-56, 46-7-3-57, 46-7-3-58, 46-7-3-59, 46-7-3-60, 46-7-3-61, 46-7-3-62, 46-7-3-63, 46-7-3-64, 46-7-3-65, 46-7-3-66, 46-7-3-67, 46-7-3-68, 46-7-3-69, 46-7-3-70, 46-7-3-71, 46-7-3-72, 46-7-3-73, 46-7-3-74, 46-7-3-75, 46-7-3-76, 46-7-3-77, 46-7-3-78, 46-7-3-79, 46-7-3-80, 46-7-3-81, 46-7-3-82, 46-7-3-83, 46-7-3-84, 46-7-3-85, 46-7-3-86, 46-7-3-87, 46-7-3-88, 46-7-3-89, 46-7-3-90, 46-7-3-91, 46-7-3-92, 46-7-3-93, 46-7-3-94, 46-7-3-95, 46-7-3-96, 46-7-3-97, 46-7-3-98, 46-7-3-99, 46-7-3-100, 46-7-3-101, 46-7-3-102, 46-7-3-103, 46-7-3-104, 46-7-3-105, 46-7-3-106, 46-7-3-107, 46-7-3-108, 46-7-3-109, 46-7-3-110, 46-7-3-111, 46-7-3-112, 46-7-3-113, 46-7-3-114, 46-7-3-115, 46-7-3-116, 46-7-3-117, 46-7-3-118, 46-7-3-119, 46-7-3-120, 46-7-3-121, 46-7-3-122, 46-7-3-123, 46-7-3-124, 46-7-3-125, 46-7-3-126, 46-7-3-127, 46-7-3-128, 46-7-3-129, 46-7-3-130, 46-7-3-131, 46-7-3-132, 46-7-3-133, 46-7-3-134, 46-7-3-135, 46-7-3-136, 46-7-3-137, 46-7-3-138, 46-7-3-139, 46-7-3-140, 46-7-3-141, 46-7-3-142, 46-7-3-143, 46-7-3-144, 46-7-3-145, 46-7-3-146, 46-7-3-147, 46-7-3-148, 46-7-3-149, 46-7-3-150, 46-7-3-151, 46-7-3-152, 46-7-3-153, 46-7-3-154, 46-7-3-155, 46-7-3-156, 46-7-3-157, 46-7-3-158, 46-7-3-159, 46-7-3-160, 46-7-3-161, 46-7-3-162, 46-7-3-163, 46-7-3-164, 46-7-3-165, 46-7-3-166, 46-7-3-167, 46-7-3-168, 46-7-3-169, 46-7-3-170, 46-7-3-171, 46-7-3-172, 46-7-3-173, 46-7-3-174, 46-7-3-175, 46-7-3-176, 46-7-3-177, 46-7-3-178, 46-7-3-179, 46-7-3-180, 46-7-3-181, 46-7-3-182, 46-7-3-183, 46-7-3-184, 46-7-3-185, 46-7-3-186, 46-7-3-187, 46-7-3-188, 46-7-3-189, 46-7-3-190, 46-7-3-191, 46-7-3-192, 46-7-3-193, 46-7-3-194, 46-7-3-195, 46-7-3-196, 46-7-3-197, 46-7-3-198, 46-7-3-199, 46-7-3-200, 46-7-3-201, 46-7-3-202, 46-7-3-203, 46-7-3-204, 46-7-3-205, 46-7-3-206, 46-7-3-207, 46-7-3-208, 46-7-3-209, 46-7-3-210, 46-7-3-211, 46-7-3-212, 46-7-3-213, 46-7-3-214, 46-7-3-215, 46-7-3-216, 46-7-3-217, 46-7-3-218, 46-7-3-219, 46-7-3-220, 46-7-3-221, 46-7-3-222, 46-7-3-223, 46-7-3-224, 46-7-3-225, 46-7-3-226, 46-7-3-227, 46-7-3-228, 46-7-3-229, 46-7-3-230, 46-7-3-231, 46-7-3-232, 46-7-3-233, 46-7-3-234, 46-7-3-235, 46-7-3-236, 46-7-3-237, 46-7-3-238, 46-7-3-239, 46-7-3-240, 46-7-3-241, 46-7-3-242, 46-7-3-243, 46-7-3-244, 46-7-3-245, 46-7-3-246, 46-7-3-247, 46-7-3-248, 46-7-3-249, 46-7-3-250, 46-7-3-251, 46-7-3-252, 46-7-3-253, 46-7-3-254, 46-7-3-255, 46-7-3-256, 46-7-3-257, 46-7-3-258, 46-7-3-259, 46-7-3-260, 46-7-3-261, 46-7-3-262, 46-7-3-263, 46-7-3-264, 46-7-3-265, 46-7-3-266, 46-7-3-267, 46-7-3-268, 46-7-3-269, 46-7-3-270, 46-7-3-271, 46-7-3-272, 46-7-3-273, 46-7-3-274, 46-7-3-275, 46-7-3-276, 46-7-3-277, 46-7-3-278, 46-7-3-279, 46-7-3-280, 46-7-3-281, 46-7-3-282, 46-7-3-283, 46-7-3-284, 46-7-3-285, 46-7-3-286, 46-7-3-287, 46-7-3-288, 46-7-3-289, 46-7-3-290, 46-7-3-291, 46-7-3-292, 46-7-3-293, 46-7-3-294, 46-7-3-295, 46-7-3

Legal notice 15/01/2012
NOTICE OF HEARING TO REVIEW FUTURE USE
WATER RESERVES 550-2-3
Notice is given that the Water Management Board will review the future use of Permit No. 550-2-3 held by the City of Portland, Oregon. Rick Nightgier, Water Supt., 505-261-3100, 10000 NE 51st Avenue, Portland, Oregon 97218, will be the representative for the City. The City is requesting that the Board review the future plans for development of the water reserved by Permit No. 550-2-3. The City has been approved 2004 and currently reserves 387 acre-feet annually for the City of Portland. The City is located in the 10th Section of the 13-T106A-R25W for municipal use. The permit was last renewed pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 550-2-3 be **REMAIN IN EFFECT** for 387 acre-feet annually because 1) the City has a need for the water reserved water because 2) the proposed use will be beneficial use and

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 26-17. The cost of the Office of Hearing Service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is April 22, 2025. However, since this particular matter is a future use permit renewal and not a new construction project, the cost of \$2,500,000 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. The Board is likely to award approximate cost of \$71.38 and may be viewed free of charge at www.sdpublishingnotices.com.

AUCTIONS:

INTERSTATE AUCTION CENTER. April 19, 10:00am, Building materials & construction equipment consignment auction. Now accepting consignments. 3 miles east of SF, exit 402, Brandon, SD. Full listing auctionzip.com, 605-331-4550

EMPLOYMENT:

CUSTER SCHOOL DISTRICT
is seeking a highly qualified/
experienced Director of Special
Education. Apply on-
line www.csd.k12.sd.us 527
Montgomery Street, Custer,
SD, 57730, 605-673-3154.
Open until filled.

AND COUNTY SOUTH

KOTA is seeking applicants for the position of HIGHWAY SUPERINTENDENT. This is a fulltime, salaried (currently \$64,054) position with full benefits including state retirement. Exact instructions can be found at <https://handadcounties.org/employment>

LAND:

IN SEARCH OF PASTURE for 50-300 Pairs. 5th Generation, SD, ranchers looking to expand. Long term lease preferred but would consider short term. Call (605)690-1992

LIVESTOCK

SELLING 108 PAIRS - 58 F1 & 50 Black. Black Angus Calves at side, Tuesday, April 15, 2025 at noon, at Philip (SD) Livestock. Herber Ranch 605-485-0079 or 605-488-0360.

MISCELLANEOUS:

LOOKING FOR MOBILE HOMES to move. Salvage homes. Will also do professional re-blocking and leveling, anchors. Single or double wide. Free estimates. Other homes available. We deliver and set up. (605) 776-8211

NOTICES:

ADVERTISE IN NEWSPAPERS statewide for only \$150.00. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$.50.) Call this newspaper or 800.659.3697 for details.

WANTED:

WANTED. TRACTORS. Select farm machinery. John Deere tractor parts. Vintage farm primitives. Guaranteed funds. No hassle. We do all the work from start to finish. 605-464-4683

WANTED- OLD MACHINERY
junk cars, combines, tin, wire
appliances, steel bins, blue sil-
os, batteries, will haul, clean
up with skid steer. Free esti-
mates (605) 770-9211.

5 YEAR anniversary sale CONTINUES!

EVERYTHING \$ALE PRICED!

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DINING ROOM

BEDROOM

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CONGRATULATIONS SABRINA CASPER!

WINNER OF THE BEST-IN-CLASS MATTRESS!

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sales@brookingsfurnitureco.com | [@brookingsfurnitureco](https://www.brookingsfurnitureco.com)

MON. THURS. WED. FRI 9:00 AM - 6:00 PM | THURS 9:00 AM - 8:00 PM | SAT 9:00 AM - 5:00 PM | SUN 12:00 - 4:00 PM

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

Public Notice 6512-3 Future Use Water Permit printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES: April 10, 2025

NOTICE ID: XFunroL6k4MJO4koOPBX

PUBLISHER ID: MDL000849

NOTICE NAME: Public Notice 6512-3 Future Use Water Permit

That \$79.52 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

India Johnston

(Signed) _____

VERIFICATION

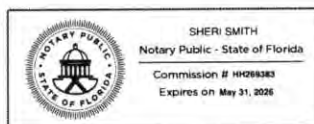
State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 04/10/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.



PUBLIC NOTICE

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 6512-3
Notice is given that the Water Management Board will review Future Use Permit No. 6512-3 held by the City of Madison, c/o Rick Nighbert, Water Supt., 503 S. Highland Avenue, Madison SD 57042 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 6512-3. This permit was approved 2004 and currently reserves 387 acre-feet of water from the Howard Aquifer located in the NE 1/4 Section 8-T106N-R52W for municipal use. The permit was last reviewed in 2018.
Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 6512-3 REMAIN in EFFECT for 387 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.
The Water Management Board will conduct the hearing to review Future Use Permit No. 6512-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.
The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.
Any person who intends to participate in the hearing before the Board and present evidence or cross-examine

witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by April 22, 2025. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 6512-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited

if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by April 22, 2025. Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 22, 2025. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is April 22, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of

\$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.
Date: April 10, 2025
MDL000849

CANCELLATIONS – May 7, 2025

Number RT/PE	Present Owner(s) & Other Persons Notified	Previous Owner	County	Amount C.F.S.	Use	Reason	Source	Date Notified	Letters
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DIVISION I

RT 791-1	Craig & Joyclyn Mollman	N/A	HR	2.05	IRR	A/F	Big Nasty Creek	3-26-25	
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DIVISION III

RT 3001-3	Nancy Roda	Vern Roda	HU	2.19	IRR	A/F	Missouri River	3-26-25	
RT 3190-3	Dennis Sanger	Daelyn Sanger	HD	1.55	IRR	A/F	1 well (T:HA)	3-26-25	
RT 2205-3	Buisker Family Trust c/o Randy Buisker	N/A	ML	1.45	IRR	A/F	2 well (M:JC)	3-26-25	
RT 1132-3	City of Miller c/o Finance Officer	N/A	HD	0.5	MUN	A/F	1 well (DKOT)	3-26-25	
RT 2718-3	City of Miller c/o Finance Officer	N/A	HD	0.33	MUN	A/F	1 well (DKOT)	3-26-25	
VRT 825-3	City of Miller c/o Finance Officer	N/A	HD	0.71	MUN	A/F	1 well (DKOT)	3-26-25	
RT 7310-3	Klein Land & Cattle c/o Gayle Klein	N/A	BF	1.67	IRR	A/F	1 well (CC)	3-26-25	
RT 2036-3	Todd Mcelhany	James & Joan Mcelhany	HM	1.89	IRR	A/F	2 wells (BS:N)	3-26-25	
PE 7647-3	Jared Higman	Heikes Family Farm LLC	CL	0.18	IRR	A	1 well (LVM)	3-26-25	
PE 8375-3	Maxon Conkey	N/A	HD	1.78	IRR	NC	1 well (T:HA)	3-26-25	
PE 7518-3	Jerry Runia	N/A	HM	1.78	IRR	NC/FB U	3 wells (BS:B)	3-26-25	
PE 8222-3	Southeast Farmers Co Op c/o Larry Bork	N/A	UN	0.167	COM	NC	1 well (LVM)	3-26-25	
PE 6961-3	Norman Kramer	N/A	UN	1.56	IRR	NC/FB U	Dugout	3-26-25	
PE 8172-3	Chris Lamb	N/A	CK	2.67	IRR	NC	1 well (PCO)	3-26-25	

ABBREVIATIONS

NC = NON-CONSTRUCTION
FU = FUTURE USE PERMIT
IRR = IRRIGATION
FBU = FAILURE TO PLACE TO
BENEFICIAL USE

A/F = ABANDONMENT OR FORFEITURE
VRT = VESTED WATER RIGHT
REC = RECREATIONAL
FWP = FISH & WILDLIFE PROPAGATION

A = ABANDONMENT
PE = WATER PERMIT
COM = COMMERCIAL
DOM = DOMESTIC

F = FORFEITURE
RT = WATER RIGHT
MUN = MUNICIPAL
IND = INDUSTRIAL

CANCELLATIONS – May 7, 2025

Number RT/PE	Present Owner(s) & Other Persons Notified	Previous Owner	County	Amount C.F.S.	Use	Reason	Source	Date Notified	Letters
RT 2506-3	James Reiners	N/A	TU	1.5	IRR	A/F	1 well (UVM)	3-26-25	
RT 2269-3	Travis Wiese	N/A	TU	2.44	IRR	A/F	1 well (UVM)	3-26-25	
PE 8148-3	Troi D Andernacht	N/A	TU	0.67	IRR	NC	1 well (PAC)	3-26-25	
PE 8052-3	Dennis Wolff	N/A	MP	2.2	IRR	NC	4 wells (SC:M)	3-26-25	
RT 2603-3	Dana Dennert	N/A	BN	0.17	IRR	A/F	1well (E:NB)	3-26-25	
RT 5545-3	University of South Dakota c/o Nate Steele	N/A	CL	0.06	IRR	A/F	1 well (LVM)	3-26-25	
PE 7905-3	Huron Hutterian Brethren c/o Joey Waldner	N/A	BD	1.78	IRR	NC	James River	3-26-25	
PE 8624-3	Mark Johnson	N/A	BH	1.56	IRR	NC/FB U	1 well (NBRR)	3-26-25	
RT 7171-3	Willow Run Management Co c/o Barry Anderson	N/A	MA	0.44	IRR	A/F	Unnamed tributary of Big Sioux River	3-26-25	

ABBREVIATIONS				PAGE 2
NC = NON-CONSTRUCTION	A/F = ABANDONMENT OR FORFEITURE	A = ABANDONMENT	F = FORFEITURE	
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IRR = IRRIGATION	REC = RECREATIONAL	COM = COMMERCIAL	MUN = MUNICIPAL	
FBU = FAILURE TO PLACE TO BENEFICIAL USE	FWP = FISH & WILDLIFE PROPAGATION	DOM = DOMESTIC	IND = INDUSTRIAL	

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION dated March 26, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on March 26, 2025.

Water Right No. 791-1
Craig & Joyclyn Mollman
13685 Lincoln Rd
Ludlow, SD 57755

Water Right No. 3001-3
Nancy Roda
PO Box 218
Willoughby, OH 44096

Water Right No. 3190-3
Dennis Sanger
17620 366th Ave
Rockham, SD 57470

Water Right No. 2205-3
Buisker Family Trust, c/o
Randy Buisker
48222 Grape Vine Ln
Big Stone City, SD 57216

**Water Right Nos. 1132-3,
2718-3 & Vested Water
Right No. 825-3**
City of Miller, c/o Finance
Officer
PO Box 69
Miller, SD 57362

Water Right No. 7310-3
Klein Land & Cattle, c/o
Gayle Klein
35968 234th St
Gann Valley, SD 57341

Water Right No. 2036-3
Todd Mcelhany
45840 SD Hwy 22
Castlewood, SD 57223

Water Permit No. 7647-3
Jared Higman
PO Box 345
Vermillion, SD 57069

Water Permit No. 8375-3
Maxon Conkey
19141 369th Ave, St
Lawrence, SD 57373

Water Permit No. 7518-3
Jerry Runia
2145 SE Lake Dr
Estelline, SD 57234

Water Permit No. 8222-3
Southeast Farmers Co Op,
c/o Larry Bork
31303 471st Ave
Burbank, SD 57010

Water Permit No. 6961-3
Norman Kramer
31105 436th Ave
Yankton, SD 57078

Water Permit No. 8172-3
Chris Lamb
43116 182nd St
Vienna, SD 57271

Water Permit No. 7647-3
Jared Hingman
PO Box 345
Vermillion, SD 57069

Water Right No. 2506-3
James Reiners
45270 284th St
Hurley, SD 57036

Water Right No. 2269-3
Travis Wiese
29370 460th Ave
Centerville, SD 57014

Water Permit No. 8148-3
Troi D Andernacht
45835 284th St
Hurley, SD 57036

Water Permit No. 8052-3
Dennis Wolff
34365 104th St
Long Lake, SD 57457

Water Right No. 2603-3
Dana Dennert
11821 391st Ave
Colombia, SD 57433

Water Right No. 5545-3
University of South Dakota,
c/o Nate Steele
414 E Clark St
Vermillion, SD 57069

Water Permit No. 7905-3
Huron Hutterian Brethren,
c/o Joey Waldner
40068 Huron Colony Ln
Huron, SD 57350

Water Permit No. 8624-3
Mark Johnson
40737 305th St
Avon, SD 57315

Water Right No. 7171-3
Willow Run Management
Co, c/o Barry Anderson
8000 E Hwy 42
Sioux Falls, SD 57110





Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA
)

) SS
COUNTY OF HUGHES
)

Sworn to, before me, this 26th
day of March,
2025.


Rachel Rodriguez Notary Public
My Commission expires May
16, 2029



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 26, 2025

NOTICE OF CANCELLATION

TO: Craig & Joyclyn Mollman, 13685 Lincoln Rd, Ludlow, SD 57755

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 791-1

Water Right No. 791-1 authorizes the diversion of 2.05 cubic feet of water per second from Big Nasty Creek for the irrigation of 144 acres located in the S ½ SE ¼ Section 9 and N ½ NE ¼ Section 16; all in T21N, R8E. Water Rights Program staff called your residence after receiving your 2024 Irrigation Questionnaire to confirm the reported abandonment of the irrigation system. Conversation was had with Ms. Joyclyn Mollman, affirming the property associated with the water right had not been irrigated since the 1940's and that the only use of water was for pastured livestock. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 791-1 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 791-1 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 791-1 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 791-1, CRAIG MOLLMAN**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 791-1.

After receiving the 2024 Irrigation Questionnaire, which stated that irrigation practices had been abandoned, Water Rights Program staff called the Mollman residence to confirm the abandonment of the irrigation system. Mrs. Mollman confirmed that irrigation practiced on the property had been abandoned and that irrigation had not taken place on the property since the 1940's.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



**DEPARTMENT of AGRICULTURE
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March 26, 2025

NOTICE OF CANCELLATION

TO: Nancy Roda, PO Box 218, Willoughby, OH 44096

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 3001-3

Water Right No. 3001-3, held by Vern Roda, authorizes the diversion of 2.19 cubic feet of water per second from the Missouri River for irrigation of 153.75 acres located within the W ½ NW ¼, Section 2, T109N, R76W and W ½ SW ¼, Section 35, T110N, R76W. After receiving a letter from the Water Rights Program regarding the extended period of non-use, you contacted Program staff to discuss the absence of irrigation on the above-described property. During that conversation you were able to confirm that the irrigation system had been removed in July 2000 and the current renters had no intention of resuming irrigation practiced. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 3001-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 3001-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 3001-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER RIGHT NO. 3001-3, VERN RODA

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 3001-3.

The records of the Water Rights Program indicated the land associated with Water Right No. 3001-3 had not been irrigated since 1996. Nancy Roda confirmed that irrigation practices on the property had been abandoned and the irrigation system had been removed in July of 2000. Ms. Roda was agreeable to cancellation of the water permit.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Dennis Sanger, 17620 366th Ave, Rockham, SD, 57470

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 3190-3

Water No. 3190-3, held by Daelyn Sanger, authorizes the diversion of 1.55 cubic feet of water per second from one well (Tulare: Hand Aquifer) for irrigation of 264 acres located within the NE ¼ & SW ¼ Section 35, T116N, R67W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported abandonment of the water right. You confirmed that irrigation practices on the property had in fact been abandoned and you were agreeable to cancellation of the water right. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 3190-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 3190-3 at **9:30 am, Wednesday, May 7, 2025 (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. 3190-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER RIGHT NO. 3190-3, DAELYN SANGER

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 Agriculture and Natural Resources concerning Water Right No. 3190-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 3190-3, reporting abandonment of the water right, Water Rights Program staff contacted Dennis Sanger who confirmed that the water right had in fact been abandoned and he was agreeable to cancellation.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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




**DEPARTMENT of AGRICULTURE
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March 26, 2025

NOTICE OF CANCELLATION

TO: Buisker Family Trust, c/o Randy Buisker, 48222 Grape Vine Ln, Big Stone City, SD 57216

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Right No. 2205-3

Water Right No. 2205-3, held by Buisker Family Trust, authorizes the diversion of 1.45 cubic feet of water per second from two wells (Middle James: Columbia Aquifer) for irrigation of 183 acres located in portions of Section 19 & Section 30; all in T128N, R57W. After receiving your 2024 Irrigation Questionnaire, indicating irrigation had been abandoned, Water Rights Program staff contacted you to confirm the abandonment. You confirmed that the water right had not been exercised since the early 1990s and that the current renters have no use for irrigation. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2205-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right 2205-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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 2205-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 2205-3, BUISKER FAMILY TRUST**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2205-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 2205-3, indicating the water right had been abandoned, Water Rights Program staff contacted Randy Buisker who confirmed that the water right had not been exercised since the early 1990s and that the renters have no use for irrigation. He was agreeable to cancellation of the water right.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



**DEPARTMENT of AGRICULTURE
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March 26, 2025

NOTICE OF CANCELLATION

TO: City of Miller, c/o Finance Officer, PO Box 69, Miller, SD 57362

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3

Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 authorize the diversion of 0.50, 0.33, and 0.71 cubic feet per second, respectively, from 3 separate wells (Dakota Aquifer) for municipal use. Water Rights Program staff contacted the City of Miller regarding Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 after receiving numerous well plugging reports. A representative of the City of Miller confirmed that the City's wells associated with the above-mentioned water rights and vested water right have all been plugged and the City is now fully connected to rural water. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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 Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by these water rights. 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 acting Chief Engineer by April 7, 2025. 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-8; 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 26, 2025

Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3

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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



**DEPARTMENT of AGRICULTURE
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RECOMMENDATION OF ACTING CHIEF ENGINEER

**FOR WATER RIGHT NOS. 1132-3, 2718-3 & VESTED WATER RIGHT NO. 825-3,
CITY OF MILLER**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3.

Water Rights Program staff contacted the City of Miller regarding Water Right Nos. 1132-3, 2718-3 & Vested Water Right No. 825-3 after receiving numerous well plugging reports. A representative (Terry Manning) of the City of Miller confirmed that the City's wells associated with the above-mentioned water rights and vested water right have all been plugged and the City is now fully connected to rural water.

The acting Chief Engineer is recommending cancellation of the above water rights due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



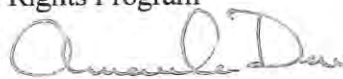
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March 26, 2025

NOTICE OF CANCELLATION

TO: Klein Land & Cattle, c/o Gayle Klein, 35968 234th St, Gann Valley SD 57341

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Right No. 7310-3

Water Right No. 7310-3, held by Klein Land & Cattle, authorizes the diversion of 1.67 cubic feet of water per second from one well (Crow Creek Aquifer) for irrigation of 130 acres located in the SW ¼ Section 34, T107N, R68W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which stated the irrigation system had been dismantled and removed from the property. Correspondence was received confirming the property associated with the water right was no longer going to be irrigated and the well would be used for pastured livestock. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 7310-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 7310-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 7310-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



**DEPARTMENT of AGRICULTURE
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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 7310-3, KLEIN LAND & CATTLE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 7310-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 7310-3, which stated the irrigation system had been dismantled and removed from the property, Water Rights Program staff contacted Mr. Klein to confirm whether he intended to resume irrigation practices in the future. Correspondence was received confirming the property associated with the water right was no longer going to be irrigated and the well would be used for pastured livestock.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future nor does it prevent watering pastured livestock which is a domestic use of water.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 26, 2025

NOTICE OF CANCELLATION

TO: Todd Mcelhany, 45840 SD Hwy 22, Castlewood, SD 57223

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 2036-3

Water Right No. 2036-3, held by James and Joan Mcelhany, authorizes the diversion of 1.89 cubic feet of water per second from two wells (Big Sioux: North Aquifer) for irrigation of 235 acres located within portions of Section 26, T115N, R52W. You called the Water Rights Program after receiving the 2024 Irrigation Questionnaire informing Program staff that the irrigation system had not been used since the early 1990's and requesting that the water right be cancelled. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2036-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right 2036-3 at **9:30 am, Wednesday, May 7, 2025 (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. 2036-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 2036-3, JAMES & JOAN MCELHANY**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2036-3.

Todd Mcelhany called the Water Rights Program after receiving the 2024 Irrigation Questionnaire to inform Program staff that the pivot system on the property had not been used since the early 1990's. He requested that the water right be cancelled and that no more irrigation questionnaires be mailed.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Jared Higman, PO Box 345, Vermillion, SD 57069

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 7647-3

Water Permit No. 7647-3, held by Heikes Family Farm LLC, authorizes the diversion of 0.18 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) for irrigation of 30 acres located in the S ½ SE ¼, Section 7, T92N, R51W. Water Rights Program staff received a phone call from Sam Heikes after receiving the 2024 Irrigation Questionnaire, reporting the property associated with Water Permit No. 7647-3 had been sold to you. After speaking with you, you indicated no irrigation had taken place on the property in 2024 and that no irrigation would be taking place on the property in the future. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7647-3 due to abandonment.

The Water Management Board will consider cancellation of Water Permit No. 7647-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 7647-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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.

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The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 7647-3, HEIKES FAMILY FARM LLC**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 7647-3.

Sam Heikes called the Water Rights Program after receiving the 2024 Irrigation Questionnaire reporting the property associated with Water Permit No. 7647-3 had been sold to Jared Higman. When Program staff contacted Mr. Higman, he confirmed that no irrigation had taken place on the property in 2024, he has no interest in irrigation of the property in the future, and was agreeable to cancellation of the permit.

The acting Chief Engineer is recommending cancellation of the above water permit due to abandonment.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Maxon Conkey, 19141 369th Ave, St Lawrence, SD 57373

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 8375-3

Water Permit No. 8375-3 authorizes the diversion of 1.78 cubic feet of water per second from one well (Tulare: Hand Aquifer) for irrigation of 132.32 acres located in the SW ¼ Section 7, T113N, R66W. Permit No. 8375-3 was approved December 17, 2018, with construction to be completed by December 17, 2023. After receiving your 2024 Irrigation Questionnaire on which you reported the irrigation system had not been constructed, you were contacted by Program staff. You confirmed that due to the high cost associated with the project, an irrigation system had not been purchased. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit no. 8375-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8375-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8375-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 8375-3, MAXON H CONKEY**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8375-3.

After receiving the 2024 Irrigation Questionnaire for Permit No. 8375-3, indicating the system had not been constructed, Water Rights Program staff contacted Mr. Conkey who confirmed that while test holes had been drilled, irrigation equipment had not been purchased due to the high cost associated with the project. Mr. Conkey understood that the deadline for construction to be completed had passed and was agreeable to cancellation of the permit.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Jerry Runia, 2145 SE Lake Dr, Estelline, SD 57234

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 7518-3

Water Permit No. 7518-3 authorizes the diversion of 1.78 cubic feet of water per second from up to three wells (Big Sioux: Brookings Aquifer) for irrigation of 205 acres located within portions of Sections 34 and 35; all in T113N, R52W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire to confirm whether the irrigation system had been constructed. You confirmed that the wells were drilled but did not produce sufficient water for irrigation, therefore no system was ever constructed. Permit No. 7518-3 was approved February 4, 2013, with construction to be completed by February 4, 2018, and water to be placed to beneficial use by February 4, 2022. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7518-3 due to non-construction and failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 7518-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 7518-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 7518-3, JERRY RUNIA**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 7518-3.

After receiving the 2024 Irrigation Questionnaire for Permit No. 7518-3, indicating the system had not been constructed, Water Rights Program staff contacted Mr. Ruina who confirmed that while attempts had been made, sufficient water could not be found. An irrigation system had not been constructed and water had not been placed to beneficial use; the deadlines for which were February 4, 2018, and February 4, 2022, respectively. Mr. Runia was agreeable to the cancellation.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction and failure to place water to beneficial use.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



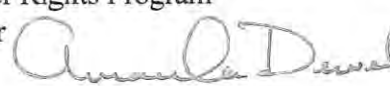
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March 26, 2025

NOTICE OF CANCELLATION

TO: Southeast Farmers Co Op, c/o Larry Bork, 31303 471st Ave, Burbank, SD 57010

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Permit No. 8222-3

Water Permit No. 8222-3 authorizes the appropriation of 18.4 acre-feet of water annually, at a maximum rate of 0.167 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) for commercial use at the cooperative located in the NE ¼ NE ¼ Section 30, T93N, R50W. Permit No. 8222-3 was approved August 1, 2016, with construction to be completed by August 1, 2021 and water to be placed to beneficial use by August 1, 2025. In February 2025, Water Rights Program staff contacted you about conducting an on-site inspection for the purpose of licensing the water use system associated with Water Permit No. 8222-3. You informed staff that the cooperative never constructed the well, the facility is fully served by the local rural water system, and that you were agreeable to cancellation of the water permit. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8222-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8222-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8222-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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.

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The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 8222-3, SOUTHEAST FARMERS CO OP**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8222-3.

Water Rights Program staff spoke with Mr. Bork about conducting an on-site inspection for the purpose of licensing the water use system associated with Water Permit No. 8222-3. Mr. Bork informed staff that the authorized well was never constructed and that he is agreeable to cancellation of the water permit since the cooperative is fully serviced by a rural water connection.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Norman Kramer, 31105 436th Ave, Yankton, SD 57078

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 6961-3

Water Permit No. 6961-3 authorizes the diversion of 1.56 cubic feet of water per second from a dugout for irrigation of 160 acres located in the NW ¼ Section 23, T95N, R50W. Permit No. 6961-3 was approved May 27, 2008, with construction to be completed by May 27, 2013, and water to be placed to beneficial use by May 27, 2017. In February 2025, Water Rights Program staff contacted you about conducting an on-site inspection for the purpose of licensing Permit No. 6961-3. You informed staff that the authorized dugout was never constructed, and that all irrigation of the property take place under Permit No. 6962-3. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 6961-3 due to non-construction and failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 6961-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 6961-3 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 acting Chief Engineer by April 7, 2025. 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.

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Prior to April 7, 2025, 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.

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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 6961-3, NORMAN KRAMER**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 6961-3.

Water Rights Program staff contacted Mr. Kramer about conducting an on-site inspection for the purpose of licensing the water use system associated with Water Permit No. 6961-3. Mr. Kramer informed staff that the authorized dugout was never constructed and that he is agreeable to cancellation of the water permit since all irrigation of the property was being done under Permit No. 6962-3.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction and failure to place water to beneficial use.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of Water Permit No. 6961-3 has no bearing on Permit No. 6962-3.



**DEPARTMENT of AGRICULTURE
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March 26, 2025

NOTICE OF CANCELLATION

TO: Chris Lamb, 43116 182nd St, Vienna, SD 57271

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 8172-3

Water Permit No. 8172-3 authorizes the diversion of 2.67 cubic feet of water per second from one well (Prairie Coteau Aquifer) for the irrigation of 280 acres located within portions of Section 26, T115N, R58W, with construction to be completed by September 14, 2020, and for the application to beneficial use of water on or before September 14, 2024. After being contacted by Water Rights Program staff, following an on-site inspection for the purpose of licensing the irrigation system, you informed staff that test wells did not provide sufficient water for irrigation and were agreeable to cancellation of Permit No. 8172-3. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8172-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8172-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8172-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER PERMIT NO. 8172-3, CHRIS LAMB

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8172-3.

Water Rights Program staff contacted Mr. Lamb after an on-site visit, conducted for the purpose of licensing Water Permit No. 8172-3, found the irrigation system had not been constructed. Mr. Lamb informed the Water Rights Program that the test wells drilled on the property were insufficient for irrigation. He was agreeable to cancellation of the water permit.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: James Reiners, 45270 284th St, Hurley, SD 57036

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 2506-3

Water Right No. 2506-3 authorizes the diversion of 1.5 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) for the irrigation of 143 acres located within the SE ¼ Section 30, T98N, R53W. Water Rights Program Staff contacted you after receiving your 2024 Irrigation Questionnaire, reporting the irrigation system was no longer constructed. You confirmed that the irrigation system removed from the property decades prior. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2506-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 2506-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 2506-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER RIGHT NO. 2506-3, JAMES REINERS

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2506-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 2506-3, which stated the irrigation system was no longer constructed, Water Rights Program staff contacted Mr. Reiners who confirmed that the system had been removed and the property had not been irrigated for over 30 years.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future. However, there are existing deferred water permit applications pending a determination of water availability from the Upper Vermillion Missouri West Aquifer.



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March 26, 2025

NOTICE OF CANCELLATION

TO: Travis Wiese, 29370 460th Ave, Centerville, SD 57014

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 2269-3

Water Right No. 2269-3 authorizes the diversion of 2.44 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) for irrigation of 188 acres located within portions of Section 16, T96N, R52W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, reporting the system was no longer constructed. You confirmed that no irrigation had taken place on the property since the system was removed in 2005, and you did not believe irrigation practices would be resumed in the near future. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2269-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 2269-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 2269-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER RIGHT NO. 2269-3, TRAVIS WIESE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2269-3

After receiving the 2024 Irrigation Questionnaire for Water Right No. 2269-3, indicating the irrigation system was no longer constructed, Water Rights Program staff contacted Mr. Wiese who confirmed that no irrigation had taken place on the property since the system was removed in 2005.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Troi D Andernacht, 45835 284th St, Hurley, SD 57036

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 8148-3

Water Permit No. 8148-3 authorizes the diversion of 0.67 cubic feet of water per second from one well (Parker Centerville Aquifer) for irrigation of 45 acres located in the E ½ NE ¼ Section 36, T98N, R53W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported the irrigation system had been constructed. You confirmed that no irrigation had been developed on the property. Permit No. 8148-3 was approved June 22, 2015, with construction to be completed by June 22, 2020, and water to be placed to beneficial use by June 22, 2024. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8148-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8148-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8148-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 8148-3, TROI D ANDERNACHT**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8148-3

After receiving the 2024 Irrigation Questionnaire for Permit No. 8148-3, indicating the system had not been constructed, Water Rights Program staff contacted Mr. Andernacht who confirmed that an irrigation system had not be constructed and water had not been placed to beneficial use; the deadlines for which were June 22, 2020, and June 22, 2024, respectively.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Dennis Wolff, 34365 104th St, Long Lake, SD 57457

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 8052-3

Water Permit No. 8052-3 authorizes the diversion of 2.2 cubic feet of water per second from four wells (McPherson Management Unit of the Spring Creek Aquifer) for irrigation of 157 acres located in the NW ¼ Section 3, T127N, R70W, with construction to be completed by December 1, 2019, and water to be placed to beneficial use by December 1, 2023. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported the irrigation system had not been constructed. You confirmed that the irrigation system had not been constructed and you were agreeable to cancellation once a new permit for the same coverage was approved. Permit No. 8913-3 was approved February 18, 2025. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8052-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 8052-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8052-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER PERMIT NO. 8052-3, DENNIS WOLFF

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit 8025-3.

After receiving the 2024 Irrigation Questionnaire for Permit No. 8052-3, indicating the authorized irrigation system had not been constructed, Water Rights Program staff contacted Mr. Wolff who confirmed that the system had not be constructed and water had not been placed to beneficial use; the deadlines for which were December 1, 2019, and December 1, 2023, respectively.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of Permit No. 8052-3 has not bearing on Permit No. 8913-3.



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March 26, 2025

NOTICE OF CANCELLATION

TO: Dana Dennert, 11821 391st Ave, Columbia, SD 57433

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 2603-3

Water Right No. 2603-3 authorizes the diversion of 0.17 cubic feet of water per second from one well (Elm: Northern Brown Aquifer) for the irrigation of 15 acres located in the S ½ NE ¼ Section 4, T125N, R63W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported the irrigation system had been abandoned. You confirmed that the irrigation no longer took place on the property and the well was used for pastured livestock. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2603-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 2603-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 2603-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 2603-3, DANA DENNERT**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 2603-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 2603-3, indicating the irrigation system had been abandoned, Water Rights Program staff contacted Mr. Dennert who confirmed that irrigation was no longer taking place on the property and the well was now being used for pastured livestock.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future nor use of water for domestic uses, including pastured livestock.




**DEPARTMENT of AGRICULTURE
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March 26, 2025

NOTICE OF CANCELLATION

TO: University of South Dakota, c/o Nate Steele, 414 E Clark St, Vermillion, SD 57069

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Right No. 5545-3

Water Right No. 5545-3, held by University of South Dakota, authorizes the diversion of 0.06 cubic feet of water per second from groundwater, one well (Lower Vermillion Missouri Aquifer) for irrigation of 5 acres located in the W ½ NW ¼ Section 18, T92N, R51W. Water Rights Program staff contacted you after receiving the 2024 Irrigation Questionnaire, which reported irrigation practices had been abandoned. You confirmed that the irrigation was no longer taking place, and you were agreeable to cancellation of the water right. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 5545-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 5545-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 5545-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 5545-3, UNIVERSITY OF SOUTH DAKOTA**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 5545-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 2603-3, indicating the irrigation system had been abandoned, Water Rights Program staff contacted Mr. Steele, Facilities Manager for the University, who confirmed that the water right had been abandoned and the university was agreeable to cancellation.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



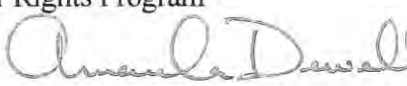
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March 26, 2025

NOTICE OF CANCELLATION

TO: Huron Hutterian Brethren, c/o Joey Waldner, 40068 Huron Colony Ln, Huron, SD 57350

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Permit No. 7905-3

Water Permit No. 7905-3, held by Huron Hutterian Brethren, authorizes the diversion of 1.78 cubic feet of water per second from the James River for irrigation of 55.36 acres located in SW ¼ Section 29 and N ½ NW ¼ Section 32; all in T113N, R61W. Permit No. 7905-3 was approved November 18, 2013, with construction to be completed by November 18, 2018 and water to be placed to beneficial use by November 18, 2022. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported the irrigation system had been constructed. You confirmed that the irrigation system had not been developed within the permitted time frame. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7905-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 7905-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 7905-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 7905-3, HURON HUTTERIAN BRETHREN**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 7905-3.

After receiving the 2024 irrigation questionnaire for Permit No. 7905-3, indicating the system had not been constructed, Water Rights Program staff was contacted by Mr. Waldner who confirmed that an irrigation system had not be constructed and water had not been placed to beneficial use; the deadlines for which were November 18, 2018, and November 18, 2022, respectively.

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

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

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



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March 26, 2025

NOTICE OF CANCELLATION

TO: Mark Johnson, 40737 305th St, Avon, SD 57315

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Permit No. 8624-3

Water Permit No. 8624-3 authorizes the diversion of 1.56 cubic feet of water per second from one well (Niobrara Aquifer) for irrigation of 136 acres located in the SW ¼ Section 32, T94N, R61W. In July 2023, Water Right Program staff conducted an inspection for the purpose of licensing Permit No. 8624-3. The inspection found that the well had been completed outside of the permitted area and into a separate source (Choteau: West Aquifer). You have since obtained a new permit for the developed source (8874-3) and have requested Permit No. 8624-3 be cancelled. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 8624-3 due to non-construction and failure to place water to beneficial use.

The Water Management Board will consider cancellation of Water Permit No. 8624-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 8624-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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RECOMMENDATION OF ACTING CHIEF ENGINEER

FOR WATER PERMIT NO. 8624-3, MARK JOHNSON

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 8624-3.

Water Rights Program staff conducted an inspection for the purpose of licensing the system in July 2023. During the inspection it was found that the well was developed outside of the permitting area and into the Choteau: West Aquifer, rather than the permitted Niobrara Aquifer. Mr. Johnson has since obtained a permit for the appropriated source.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction and failure to place water to beneficial use.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of the water permit does not have any bearing on Water Right No. 8874-3.




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March 26, 2025

NOTICE OF CANCELLATION

TO: Willow Run Management Co., c/o Barry Anderson, 8000 E Hwy 42, Sioux Falls, SD 57110

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water 

SUBJECT: Cancellation of Water Right No. 7171-3

Water Right No. 7171-3, held by Willow Run Management Co., authorizes the diversion of 0.44 cubic feet of water per second from an unnamed tributary to the Big Sioux River for irrigation of 71 acres located in portions of Section 20, T101N, R48W. Water Rights Program staff contacted you after receiving your 2024 Irrigation Questionnaire, which reported the water right had been abandoned. You confirmed that pumps had been pulled and electrical connections cut. Irrigation of the property is now taking place under Water Right No. 6618-3 (Sioux Quartzite Aquifer). You also confirmed that you did not wish to maintain the surface water source as a backup. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 7171-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 7171-3 at **9:30 am, Wednesday, May 7, 2025 (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 acting 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. 7171-3 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 acting Chief Engineer by April 7, 2025. 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-8; 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 acting 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 acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, 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 acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



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**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 7171-3, WILLOW RUN MANAGEMENT CO**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 7171-3.

After receiving the 2024 Irrigation Questionnaire for Water Right No. 7171-3, indicating the irrigation system had been abandoned, Water Rights Program staff contacted Barry Anderson who confirmed that the pumps had been pulled from the water, electrical connections cut, and irrigation under Water Right No. 7171-3 had been abandoned. He also confirmed that Willow Run Management Co. had no intention to maintain Water Right No. 7171-3 as a backup source to Water Right No. 6618-3.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of Water Right No. 7171-3 has no bearing on Water Right No. 6618-3.



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**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 2881-2, Western Dakota Regional Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 2881-2, Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 2881-2 reserves 20,765 acre-feet of water annually from the Missouri River.
2. Future Use Permit No. 2881-2 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer

October 10, 2024

NOTE: Pursuant to SDCL 46-5-20.1, the Water Management Board shall present applications in excess of 10,000 acre-feet to the Legislature for approval prior to the Board acting upon the application. Following public notice to place this on a Board meeting agenda, the Board will take action to present this application to the Legislature with or without a recommendation. Upon approval by the Legislature, the Board shall schedule a time and place for final consideration of the application.

*Report to the Chief Engineer
Water Permit Application No. 2881-2
Western Dakota Regional Water System
October 10, 2024*

Western Dakota Regional Water System (WDRWS) has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve 20,765 acre-feet of water annually for future use from the natural flows of the Missouri River. The area reserved for future diversion from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16 in T6N-R29E and Section 5 in T4N-R32E (Stanley County) or between Section 6 in T111N-R79W and Section 11 in T110N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between LaFramboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett Counties; all in South Dakota. If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law (SDCL) 46-2A-2

“Within sixty days of receipt of a completed application, the chief engineer shall recommend in writing approval, disapproval, or deferral until further notice and shall schedule the application for hearing by the Water Management Board. The recommendation shall include any terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity which are consistent with this chapter, necessary to protect the public interest and related to matters within the jurisdiction of the chief engineer or the board.”

This report is being prepared to aid the Chief Engineer in making a recommendation and for the Water Management Board’s decision-making on the application.

SDCL 46-2A-10

“A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest.”

SDCL 46-5-20.1

“Any application for appropriation of water, pursuant to this chapter, in excess of ten thousand acre-feet annually shall be presented by the Water Management Board to the Legislature for approval prior to the board’s acting up on the application and all powers of eminent domain shall be denied any common carrier appropriating over ten thousand acre-feet of water per annum which has not obtained such prior legislative approval. Legislative approval does not mandate approval by the Water Management Board and does not constitute an issuance of a water permit. This section does not apply to applications by the South Dakota Conservancy District or applications for the approval of water permits for energy industry use.”

This application is not by the South Dakota Conservancy District or for energy industry use. Therefore, this application must be presented by the Water Management Board to the Legislature for approval since the application is in excess of ten thousand acre-feet annually.

SDCL 46-5-38.1

“Water Management Board approval of an application to appropriate water for future use is a reservation of a definite amount of water with a specified priority date and is not a grant of authority to construct the works or to put the water to beneficial use. Before the time that the holder of a future use permit initiates construction of the works and puts water to beneficial use, the holder shall file an application for a water permit pursuant to the procedure contained in chapter 46-2A. If the holder of the future use permit is granted a water permit to develop only a portion of the water reserved by the future use permit, the holder shall apply for and receive an additional water permit, or permits, before developing and using the remaining water reserved in the future use permit. Permits for future uses shall be reviewed by the board every seven years and are subject to cancellation if the board determines that the permit holder cannot demonstrate a reasonable need for a future use permit.”

Projected Beneficial Use by WDRWS

As part of the application, WDRWS provided a description of the beneficial use and public interest of the proposed future use reservation. Western South Dakota is experiencing rapid growth in population and water needs, which are expected to double in the next century. In 2019, faculty and students at the South Dakota School of Mines and Technology published an evaluation of population and water needs projections compared to available water resources for Pennington County (Katzenstein, et al., 2019) on behalf of the West Dakota Water Development District. The initial findings indicated that existing water supply resources will struggle to meet current water demands during extended droughts.

The WDRWS was created in September of 2021 to advance a Missouri River pipeline proposal addressing the long-term water needs of western South Dakota due to the growing population and the unpredictable nature of future drought. For the past two years, the WDRWS has been investigating water needs for interested existing systems in western South Dakota. Another study from this year was done by faculty and students at South Dakota School of Mines and Technology, along with staff at WDRWS. The study collected and analyzed data from smaller water systems to evaluate current capabilities and future needs (SDSMT, 2024), including eventually connecting participating systems to an extensive pipeline supplying water to much of western South Dakota. The aggregate growth rate for western South Dakota is approximately one percent, based on water use analysis and individual growth rates for existing water systems that would be likely participants. The total preliminary estimated future water demand is 73,310 acre-feet per year. For this application, WDRWS has estimated that an additional 20,765 acre-feet was needed over a 50-year planning period, in addition to the 52,545 acre-feet of Missouri River water already held in future use reservations by likely project participants. Those existing future use permits are listed in **Table 1**.

Table 1. Existing Missouri River Future Use Permits from likely project participants (Water Rights, 2024). The year of next review indicates when the Water Management will next review the future use permit to determine whether the future use reservation should be allowed to remain in effect, pursuant to SDCL 46-5-38.1.

Current Missouri River Future Use Permits held by likely participants	Future Use Permit No.	Remaining reserved volume for development (ac-ft)	Year of next review
City of Rapid City	1492-2	28,880	2026
City of Box Elder	2844-2	2,100	2029
Rapid Valley Sanitary District	2840-2	6,050	2029
West Dakota Water Development District	1443-2	10,000	2031
West River Water Development District	1442-2	5,515	2030
TOTAL		52,545	

Interested existing water systems that are not reserving or appropriating water from the Missouri River would have their systems replaced entirely with water from the Missouri River, meaning that any systems currently using groundwater would be replaced with surface water. The proposed service area for this proposed water system would not leave the Missouri River basin.

Review on Application No. 2881-2

This application proposes to appropriate 20,765 acre-feet of water per year from the Missouri River. One cubic foot of water per second pumping continuously for a year equals an approximate volume of 724 acre-feet. This application proposes to appropriate a maximum of 20,765 acre-feet of water per year from the natural flows of the Missouri River when fully developed. To reach this volume, continuous pumping equates to approximately 29 cfs. Since pumping will not be on a continuous basis, the actual pump rate required to divert the proposed volume will, at times, exceed a rate of 29 cfs. However, a generalized, equivalent pump rate of 29 cfs is needed to pump 20,765 acre-feet as requested by this application, so 29 cfs will be used for purposes of the hydrologic budget.

The area reserved for future diversions from the Missouri River will be generally located between Chantier Creek and LaFramboise Island and Farm Island, in either Hughes or Stanley Counties. This general area is shown in **Figure 1**.

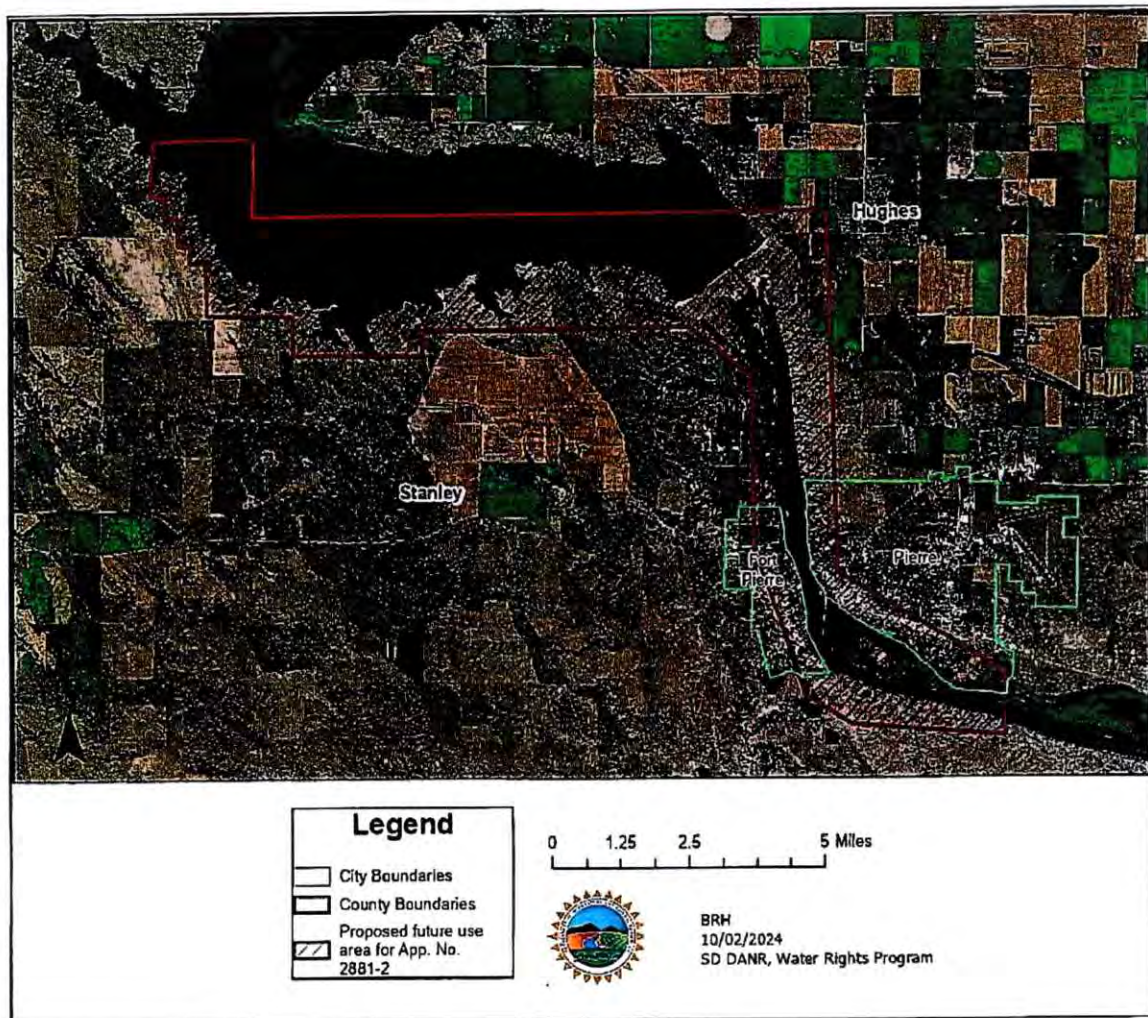


Figure 1. Approximate boundary of the proposed future use area for Future Use Application No. 2881-2 Western Dakota Regional Water System.

Review of Proposed Water Source

The water source for this future use reservation is from the natural flow of the Missouri River from diversion points located in the reach impounded behind Oahe Dam near Chantier Creek and LaFramboise and Farm Islands downstream of Oahe Dam. The Missouri River is a regulated system, and flow hydrographs of the river are affected by the presence of the mainstem reservoir system, with excess natural flows stored and bypassed according to an annual operating plan.

The Missouri River Basin Mainstem System is comprised of six reservoirs that were constructed by the U.S. Army Corps of Engineers (USACE) between 1933 and 1964: Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point (upstream to downstream).

The dams are managed as a single system, with eight congressionally-authorized purposes under the 1944 Flood Control Act. These purposes are flood control, navigation, irrigation, power, water supply, water quality control, recreation, and fish and wildlife.

Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from storage. This flow is available for appropriation without the need for releases to augment the flow. Although the general pattern of summer flows being higher than winter flows still prevails, system regulation serves to reduce high spring and summer flows in most years and to release the stored water to increase flows during the lower flow fall and winter periods (USACE, 2018).

In 2001, the United States Geological Survey (USGS) conducted a study which modeled outflow alternatives using 100 years of historical inflow data for the years 1898 to 1998 at Oahe Dam and Gavins Point Dam (Jacobson and Heuser, 2001). One of the outflow alternatives is called Run of River, where streamflow is modeled for the condition of constantly full reservoirs and provides a realistic description of flows in the absence of flow regulation by the reservoirs. For each day of the year, outflow exceedance probabilities (10th, 25th, 50th, 75th, and 90th percentiles) were calculated. For example, the 90th percentile line shows the flow that was equaled or exceeded 90% of the time on that day for each year. **Figures 2 and 3** show the five flow exceedance curves made for modeled outflow at Oahe Dam and Gavins Point Dam, respectively.

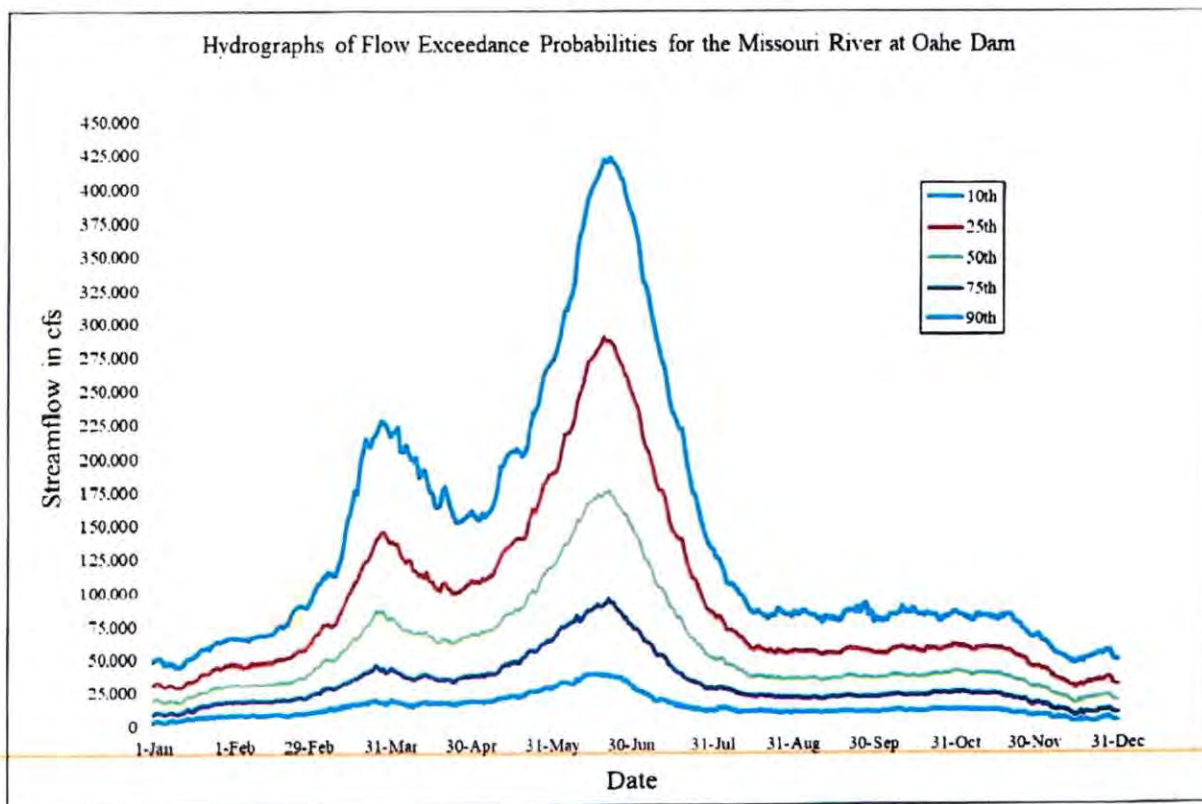


Figure 2. Flow exceedance probabilities for the Missouri River modeled outflow at Oahe Dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001).

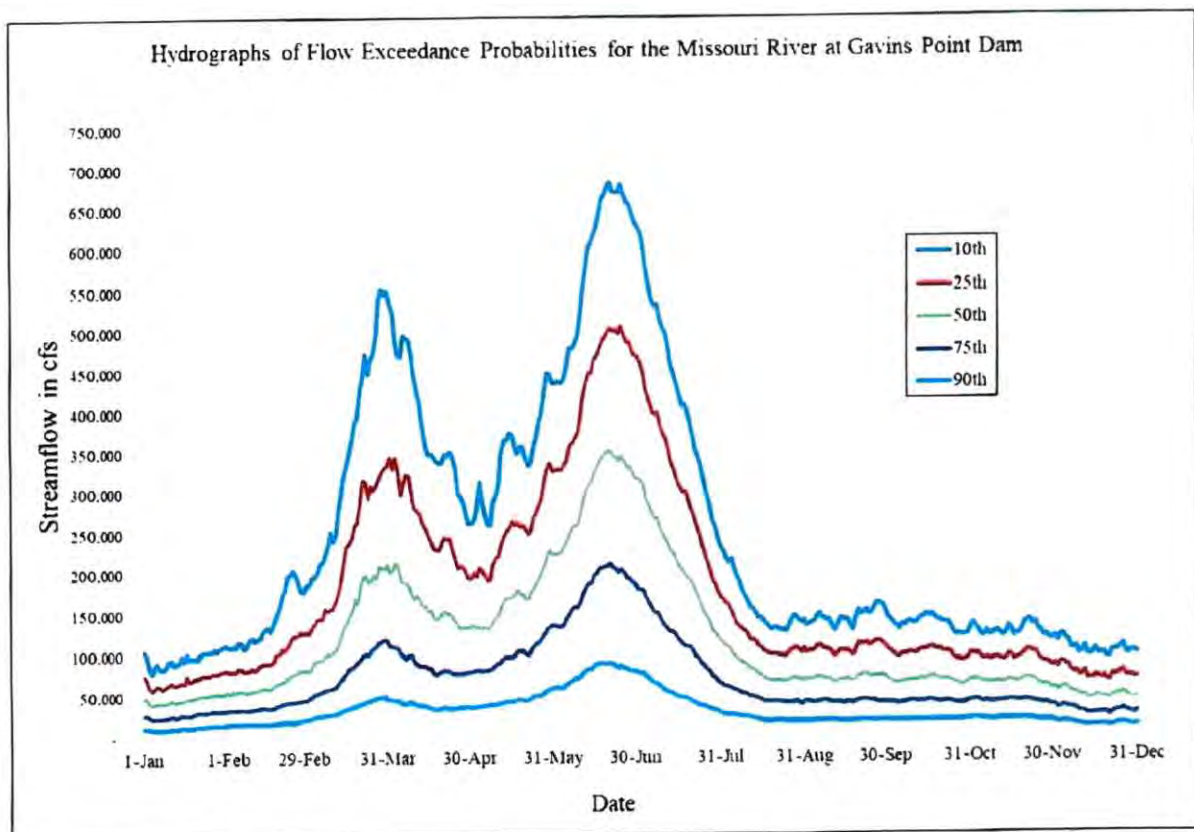


Figure 3. Flow exceedance probabilities for the Missouri River modeled outflow at Gavins Point Dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001).

The annual variability of historical inputs for the Missouri River is reflected in the variability of the output discharge, and **Figures 2 and 3** show a range of available natural flows in the river throughout the year. Vertical variation in the graph is a measure of annual variation, and horizontal variation is a measure of seasonal variation (Jacobson and Heuser, 2001). Seasonal variability shows two peaks, the first spanning February, March and April, which corresponds to the rapid melting of ice and snow from the plains of Montana, Wyoming, North Dakota and South Dakota in the early spring. The largest peak is late spring to early summer, which shows rainfall over large areas of the Missouri Basin, including severe local thunderstorms and rapid melting of mountain snow in Wyoming and Montana. Late summer and fall show diminishing rainfall, low runoff, and light precipitation in the winter (USACE, 2018).

Figure 3 shows that at the 90th percentile (where 9 out of 10 years that flow is equalled or exceeded) at Gavins Point dam the lowest modeled outflow is still over 8,000 cfs. During the low-flow months at Oahe Dam (late fall to early spring) (**Figure 2**), the modeled outflows at the 90th percentile are generally greater than 1,500 cfs with only a few modeled low-flow days. Considering the 90th percentile hydrograph (the most conservative hydrograph to determine water availability), there is ample natural flow available at the proposed future use area and downstream of the future use area, if this project is approved. As **Figures 2 and 3** demonstrate,

water availability is not a concern if the diversion is developed under this reservation of water when using the natural flows of the Missouri River as a source (Jacobson and Heuser, 2001).

Existing Users

There are currently 251 existing water rights/permits appropriating 1,218 cfs from the natural flows of the Missouri River in South Dakota. Of those 251 existing water rights/permits, 215 are for irrigation use, and during the irrigation season (generally April 1 through October 31 in South Dakota) are authorized to pump approximately 1,031 cfs at any given time, which means that 187 cfs of flow is appropriated to 36 non-irrigation water rights/permits (Water Rights, 2024). It is a conservative measure to assume that all water right/permit holders would be pumping at any given time.

There are currently 20 future use permits collectively reserving 365,201 acre-feet of water per year (Water Rights, 2024). Those future use permits are listed in **Table 2**.

Table 2. Existing Missouri River future use permits (Water Rights, 2024).

Permit Holder	Permit No.	Remaining reserved water (ac-ft)
Lake Andes-Wagner Irrigation District	1688A-3	96,000
East Dakota Water Development District	3574-3	91,500
Lewis and Clark Regional Water System	3574B-3	52,500
City of Rapid City	1492-2	28,880
City of Sioux Falls	2042-3	28,236
	2671-3	0
WEB Water Development Association, Inc.	3429-3	15,000
	8852-3	10,000
	8778-3	10,000
West Dakota Water Development District	1443-2	10,000
Rapid Valley Sanitary District	2840-2	6,050
City of Mitchell	3142-3	5,765
West River Water Development District	1442-2	5,515
City of Box Elder	2844-2	2,100
City of Mobridge	4290-3	1,656
Clay Rural Water System, Inc.	3574A-3	1,000
Aurora-Brule Rural Water System, Inc.	4456-3	621
	4456A-3	0
City of Elk Point	4673-3	378
U.S. Bureau of Reclamation	US594-3	1,1 million
Totals	20	365,201*
*Total remaining reserved water does not include the large appropriation held by Permit No. US594-3 for the undeveloped Oahe Irrigation Project.		

When a future use permit requests to put their reserved water to beneficial use, a new water permit is issued, which includes a pump rate and the annual volume for that water permit, and the respective amount is subtracted from the volume of water reserved by the original future use permit. Any active pumping of water reserved by future use permits is included in the 1,218 cfs previously mentioned. Assuming full development of the remaining reserved water by the 20 Missouri River future use permits, and assuming that they will pump continuously throughout the year, the 365,201 acre-feet of water per year equates to approximately 504 cfs of water being pumped on a continuous basis. This application, when fully developed, seeks to withdraw the equivalent of 29 cfs of water from the Missouri River. **Table 3** lists the estimated required flow for surface water rights on the Missouri River during April 1 to October 31 (irrigation season) and the estimated required flow during November 1 to March 31 (non-irrigation season), including an equivalent pump rate of 29 cfs at full development from WDRWS, if this application is approved.

Future Use Permit No. US594-3 held by the U.S. Bureau of Reclamation reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project. The federal irrigation project for which the water was reserved has not been constructed and is currently defunded. Even though the project has not been deauthorized, the future use permit remains in place (Water Rights, 2024).

Table 3. Estimated required natural flows on the Missouri River to satisfy existing water rights/permits, assuming full development of the remainder of Future Use permits, and including the proposed pump rate for this application, if approved, during the irrigation and non-irrigation seasons.

Use Type	Irrigation season (April 1 to October 31) estimated pumping at any given time (cfs)	Non-irrigation season (November 1 to March 31) estimated pumping at any given time (cfs)
Irrigation Use	1,031	0
Non-Irrigation Use	187	187
Remaining Future Use Development	504	504
Future Use Application No. 2881-3, if approved	29	29
Totals	1,751	720

The 90th percentile for **Figures 2 and 3** show that modeled outflows between November 1 and March 31 vary approximately between 1,500 cfs and 18,000 cfs at Oahe Dam (except for a few low-flow days), and 8,000 cfs and 47,000 cfs at Gavins Point Dam. Modeled flows at the 90th percentile between April 1 and October 31 vary approximately between 7,000 cfs and 38,000 cfs at Oahe Dam, and 16,000 cfs and 80,000 cfs at Gavins Point Dam. Comparing those values to the estimated required flow (**Table 3**) for different times of the year, including an equivalent pump rate of 29 cfs for this application, water availability in the Missouri River is currently not an issue, even considering that the pumping for existing future use permits and this application are likely to be at a higher rate than at the assumed year round continuous rate. Even by using the 90th percentile modeled outflows to determine water availability in this report, there is a

reasonable probability that ample flow is available year round to support this application with the following assumptions:

- All 215 irrigation water rights/permits, accounting for approximately 86% of the water permits/rights, are pumping continuously during the irrigation season which is mostly during high-flow months;
- All 36 non-irrigation water rights/permits are pumping continuously year round;
- All existing future use permits become fully developed and would pump continuously year round;
- This future use application becomes fully developed and would pump continuously year round.

Conclusions

1. This application proposes to reserve 20,765 acre-feet of water per year for future use from the natural flows of the Missouri River for the purpose of providing future water supplies for municipal and water distribution system uses. The possible diversion points would be located in Hughes or Stanley Counties, downstream of Oahe Dam between Chantier Creek and LaFramboise Island or Farm Island.
2. The Western Dakota Regional Water System has investigated future regional water demands for western South Dakota, including studies done by the local community.
3. The determination that there is unappropriated water available is based strictly on flows naturally occurring in the Missouri River and is not based in any way upon anticipated flows into the Missouri River by Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, or Gavins Point Dams, though the reservoirs may supplement the rivers during low-flow periods.
4. Based on an evaluation of a USGS report which models the natural flows of the Missouri River, the review indicates a reasonable probability that unappropriated water is available for this reservation of water.



Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program

Resources

- Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.
- Katzenstein, K.W., Davis, A.D., Kenner, S.J., Anderson, M.T., Lisenbee, A., Hedman, K., Noteboom, H., Wess, R. 2019. Missouri River Water Allotment Study for Future Use Water Permit 1443-2. South Dakota School of Mines and Technology.
- SDSMT. 2024. South Dakota Mines students help collect data for Missouri River pipeline study. News Release. September 17, 2024.
<<https://www.sdsmt.edu/news/releases/wdrwsinterns.html>>
- USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- Water Rights. 2024. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
-

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Dan Bechtold

of said county being first duly sworn, on oath says that he is the Editor of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said county for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

177 lines @ 1 column X 90%

Application 2881-2

Western Dakota Regional Water System

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

10-23-2024

That the full amount of the fees for the publication of the *annexed notice is \$66.91

Subscribed and sworn to before me this 23rd day of October, 2024

Laura Breaux

Notary Public

County of Tripp, South Dakota

My Commission Expires June 12, 2025



NOTICE OF APPLICATION NO. 2881-2

to Reserve Water for Future Use
Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T11N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Frumboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mollente, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a bene-

ficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dwr.sd.gov/public> or contact Ron Davoli for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024 in the Matthew Tinsling Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board of Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct the evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regu-

latory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://dwr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a motion. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and a person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://dwr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

As applicable the following provides the legal authority and jurisdiction under which

any future 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, 46-1-16, 46-2-3.1, 46-2-11, 46-2-17; 46-2A-10 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 46-5034.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Published once at an approximated cost of \$66.91 (43) and may viewed for free online at www.sdpublicnotice.com

NOTICE OF APPLICATION

NO. 2881-2 TO RESERVE WATER FOR FUTURE USE

4, 2024.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Pennington) SS

I, Tamara Ravellette

certify that the attached printed Notice was taken

from the Pennington County
Courant

printed and published in Wall

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 24, 2024

Cost of Printing \$81.66

Tamara Ravellette
(Signature)

Bookkeeper
(Title)

11-6-2024
(Date Signed)

RECEIVED

NOV 12 2024

OFFICE OF
WATER

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T11N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

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[Published Oct. 24, 2024, at the total approximate cost of \$81.66 and may be viewed free of charge at www.sdpublic-notices.com]

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
}SS
COUNTY OF MEADE }

Kris Stocklin-Johnson of said County and State, being duly sworn on oath says: THE FAITH INDEPENDENT is a weekly newspaper of general circulation, published in FAITH, in said County and State and has been such newspaper during the times thereafter mentioned; that the said THE FAITH INDEPENDENT is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Office Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

Notice of Application #2881-2 Reserve Water for Future Use
A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issue, the first publication being on the 23rd day of October, 2024, and the last publication on the 23rd day of October, 2024, that \$76.36 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

x Kris Stocklin-Johnson

Subscribed and sworn to me before this 23rd day of October, 2024.

Notary Public, State of South Dakota
My Commission Expires

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Published October 23, 2024 at the approximate cost of \$70.35 and may be viewed free of charge at www.sdpublic-notices.com.

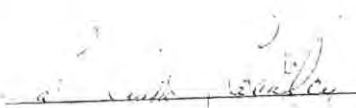
PUBLISHER'S AFFIDAVIT OF PUBLICATION

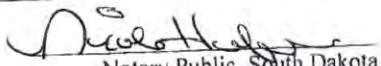
STATE OF SOUTH DAKOTA)
) ss
COUNTY OF PERKINS)

LaQuita Shockley, of said County and State, being duly sworn, on oath says: THE DAKOTA HERALD is a weekly newspaper of general circulation, printed and published in Lemmon, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE DAKOTA HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am the owner/editor of said newspaper; and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

NOTICE OF APPLICATION NO. 2881-2 to Reserve Water for Future Use

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issue, the publication being on the 21st day of October, 2024 and that \$78.75 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.


Subscribed and sworn to before me this 30th day of
October, 2024


Notary Public, South Dakota

My commission expires:

4/14/28

Public Notices

Public Notice Advertising Protects Your Right to Know

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Published once at the approximate cost of \$78.75 and can be viewed free of charge at www.sdpublicnotices.com.

Publish October 21, 2024

Vote for Dean Schrempp District 28 Senate



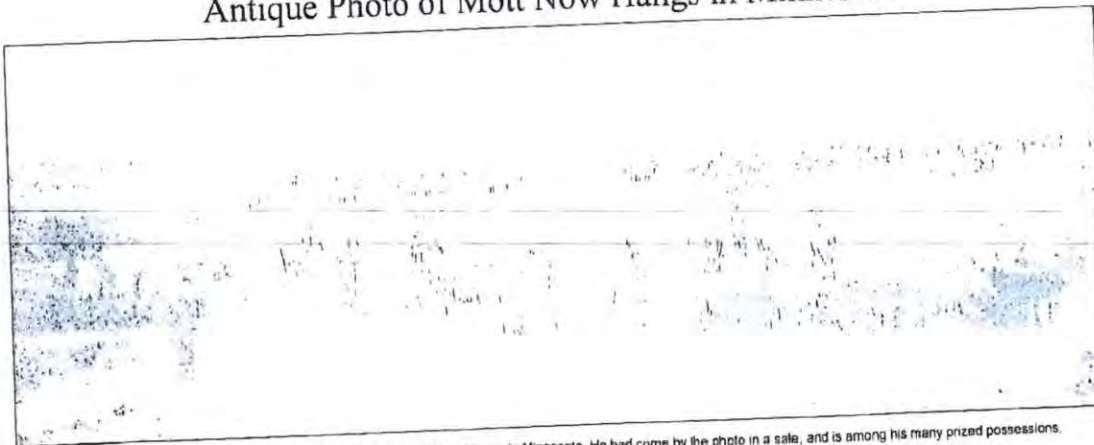
- ★ For Youth ★
- ★ For Fair Taxation ★
- ★ For Ranchers ★
- ★ For Small Towns ★
- ★ For Seniors ★
- ★ For the Little Guy ★

Endorsed by retired state legislators Bernie Hunhoff,
Frank Kloucek, Garry Morre & Nick Nemec

We've joined together with all the newspapers
in South Dakota to make our public notices
available free and searchable at:
www.sdpublicnotices.com

THEY DON'T KNOW YOUR NAME HERE IN THE
A TRUCK HERE YOUR TRUCK HERE
MAKE SURE ONE DOESN'T

Antique Photo of Mott Now Hangs in Minnesota



Jerry Kling of Morristown shared a photo that hangs in his uncle's residence in Minnesota. He had come by the photo in a sale, and is among his many prized possessions. The notation on the pictures states "Northern Pacific Railroad Grade Entering Mott ND 1910"

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)

Connie Penny, of said county and state being duly sworn on her oath says The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication, That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, that the advertisement headed

Notice of Application No 2881-2
262 Lines

a printed copy of which is hereto attached and published in the said newspaper for consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 23 day of Oct A.D. 2024 and that the succeeding publications were severally
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024
Wednesday, the day of A.D. 2024

and the last publication on Wednesday, the day of 2024, that the full sum of fees charged for publishing the same, to-wit, the sum of \$ 92.51 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever

Connie Penny
Donna Brakke
Notary Public

Subscribed and sworn to before me this 23 day of Oct 2024
My Commission expires DONNA BRAKKE
NOTARY PUBLIC - SOUTH DAKOTA 20
My Commission Expires
December 31, 2025



NOTICE OF APPLICATION NO. 2881-2 to Reserve Water for Future Use

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1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

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Published once on October 23, 2024 at the total approximate cost of \$86.97 and may be viewed free of charge at www.sdpublicnotices.com

NOTICE OF APPLICATION

NO. 2881-2 TO RESERVE WATER FOR FUTURE USE

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Haakon) SS

I, Tamara Ravellette

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

printed and published in Philip

County of Haakon and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 24, 2024

Cost of Printing 81.27

Tamara Ravellette
(Signature)

Bookkeeper
(Title)

11-6-2024
(Date Signed)

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RECEIVED

NOV 12 2024

OFFICE OF
WATER

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

[Published Oct. 24, 2024, at the total approximate cost of \$81.27 and may be viewed free of charge at www.sdpublic-notices.com]

PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
County of Jones) SSI, Tamara Ravellettecertify that the attached printed Notice was taken
from the Murdo Coyoteprinted and published in Murdo, SDCounty of Jones and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 24, 2024Cost of Printing \$76.63Tamara Ravellette
(Signature)Bookkeeper
(Title)11-6-2024
(Date Signed)**Notice of
Application No.
2881-2 to Reserve
Water for Future Use**

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T111N-R79W and Section 11-T110N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of

works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter

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either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date

will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

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Published October 24, 2024, at the total approximate cost of \$76.63 and may be viewed free of charge at www.sdpublic-notices.com.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
County of Gregory--ss

CHERYL SPERL

of said county being first duly sworn, on oath says that she is the publisher of the

GREGORY TIMES-ADVOCATE

a weekly newspaper printed and published in Gregory, said county of Gregory, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive and has a bona fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

Western Dakota Regional Water System Notice of Application to Reserve Water for Future Use

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

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

10/23	20 24	20
	20	20
	20	20
	20	20
	20	20
	20	20
	20	20

That the full amount of the fees for the publication of the annexed notice is \$ 80.84

Subscribed and sworn to before me this 23
day of October 2024
Notary Public.
My Commission Expires
November 2, 2025

Commission Expires, South Dakota

NOTICE OF APPLICATION NO. 2881-2 to Reserve Water for Future Use

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57708, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 1-T10N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature. NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

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(Published once at the approximate cost of \$80.84).

(43)

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

No. 2881-2 Application
Res. 2881-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 26th day of Oct, 2024, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 74.73, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 1st day of Nov, 2024

[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2025

NOTICE OF APPLICATION NO. 2881-2 to Reserve Water for Future Use

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T11N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Law-

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rence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

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Published once at the total approximate cost of \$75.21 and can be viewed free of charge at www.sd-publicnotices.com

#265
Oct 26

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF HARDING:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the NATION'S CENTER NEWS is a legal weekly newspaper of general circulation, printed and published in the City of Buffalo, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No. 2381-2

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 29th day of Oct., 2024, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 74.73, insures solely to the benefit of the publisher of the NATION'S CENTER NEWS, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Letitia Lister
Subscribed and sworn to before me this 30th day of Oct., 2024

Kenneth J. [Signature]

Notary Public, Lawrence County, South Dakota

My commission expires: 7-18-2025

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OFFICE OF
WATER

**NOTICE OF
APPLICATION
NO. 2881-2 to Reserve
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tion form is available online at <https://danr.sd.gov/> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/> public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive tech-

nology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Non-discrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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

Published once at the total approximate cost of \$75.21 and can be viewed free of charge at www.sd-publicnotices.com.

#451
Oct 24

LAKOTA TIMES

PO Box 386, Martin, SD 57551 Phone: 605-685-1868 FAX: 605-685-1870

US Postal Permit Number: USPS 024-176

State of South Dakota, County of Bennett and Oglala Lakota County

Roseanna Hammock of said county, being first duly sworn, on oath, says that he/she is the Editor/Publisher or an employee of the Publisher of the Lakota Times, a weekly newspaper published in the county of Bennett for circulation in the counties of Bennett and Oglala Lakota County in South Dakota; That he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Bennett and State of South Dakota, for a least one year prior to the first publication of the attached public notice, and that the legal advertisement headed:

Western Dakota Water System Public Notice

A printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive weeks) to wit:

<u>OCT 23</u>	<u>2024</u>	Volume 21	Issue # 7
<u> </u>	<u>2024</u>	Volume 21	Issue #
<u> </u>	<u>2024</u>	Volume 21	Issue #
<u> </u>	<u>2024</u>	Volume 21	Issue #

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

COST = \$ 280.16

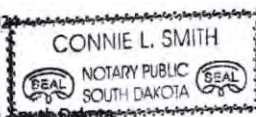
Signed: Roseanna Hammock

Subscribed and sworn to before me this date: 10-29, 2024

Signed: Connie L. Smith

Notary Public in and for the County of Bennett, County of Oglala Lakota, South Dakota

My Commission expires Dec. 13, 2025



CONTINUED FROM B1

Motion made by Yellow Bull, seconded by Hopkins, to have State's Attorney Russell draft a letter that Oglala Lakota County strongly recommends that there be at least 2 indigent individuals be part of the committees that work on House Bills that benefit County paid costs due to State Laws that require them, ie HB 1057.

Motion made by Yellow Bull, seconded by Hopkins, to approve Oglala Lakota County Resolution #2024-10 as follows:

OGALA LAKOTA COUNTY RESOLUTION #2024-10

WHEREAS, Oglala Lakota County follows rates set by the State of South Dakota for mileage, meals and lodging; and

WHEREAS, new rates have been set as follows:

Mileage: \$0.65 per mile, to .295 per mile if a fleet vehicle is available but the full-time employee opts to use a private vehicle;

In-state meal rates of: \$6.00 if the employee leaves before 5:31 a.m. and returns after 7:59 a.m.,

\$12.00 if the employee leaves before 11:30 a.m. and returns after 7:59 p.m.,

\$20.00 if the employee leaves before 5:31 a.m. and returns after 7:59 p.m.,

\$40.00 Total Out-of-state meal rates of:

\$10.00 if the employee leaves before 5:31 a.m. and returns after 7:59 p.m.,

\$18.00 if the employee leaves before 11:30 a.m. and returns after 7:59 p.m.,

\$28.00 if the employee leaves before 5:31 a.m. and returns after 7:59 p.m.,

\$56.00 Total Lodging In-state:

Up to \$269.00 plus tax a day from check-in

Lodging Out-of-state: \$295.00 plus tax

NOW THEREFORE BE IT RESOLVED that the above rates are effective July 1, 2024.

Passed and approved this 11th day of October, 2024.

/s/ Alyssa Corner
Alyssa Corner, Chair
Oglala Lakota Board of County Commissioners

ATTEST:

/s/ Sue Ganje
Sue Ganje
Fall River County Auditor

Motion made by Yellow Bull, seconded by Hopkins, to approve Oglala Lakota County Resolution #2024-11 as follows:

OGALA LAKOTA COUNTY RESOLUTION #2024-11

WHEREAS, Oglala Lakota County follows rates set by the State of South Dakota for mileage, meals and lodging; and

WHEREAS, new rates have been set as follows:

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\$56.00 Total Lodging In-state:

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Lodging Out-of-state: \$295.00 plus tax

NOW THEREFORE BE IT RESOLVED that the above rates are effective October 1, 2024.

Passed and approved this 11th day of October, 2024.

/s/ Alyssa Corner
Alyssa Corner, Chair
Oglala Lakota Board of County Commissioners

ATTEST:

/s/ Sue Ganje
Sue Ganje
Fall River County Auditor

Motion made by Yellow Bull, seconded by Hopkins, to approve paying the bills as follows:

GENERAL FUND

ARREDONDO, JERLENE TRAVEL REIMBURSEMENT \$112.84

ARREDONDO, JERLENE MEETING/MILEAGE \$467.00

AT&T MOBILITY PHONE/HWY/SHERVISO \$515.22

AT&T MOBILITY WIRELESS PHONE SHERIFF \$350.14

BEAR, RAMON, MILEAGE \$87.20

BLACK HILLS SPEC SERVICE, INDIGENOUS HEALTH SUMMIT \$30.00

BLACK BULL, DAYLON REIMBURSEMENT \$60.00

CENTURY BUSINESS COPIER LEASE/METER \$473.27

TAKES THE SHIELD, ANNA S D A C D I ADVANCED TRAVEL \$108.55

TAKES THE SHIELD, ANNA MEETING MILEAGE \$67.00

ELECTION SYSTEMS & SOFTWARE ELECTRON \$2,320.95

GOLDEN WEST

and returns after 7:59 p.m.,

\$56.00 Total Lodging In-state:

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Lodging Out-of-state: \$295.00 plus tax

NOW THEREFORE BE IT RESOLVED that the above rates are effective October 1, 2024.

Passed and approved this 11th day of October, 2024.

/s/ Alyssa Corner
Alyssa Corner, Chair
Oglala Lakota Board of County Commissioners

ATTEST:

/s/ Sue Ganje
Sue Ganje
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Alyssa Corner, Chair
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Oglala Lakota Board of County Commissioners

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CONTINUED FROM B2

Pennington, Custer, Fall River, Oglaia Lakota, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dan.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-2A-2, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval

of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online

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Notice of the hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten

days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 30 days. If delayed, the evidentiary hearing will be rescheduled. Personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://dan.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location.

Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

As applicable, the following provides the legal authority and jurisdiction under which any future 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, 46-2-9, 46-2-11, 46-2-12, 46-2A-1, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23, 46-5-1, 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, 46-6-6, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26, and Board Rules ARSD 74.02.01.01 thru 74.02.01.15, 74.02.02.01, 74.02.03, 74.02.04, 74.02.05, 74.02.06, 74.02.07, 74.02.08, 74.02.09, 74.02.10, 74.02.11, 74.02.12, 74.02.13, 74.02.14, 74.02.15, 74.02.16, 74.02.17, 74.02.18, 74.02.19, 74.02.20, 74.02.21, 74.02.22, 74.02.23, 74.02.24, 74.02.25, 74.02.26, 74.02.27, 74.02.28, 74.02.29, 74.02.30, 74.02.31, 74.02.32, 74.02.33, 74.02.34, 74.02.35, 74.02.36, 74.02.37, 74.02.38, 74.02.39, 74.02.40, 74.02.41, 74.02.42, 74.02.43, 74.02.44, 74.02.45, 74.02.46, 74.02.47, 74.02.48, 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Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Jerry Lee Lenander of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

*Western Dakota Regional
Water System - Notice
of Application No 2881-2*

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

Oct 23, 2024; _____;

_____;

_____;

_____;

the full amount of the fees for the publication of the annexed notice is \$ 76.55

Subscribed and sworn to me before this 23rd

of October, 2024;

Jeanne Thierstemberg
NOTARY PUBLIC

MY COMMISSION EXPIRES:

NOV 30 2027



RECEIVED

OCT 28 2024

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 2881-2 TO RESERVE WATER FOR FUTURE USE

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T10N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala, Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of

water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the applica-

tion. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant.

Notice of Application No. 2881-2 to Reserve Water for Future Use

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of FALL RIVER) SS
I, SHERYL GRIMES

certify that the attached printed Notice was taken
from the FALL RIVER COUNTY
HERALD-STAR

printed and published in HOT SPRINGS
County of FALL RIVER and

state of South Dakota. The notice was published
in the newspaper on the following date:
OCTOBER 24, 2024

Cost of Printing \$88.30

Sheryl Grimes
(Signature)

PRODUCTION MANAGER
(Title)

10-24-24
(Date Signed)

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T111N-R79W and Section 11-T110N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the

Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/> public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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

Published once at the total approximate cost of \$88.33
and can be viewed free of charge at www.sdpublicnotices.com
Published: Oct. 24, 2024

AFFIDAVIT OF PUBLICATION

Rachel Rodriguez
Department of Agriculture and Natural Resources
523 E Capitol Avenue
State of Pennsylvania, County of Lancaster, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates:

PUBLICATION DATES: October. 24 2024

NOTICE ID: nvBiSaSI80DNUJB9Bw7F
PUBLISHER ID: COL-SD-1186
NOTICE NAME: NOTICE OF APPLICATION NO. 2881-2 to Reserve
TOTAL AD COST: \$146.23
FILED ON: Oct. 18, 2024

Rachel Cozart

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 10/25/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF APPLICATION NO.
2881-2 to Reserve Water for
Future Use**

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T11N-R79W (Hughes County). The general location along the Missouri River begins near Chanter Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dahr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the

the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a

party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

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(Published October 24, 2024 for a total approximate cost of \$146.23 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-1186

Affidavit of Publication

State of South Dakota

County of Todd

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Todd County Tribune 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 Todd and State of South Dakota, for at least one year next 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:

October 23, 2024

That the full amount of the fee charged for the publication of the attached public notice, **\$89.06** 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: _____

Subscribed and sworn to before me this 23 day of October, 2024.

Notary Public _____ Commission Expires December 9, 2027



Legal Notices

Notice Of Testing Automatic Tabulating Equipment

Notice is hereby given that the automatic tabulating equipment will be tested to accuracy at the County Auditor's office and assurance that any to be used at the General election held on the 5th day of November 2024.

The test will be conducted on the 30th day of October 2024, at two o'clock p.m. in the commissioner room, 200 E. 3rd Street, Winnet, SD.

Dated this 16th day of October, 2024.

By: Barbara DeSerra,
Twp/Todd County Auditor
Published once at the total approximate cost of \$13.14
and can be viewed free of charge at www.sdpublicnotices.com.
Published: October 23, 2024

Notice Of Application No. 2881-2 to Reserve Water for Future Use

Notice is given that Western Dakota Regional Water System, PO Box 184, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,760 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16 T4S R9E and Section 36 T4S R9E (Stanley County) or between Section 6 T11N R7W and Section 11 T11N R7W (Hughes County). The general location along the Missouri River begins near Chamber Creek and extends between the Frenchmans Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water systems in Stanley, Lyman, Jones, Tripp, Hamlin, Jackson, Battle, Meritt, Pennington, Chester, Bell River, Ogilvie, Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, the application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because: 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use; 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,760 acre-feet of water annually; 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and all reports are available at <http://dwr.sd.gov/public> or contact the Board for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 1, 2024, at the Matthew Trempier Center, Joe Ross Plaza, 621 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-2A-10, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. REASONS: 1) the scheduled December 1, 2024, agenda date for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to approve, if approved with qualifications, 1) deny, or 2) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 1, 2024.

Any person who wishes to participate in the evidentiary hearing shall advise that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter other than the regulatory authority under SDCL 46-2A for approval or denial of the application, or other matter concerning the application within the regulatory authority of the Board as set forth in SDCL 46-2A-1, or SDCL 46-2A-2, or SDCL 46-2A-3, or SDCL 46-2A-4, or SDCL 46-2A-5, or SDCL 46-2A-6, or SDCL 46-2A-7, or SDCL 46-2A-8, or SDCL 46-2A-9, or SDCL 46-2A-10, or SDCL 46-2A-11, or SDCL 46-2A-12, or SDCL 46-2A-13, or SDCL 46-2A-14, or SDCL 46-2A-15, or SDCL 46-2A-16, or SDCL 46-2A-17, or SDCL 46-2A-18, or SDCL 46-2A-19, or SDCL 46-2A-20, or SDCL 46-2A-21, or SDCL 46-2A-22, or SDCL 46-2A-23, or SDCL 46-2A-24, or SDCL 46-2A-25, or SDCL 46-2A-26, or SDCL 46-2A-27, or SDCL 46-2A-28, or SDCL 46-2A-29, or SDCL 46-2A-30, or SDCL 46-2A-31, or SDCL 46-2A-32, or SDCL 46-2A-33, or SDCL 46-2A-34, or SDCL 46-2A-35, or SDCL 46-2A-36, or SDCL 46-2A-37, or SDCL 46-2A-38, or SDCL 46-2A-39, or SDCL 46-2A-40, or SDCL 46-2A-41, or SDCL 46-2A-42, or SDCL 46-2A-43, or SDCL 46-2A-44, or SDCL 46-2A-45, or SDCL 46-2A-46, or SDCL 46-2A-47, or SDCL 46-2A-48, or SDCL 46-2A-49, or SDCL 46-2A-50, or SDCL 46-2A-51, or SDCL 46-2A-52, or SDCL 46-2A-53, or SDCL 46-2A-54, or SDCL 46-2A-55, or SDCL 46-2A-56, or SDCL 46-2A-57, or SDCL 46-2A-58, or SDCL 46-2A-59, or SDCL 46-2A-60, or SDCL 46-2A-61, or SDCL 46-2A-62, or SDCL 46-2A-63, or SDCL 46-2A-64, or SDCL 46-2A-65, or SDCL 46-2A-66, or SDCL 46-2A-67, or SDCL 46-2A-68, or SDCL 46-2A-69, or SDCL 46-2A-70, or SDCL 46-2A-71, or SDCL 46-2A-72, or SDCL 46-2A-73, or SDCL 46-2A-74, or SDCL 46-2A-75, or SDCL 46-2A-76, or SDCL 46-2A-77, or SDCL 46-2A-78, or SDCL 46-2A-79, or SDCL 46-2A-80, or SDCL 46-2A-81, or SDCL 46-2A-82, or SDCL 46-2A-83, or SDCL 46-2A-84, or SDCL 46-2A-85, or SDCL 46-2A-86, or SDCL 46-2A-87, or SDCL 46-2A-88, or SDCL 46-2A-89, or SDCL 46-2A-90, or SDCL 46-2A-91, or SDCL 46-2A-92, or SDCL 46-2A-93, or SDCL 46-2A-94, or SDCL 46-2A-95, or SDCL 46-2A-96, or SDCL 46-2A-97, or SDCL 46-2A-98, or SDCL 46-2A-99, or SDCL 46-2A-100, or SDCL 46-2A-101, or SDCL 46-2A-102, or SDCL 46-2A-103, or SDCL 46-2A-104, or SDCL 46-2A-105, or SDCL 46-2A-106, or SDCL 46-2A-107, or SDCL 46-2A-108, or SDCL 46-2A-109, or SDCL 46-2A-110, or SDCL 46-2A-111, or SDCL 46-2A-112, or SDCL 46-2A-113, or SDCL 46-2A-114, or SDCL 46-2A-115, or SDCL 46-2A-116, or SDCL 46-2A-117, or SDCL 46-2A-118, or SDCL 46-2A-119, or SDCL 46-2A-120, or SDCL 46-2A-121, or SDCL 46-2A-122, or SDCL 46-2A-123, or SDCL 46-2A-124, or SDCL 46-2A-125, or SDCL 46-2A-126, or SDCL 46-2A-127, or SDCL 46-2A-128, or SDCL 46-2A-129, or SDCL 46-2A-130, or SDCL 46-2A-131, or SDCL 46-2A-132, or SDCL 46-2A-133, or SDCL 46-2A-134, or SDCL 46-2A-135, or SDCL 46-2A-136, or SDCL 46-2A-137, or SDCL 46-2A-138, or SDCL 46-2A-139, or SDCL 46-2A-140, or SDCL 46-2A-141, or SDCL 46-2A-142, or SDCL 46-2A-143, or SDCL 46-2A-144, or SDCL 46-2A-145, or SDCL 46-2A-146, or SDCL 46-2A-147, or SDCL 46-2A-148, or SDCL 46-2A-149, or SDCL 46-2A-150, or SDCL 46-2A-151, or SDCL 46-2A-152, or SDCL 46-2A-153, or SDCL 46-2A-154, or SDCL 46-2A-155, or SDCL 46-2A-156, or SDCL 46-2A-157, or SDCL 46-2A-158, or SDCL 46-2A-159, or SDCL 46-2A-160, or SDCL 46-2A-161, or SDCL 46-2A-162, or SDCL 46-2A-163, or SDCL 46-2A-164, or SDCL 46-2A-165, or SDCL 46-2A-166, or SDCL 46-2A-167, or SDCL 46-2A-168, or SDCL 46-2A-169, or SDCL 46-2A-170, or SDCL 46-2A-171, or SDCL 46-2A-172, or SDCL 46-2A-173, or SDCL 46-2A-174, or SDCL 46-2A-175, or SDCL 46-2A-176, or SDCL 46-2A-177, or SDCL 46-2A-178, or SDCL 46-2A-179, or SDCL 46-2A-180, or SDCL 46-2A-181, or SDCL 46-2A-182, or SDCL 46-2A-183, or SDCL 46-2A-184, or SDCL 46-2A-185, or SDCL 46-2A-186, or SDCL 46-2A-187, or SDCL 46-2A-188, or SDCL 46-2A-189, or SDCL 46-2A-190, or SDCL 46-2A-191, or SDCL 46-2A-192, or SDCL 46-2A-193, or SDCL 46-2A-194, or SDCL 46-2A-195, or SDCL 46-2A-196, or SDCL 46-2A-197, or SDCL 46-2A-198, or SDCL 46-2A-199, or SDCL 46-2A-200, or SDCL 46-2A-201, or SDCL 46-2A-202, or SDCL 46-2A-203, or SDCL 46-2A-204, or SDCL 46-2A-205, or SDCL 46-2A-206, or SDCL 46-2A-207, or SDCL 46-2A-208, or SDCL 46-2A-209, or SDCL 46-2A-210, or SDCL 46-2A-211, or SDCL 46-2A-212, or SDCL 46-2A-213, or SDCL 46-2A-214, or SDCL 46-2A-215, or SDCL 46-2A-216, or SDCL 46-2A-217, or SDCL 46-2A-218, or SDCL 46-2A-219, or SDCL 46-2A-220, or SDCL 46-2A-221, or SDCL 46-2A-222, or SDCL 46-2A-223, or SDCL 46-2A-224, or SDCL 46-2A-225, or SDCL 46-2A-226, or SDCL 46-2A-227, or SDCL 46-2A-228, or SDCL 46-2A-229, or SDCL 46-2A-230, or SDCL 46-2A-231, or SDCL 46-2A-232, or SDCL 46-2A-233, or SDCL 46-2A-234, or SDCL 46-2A-235, or SDCL 46-2A-236, or SDCL 46-2A-237, or SDCL 46-2A-238, or SDCL 46-2A-239, or SDCL 46-2A-240, or SDCL 46-2A-241, or SDCL 46-2A-242, or SDCL 46-2A-243, or SDCL 46-2A-244, or SDCL 46-2A-245, or SDCL 46-2A-246, or SDCL 46-2A-247, or SDCL 46-2A-248, or SDCL 46-2A-249, or SDCL 46-2A-250, or SDCL 46-2A-251, or SDCL 46-2A-252, or SDCL 46-2A-253, or SDCL 46-2A-254, or SDCL 46-2A-255, or SDCL 46-2A-256, 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Affidavit of Publication

State of South Dakota

County of Mellette

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, Inc., and that the Mellette County News 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 Mellette and State of South Dakota, for at least one year next 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:

October 23, 2024

That the full amount of the fee charged for the publication of the attached public notice, **\$89.06** 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: _____

Subscribed and sworn to before me this 23 day of October, 2024.

Notary Public My Commission Expires December 9, 2027



Affidavit of Publication

State of South Dakota

County of Fall River

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, and that the Fall River County Herald Star 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 Fall River and State of South Dakota, for at least one year next 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:

October 23, 2024

That the full amount of the fee charged for the publication of the attached public notice, **\$88.33** 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 Risse

Subscribed and sworn to before me this 24 day of October, 2024.

Mandy K. Scherer
Notary Public, My Commission Expires December 9, 2027



RECEIVED

OCT 25 2024

OFFICE OF
WATER

Notice to Bidders

NOTICE IS HEREBY GIVEN that the City Council of the City of Hot Springs, South Dakota is accepting written bids at City Hall, 103 North River, Hot Springs, South Dakota, 57747 until 4 p.m. Monday, November 4, 2024, for the sale of 2000 Chrysler Town & Country Van mileage 38,837. Vehicle can be viewed in person at the Hot Springs Municipal Airport, 27858 J5 Hwy 385 Hot Springs, SD 57747. Bids shall be submitted as a total lump sum. Sealed bids must be plainly marked to identify their contents. No bid shall be withdrawn after the filing time without written consent of the Hot Springs City Council for a period of thirty (30) days after the filing time.

The bids will be opened at the regular City Council meeting November 4, 2024 at 7:00 p.m. Successful bidder must pay to full within 15 days of award collection and must arrange pick up upon payment to full.

Council reserves the right to reject any and all bids, or to waive any formalities or technicalities in bidding, and to accept the bid that is to the advantage of said to the best interest of the City of Hot Springs.

Dated October 7, 2024

Mary Summers-Watson,
Finance Officer, City of Hot Springs
Published twice at the total approximate cost of \$36.68
and can be viewed free of charge at www.adpublnotices.com
Published: Oct. 17, 24, 2024

Notice to Creditors

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER
In the Matter of the Estate of
Mack James Watson
Deceased

Notice is given that on October 16, 2024, the Clerk of the Circuit Court of Fall River County, SD, issued a written order appointing the 2024 Will of Mack James Watson to be probated and Lyle and Crystal DeWitt of 5072 Roberts Court, Rapid City, SD 57702 was informally appointed as Personal Representative of the Estate.

Creditors of decedent must file their claims within four (4) months after the date of first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Fall River County Clerk, and a copy of the claim must be filed with the Personal Representative.

Dated October 16, 2024

By: Crystal DeWitt
Crystal DeWitt
5072 Roberts Court
Rapid City, SD 57702
(605) 219-8382

Tammy Creighton
Clerk of Courts
Fall River County Courthouse
906 N. River St.
Hot Springs, SD 57747
(605) 745-5131

Michael P. O'Brien, Attorney
P.O. Box 629
Hot Springs, SD 57747
(605) 745-6410

Published three times at the total approximate cost of \$83.00
and can be viewed free of charge at www.adpublnotices.com
Published: Oct. 24, 31, Nov. 7, 2024

Notice of Application No. 2881-2

In Reserve Water for Future Use

Notice is given that Western Dakota Regional Water System, PO Box 444, Rapid City, SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future use is located along the Missouri River between Section 16-T4N-R24E and Section 5-T4N-R24E (Shawnee County) or between Section 9-T11N-R7W and Section 1-T11N-R7W (Humphreys County). The proposed location along the Missouri River begins near Chimney Creek and ends between La Poudre Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water systems used in Stanley, Jackson, Juntura, Tripp, Heald, Jackson, Badre, Mission, Brookings, Canton, Fall River, Oglaie, Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because (1) there is reasonable probability that there is unappropriated water available for the application's proposed use, (2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, (3) the proposed use is a beneficial use and (4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://data.ad.gov/public> or contact Run Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM Central Time on December 4, 2024, in the Matthew Training Center, Joe Ross Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not filed or binding upon the Board or Legislature. Pursuant to SDCL 46-2A-2(1), the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE: the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing. The Chief Engineer's address of the application. The Board is authorized to (1) approve, (2) approve with qualifications, (3) deny, or (4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate at the evidentiary hearing shall advise that the application, upon approval, will occur within the person to the person that they intend to be heard by the public in general. The inquiry must concern a matter within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the Board to act upon as defined by SDCL 46-2A-9 and 46-2A-11, or both. Any person opposing the petition requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with both the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://data.ad.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, P.O. Box 444, Pierre SD 57702" or call (605) 773-3552. The applicant's mailing address is given above. If contacting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique inquiry upon approval of the application and the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel. If input cannot be obtained, if the Legislature approves the application, an evidentiary hearing will be scheduled for the

LEGALS

Board to consider the application

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be an evidentiary 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 there are not satisfied at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Upon scheduling the Board's evidentiary hearing, the applicant may at any time file a petition to delay the hearing. The petition may request an automatic delay of the hearing within ten days of the date of the justice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer and is available online at <https://data.ad.gov/public> or by calling (605) 773-3552 or writing the Chief Engineer at the address provided above. Filing a comment does not make the petitioner a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held at a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walker, Non-Discrimination Coordinator, by calling (605) 773-3552 or by email at Brian.Walker@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

As applicable, the following provides the legal authority and jurisdiction under which the future hearing will be held and the particular rules and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28, SDCL 46-1-1 thru 46-1-3, 46-1-11 thru 46-1-16, 46-2-1, 46-2-3, 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-22, 46-3-1, 46-3-2 thru 46-3-26, 46-3-30, 46-3-31, 46-3-32 thru 46-3-34, 46-3-38 thru 46-3-39, 46-3-45, 46-3-46, 46-3-49, 46-3-51, 46-3-54, 46-3-55, 46-3-56, 46-3-57, 46-3-58, 46-3-59, 46-3-60, 46-3-61, 46-3-62, 46-3-63, 46-3-64, 46-3-65, 46-3-66, 46-3-67, 46-3-68, 46-3-69, 46-3-70, 46-3-71, 46-3-72, 46-3-73, 46-3-74, 46-3-75, 46-3-76, 46-3-77, 46-3-78, 46-3-79, 46-3-80, 46-3-81, 46-3-82, 46-3-83, 46-3-84, 46-3-85, 46-3-86, 46-3-87, 46-3-88, 46-3-89, 46-3-90, 46-3-91, 46-3-92, 46-3-93, 46-3-94, 46-3-95, 46-3-96, 46-3-97, 46-3-98, 46-3-99, 46-3-100, 46-3-101, 46-3-102, 46-3-103, 46-3-104, 46-3-105, 46-3-106, 46-3-107, 46-3-108, 46-3-109, 46-3-110, 46-3-111, 46-3-112, 46-3-113, 46-3-114, 46-3-115, 46-3-116, 46-3-117, 46-3-118, 46-3-119, 46-3-120, 46-3-121, 46-3-122, 46-3-123, 46-3-124, 46-3-125, 46-3-126, 46-3-127, 46-3-128, 46-3-129, 46-3-130, 46-3-131, 46-3-132, 46-3-133, 46-3-134, 46-3-135, 46-3-136, 46-3-137, 46-3-138, 46-3-139, 46-3-140, 46-3-141, 46-3-142, 46-3-143, 46-3-144, 46-3-145, 46-3-146, 46-3-147, 46-3-148, 46-3-149, 46-3-150, 46-3-151, 46-3-152, 46-3-153, 46-3-154, 46-3-155, 46-3-156, 46-3-157, 46-3-158, 46-3-159, 46-3-160, 46-3-161, 46-3-162, 46-3-163, 46-3-164, 46-3-165, 46-3-166, 46-3-167, 46-3-168, 46-3-169, 46-3-170, 46-3-171, 46-3-172, 46-3-173, 46-3-174, 46-3-175, 46-3-176, 46-3-177, 46-3-178, 46-3-179, 46-3-180, 46-3-181, 46-3-182, 46-3-183, 46-3-184, 46-3-185, 46-3-186, 46-3-187, 46-3-188, 46-3-189, 46-3-190, 46-3-191, 46-3-192, 46-3-193, 46-3-194, 46-3-195, 46-3-196, 46-3-197, 46-3-198, 46-3-199, 46-3-200, 46-3-201, 46-3-202, 46-3-203, 46-3-204, 46-3-205, 46-3-206, 46-3-207, 46-3-208, 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46-3-709, 46-3-710, 46-3-711, 46-3-712, 46-3-713, 46-3-714, 46-3-715, 46-3-716, 46-3-717, 46-3-718, 46-3-719, 46-3-720, 46-3-721, 46-3-722, 46-3-723, 46-3-724, 46-3-725, 46-3-726, 46-3-727, 46-3-728, 46-3-729, 46-3-730, 46-3-731, 46-3-732, 46-3-733, 46-3-734, 46-3-735, 46-3-736, 46-3-737, 46-3-738, 46-3-739, 46-3-740, 46-3-741, 46-3-742, 46-3-743, 46-3-744, 46-3-745, 46-3-746, 46-3-747, 46-3-748, 46-3-749, 46-3-750, 46-3-751, 46-3-752, 46-3-753, 46-3-754, 46-3-755, 46-3-756, 46-3-757, 46-3-758, 46-3-759, 46-3-760, 46-3-761, 46-3-762, 46-3-763, 46-3-764, 46-3-765, 46-3-766, 46-3-767, 46-3-768, 46-3-769, 46-3-770, 46-3-771, 46-3-772, 46-3-773, 46-3-774, 46-3-775, 46-3-776, 46-3-777, 46-3-778, 46-3-779, 46-3-780, 46-3-781, 46-3-782, 46-3-783, 46-3-784, 46-3-785, 46-3-786, 46-3-787, 46-3-788, 46-3-789, 46-3-790, 46-3-791, 46-3-792, 46-3-793, 46-3-794, 46-3-795, 46-3-796, 46-3-797, 46-3-798, 46-3-799, 46-3-800, 46-3-801, 46-3-802, 46-3-803, 46-3-804, 46-3-805, 46-3-806, 46-3-807, 46-3-808, 46-3-809, 46-3-810, 46-3-811, 46-3-812, 46-3-813, 46-3-814, 46-3-815, 46-3-816, 46-3-817, 46-3-818, 46-3-819, 46-3-820, 46-3-821, 46-3-822, 46-3-823, 46-3-824, 46-3-825, 46-3-826, 46-3-827, 46-3-828, 46-3-829, 46-3-830, 46-3-831, 46-3-832, 46-3-833, 46-3-834, 46-3-835, 46-3-836, 46-3-837, 46-3-838, 46-3-839, 46-3-840, 46-3-841, 46-3-842, 46-3-843, 46-3-844, 46-3-845, 46-3-846, 46-3-847, 46-3-848, 46-3-849, 46-3-850, 46-3-851, 46-3-852, 46-3-853, 46-3-854, 46-3-855, 46-3-856, 46-3-857, 46-3-858, 46-3-859, 46-3-860, 46-3-861, 46-3-862, 46-3-863, 46-3-864, 46-3-865, 46-3-866, 46-3-867, 46-3-868, 46-3-869, 46-3-870, 46-3-871, 46-3-872, 46-3-873, 46-3-874, 46-3-875, 46-3-876, 46-3-877, 46-3-878, 46-3-879, 46-3-880, 46-3-881, 46-3-882, 46-3-883, 46-3-884, 46-3-885, 46-3-886, 46-3-887, 46-3-888, 46-3-889, 46-3-890, 46-3-891, 46-3-892, 46-3-893, 46-3-894, 46-3-895, 46-3-896, 46-3-897, 46-3-898, 46-3-899, 46-3-900, 46-3-901, 46-3-902, 46-3-903, 46-3-904, 46-3-905, 46-3-906, 46-3-907, 46-3-908, 46-3-909, 46-3-910, 46-3-911, 46-3-912, 46-3-913, 46-3-9

AFFIDAVIT OF PUBLICATION

State of New York, County of Orange, ss:

Teresa Tseng, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed NOTICE OF APPLICATION NO. 2881-2 to Reserve a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Oct. 24, 2024

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: 108.28

Teresa Tseng

(Signed) _____

VERIFICATION

State of New York
County of Orange

Subscribed in my presence and sworn to before me on this: 10/25/2024



Notary Public
Notarized remotely online using communication technology via Proof.

LAUREN A. PREDMORE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PR0000070
Qualified in Orange County
Commission Expires February 1, 2027

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 2881-2 to Reserve Water for Future Use

Notice is given that Western Dakota Regional Water System, PO Box 484, Rapid City SD 57709, has filed Application No. 2881-2 for a future use water permit. Application No. 2881-2 proposes to appropriate and reserve for future use 20,765 acre-feet of water annually from the Missouri River. The area reserved for future diversions from the Missouri River may be anywhere in Stanley County or Hughes County between Section 16-T6N-R29E and Section 5-T4N-R32E (Stanley County) or between Section 6-T11N-R79W and Section 11-T11N-R79W (Hughes County). The general location along the Missouri River begins near Chantier Creek and ends between La Framboise Island and Farm Island. The water is to be reserved as a future water supply for serving municipal and rural water system uses in Stanley, Lyman, Jones, Tripp, Haakon, Jackson, Butte, Meade, Pennington, Custer, Fall River, Oglala Lakota, Mellette, Lawrence, Perkins, Harding, Gregory, Todd, and Bennett counties. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2881-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Western Dakota Regional Water System has demonstrated a reasonable need to reserve water in the amount of 20,765 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application,

and staff report are available at <https://danr.sd.gov/> public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) on December 4, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 2881-2 to the Legislature for consideration during the 2025 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled December 4, 2024, agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on December 4, 2024.

Any person who intends to participate in the evidentiary hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the

board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 5, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be 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.

Upon scheduling the Board's evidentiary hearing, the applicant or any

person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 5, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

As applicable, the following provides the legal authority and jurisdiction under which any future hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-

15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published Oct 24, 2024 at the total approximate cost of \$108.28 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 28, 2025

NOTICE OF HEARING

To: Cheryl Chapman, Executive Director
Western Dakota Regional Water Systems
PO Box 484
Tea SD 57064

Jennifer Verleger, Assistant Attorney General
Legal Counsel for Chief Engineer
1302 E Hwy 14, Suite 1
Pierre SD 57501

From: Amanda Dewell, Permitting Administrator
SD DANR, Water Rights Program

Subject: Notice of Hearing on Future Use Water Permit Application No. 2881-2, Western Dakota Regional Water Systems

The South Dakota Legislature approved Senate Joint Resolution 501 providing legislative approval of the Future Use Water Permit Application No. 2881-2, filed by Western Dakota Regional Water Systems. The approved resolution was filed with the South Dakota Secretary of State on March 10, 2025 (see enclosure). Pursuant to SDCL 46-5-20.1, Future Use Application No. 2881-2 is now eligible for final consideration by the Water Management Board. Approval by the Legislature does not mandate approval by the Water Management Board.

The Water Management Board will conduct a hearing to consider Future Use Application No. 2881-2 at 9:30 AM (central time), on Wednesday May 7, 2025, at the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. The time is an estimate and may be delayed due to prior items on the agenda. Remote connection information will be made available on the Water Management Board webpage at <https://boardsandcommissions.sd.gov/>.

Pursuant to SDCL 46-2-9, 46-2-11, 46-2A-23, and 46-5-30.1, the Board has legal authority and jurisdiction to conduct this hearing. As a legal entity, Western Dakota Regional Water Systems is required to be represented by legal counsel in this administrative proceeding. Applicable provisions of the public notice published in the Dakota Herald on October 21, 2024, Winner Advocate, Faith Independent, Lyman County Herald, Gregory Times-Advocate, Custer County Chronical, Fall River County Herald-Star, Todd County Tribune, Mellette County News, and Lakota Times on October 23, 2024, Pioneer Review, Murdo Coyote, Nation's Center News, Rapid City Journal, Pennington County Courant, and Capitol Journal on October 24, 2024, and the Black Hills Pioneer on October 26, 2024, still apply.

Western Dakota Regional Water Systems may request an automatic delay of the hearing which will delay the hearing date by at least 20 days. The deadline for the request for an automatic delay is March 24, 2025.

Questions regarding the hearing process may be directed to myself or Ron Duvall, Water Rights Program (605) 773-3352 Amanda.Dewell@state.sd.us or Ron.Duvall@state.sd.us.

enclosure

Cc: David McVey, Assistant Attorney General, Legal Counsel for Water Management Board

CERTIFICATION

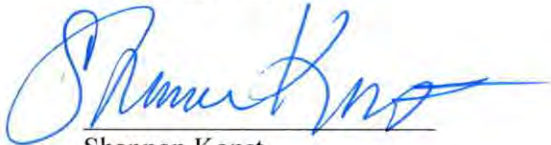
The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF HEARING & attachment dated March 28, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on March 28, 2025.

Cheryl Chapman, Executive Director
Western Dakota Regional Water Systems
PO Box 484
Tea SD 57064

Also sent via Inter-Office Mail to:

Jennifer Verleger, Assistant Attorney General
Legal Counsel for Chief Engineer
1302 E Hwy 14, Suite 1
Pierre SD 57501


David McVey, Assistant Attorney General
Legal Counsel for Water Management Board
1302 E Hwy 14, Suite 1
Pierre SD 57501



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of March, 2025.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





2025 South Dakota Legislature
Senate Joint Resolution 501
ENROLLED

AN ACT

A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Western Dakota Regional Water System.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

WHEREAS, pursuant to § 46-5-20.1, any application for an appropriation of water, in excess of ten thousand acre-feet annually, must be presented by the Water Management Board to the Legislature for approval, prior to action by the board; and

WHEREAS, pursuant to § 46-5-20.1, the Western Dakota Regional Water System submitted a future use water permit application numbered 2881-2 to the chief engineer of the water rights program within the Department of Agriculture and Natural Resources, seeking to have annually appropriated and reserved twenty thousand seven hundred and sixty-five acre-feet of unappropriated water from the Missouri River for the purpose of providing future water supplies to the Western Dakota Regional Water System counties of Bennett, Butte, Custer, Fall River, Gregory, Haakon, Harding, Hughes, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Oglala Lakota, Pennington, Perkins, Stanley, Todd, and Tripp; and

WHEREAS, the chief engineer, pursuant to § 46-2A-2, considered the permit application and recommended approval, with qualifications, because there is a reasonable probability that unappropriated water is available for the proposed use, the quantity of water sought to be reserved will be needed by the Western Dakota Regional Water System, the proposed use is a beneficial use, and the proposed use is in the public interest; and

WHEREAS, after a public hearing held on December 4, 2024, in Pierre, South Dakota, the Water Management Board moved to present the application to the Legislature for approval, subject to the following qualifications:

- (1) That future use water permit number 2881-2 annually reserve twenty thousand seven hundred and sixty-five acre-feet from the Missouri River;

LT

- (2) That future use water permit number 2881-2 is subject to review every seven years by the board and subject to cancellation if the board determines, during a review, that the Western Dakota Regional Water System cannot demonstrate a reasonable need for the permit; and
- (3) That at the time plans are made to construct the works and put the water reserved by future use water permit number 2881-2 to beneficial use, the executive director of the Western Dakota Regional Water System must apply to the board for all or part of the reserved water, pursuant to § 46-5-38.1;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundredth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Western Dakota Regional Water System's future use water permit application number 2881-2 is approved and returned to the Water Management Board for final action; and

BE IT FURTHER RESOLVED, that if future use water permit application number 2881-2 is approved by the Water Management Board, the board may act on any application to place the water reserved by application number 2881-2 to beneficial use, regardless of the amount being placed to beneficial use, including up to the full twenty thousand seven hundred and sixty-five acre-feet reserved by application number 2881-2, without further action by the Legislature.

KT

A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Western Dakota Regional Water System.

I certify that the attached Resolution originated in the:

Senate as Joint Resolution No. 501


Secretary of the Senate


President of the Senate

Attest:


Secretary of the Senate


Speaker of the House

Attest:


Chief Clerk

STATE OF SOUTH DAKOTA,

Office of the Secretary of State

SS.

at 9:43 Filed March 10, 2025
o'clock A M.


Secretary of State

By _____
Asst. Secretary of State

Senate Joint Resolution No. 501

File No. _____

Chapter No. 66




**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 13, 2025

NOTICE OF HEARING

To: Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 E Capitol Ave
Pierre SD 57501

From: Mark Mayer, PE 
Director of Office of Water, DANR

Subject: Validation of Recognized Vested Water Right Claim No. 1548-3
Department of Game, Fish, and Parks for Faulkton Lake & S Fork Snake Creek

A Notice of Intent to validate recognized Vested Water Right Claim No. 1548-3, for Faulkton Dam, was published in the Faulk County Record on June 22 and 29, 1988. The Notice was published to validate the claim for sufficient water to fill Faulkton Lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. The Chief Engineer petitioned opposing the validation of all Department of Game, Fish, and Parks vested water right claims for dams to include the spillway elevation, correct the amount of water claimed, and add any amendments and qualifications necessary to clarify the vested right claim.

Water Rights Program staff collected survey data for Faulkton Dam in October 2024, which included the spillway elevation. Therefore, validation of the vested right claim may now proceed.

Enclosed is the recommendation for the Water Management Board to validate the recognized Vested Water Right Claim No. 1548-3 for sufficient water annually to maintain the water to the spillway elevation of 1,597.4 feet mean sea level (NAVD 88).

The Water Management Board will consider validation of Claim No. 1548-3 at 9:30 AM (Central Time) on Wednesday May 7, 2025, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior times on the agenda.

Applicable provisions of the published notice of intent to validate Claim No. 1548-3 will still apply to this hearing.

Please contact Ron Duvall or Amanda Dewell with the Water Rights Program (605) 773-3352 if you have any questions.

enclosure

cc: Jennifer Verleger, Assistant Attorney General
James Gilkerson, Dept of Game, Fish, and Parks
Ryan Tobin, Dept of Game, Fish, and Parks



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 1548-3,
DEPARTMENT OF GAME, FISH, AND PARKS, FAULKTON LAKE**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources, concerning validation of Recognized Vested Water Right Claim No. 1548-3, Department of Game, Fish, and Parks, c/o Secretary Kevin Robling, 523 E Capitol Ave, Pierre SD 57501.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vested Water Right Claim No. 1548-3 for sufficient water to maintain the water level to Faulkton Lake's spillway elevation of 1,597.4 feet mean sea level (NAVD 88). The vested water right will retain a priority date of January 1, 1936.

This recommendation is based on survey data collected at Faulkton Dam by Water Rights Program staff, which included the spillway elevation.

Mark Mayer, PE
Director of Office of Water
March 13, 2025

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF HEARING & RECOMMENDATION dated March 13, 2025, via Inter-Office Mail to the following parties on March 13, 2025.

Kevin Robling, Secretary
SD Dept of Game, Fish, and Parks
Joe Foss Building

James Gilkerson
SD Dept of Game, Fish, and Parks
Joe Foss Building

Ryan Tobin
SD Dept of Game, Fish, and Parks
Joe Foss Building

Jennifer Verleger, Assistant Attorney General
1302 E Hwy 14, Suite 1
Pierre SD 57501


David McVey, Assistant Attorney General
1302 E Hwy 14, Suite 1
Pierre SD 57501



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8924-3, Ricky Miller**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8924-3, Ricky Miller, 19524 398th Avenue, Hitchcock SD 57348.

The Acting Chief Engineer is recommending DEFERRAL of Application No. 8924-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8924-3 is to allow time for the applicant to retain a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara aquifer in this area will induce recharge from the fully appropriated Tulare: Western Spink Hitchcock aquifer. Inducing inflow from a fully appropriated aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board.

See report for further information.

Mark Mayer, PE
Director of Office of Water
March 20, 2025

NOTE: The applicant or their consultant shall consult with the Water Right Program regarding requirements for a suitable aquifer performance test. To discuss the requirements and recommendations for an aquifer performance test, please contact Adam Mathiowetz at (605) 773-3352.

As noted in the report, the water quality in the Niobrara aquifer may not be suitable for irrigation due to the water's high sodium adsorption ratio. If this application proceeds and receives a favorable recommendation, the applicant is encouraged to consult with a qualified soil scientist to complete a soil-water compatibility analysis to determine whether the water is suitable for irrigation or, when used for irrigation, best management practices are followed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.

**Report to the Chief Engineer on
Water Permit Application No. 8924-3**

Ricky Miller

11 March, 2025

Water Permit Application No. 8924-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 145 feet deep) located in the approximate center of the SE ¼ Section 26 for irrigation of 160 acres located in the SE ¼ Section 26; all in T113N-R62W. This site is located in Beadle County approximately 13 miles north of Huron, South Dakota.

Aquifer: Niobrara (NBRR)

Hydrogeologic Characteristics

The Niobrara aquifer is composed of the permeable and saturated portions of the upper-Cretaceous-aged Niobrara Formation. The Niobrara Formation is a “white to dark-gray argillaceous chalk, marl, and shale [1]” underlying most of South Dakota. Productivity in the Niobrara aquifer is mainly from secondary porosity features such as fractures, faults, and solution cavities [2]. Therefore, its characteristics vary greatly from location to location, and it is typically more productive in areas where weathering to the formation has occurred. The Niobrara Formation underlies approximately 29,054 square miles (18,594,560 acres) in South Dakota east of the Missouri River, including all 1,249 square miles (799,360 acres) of Beadle County and all 1,509 square miles (965,760 acres) of Spink County [2]. Some areas of the Niobrara Formation are separated from the main body of the formation by erosional channels. This application is located in the main body. The main body of the Niobrara Formation underlies approximately 27,500 square miles (17,600,000 acres) in South Dakota east of the Missouri River, including all of Spink and Beadle Counties [3]. The Niobrara Formation underlies the Cretaceous-aged Pierre Shale and the Quaternary-aged glacial deposits including the Tulare aquifer [4]. The Niobrara Formation directly overlies the Cretaceous-aged Carlile Shale [5]. In some places the Cretaceous-aged Pierre Shale is a confining layer between the Niobrara Formation and Tulare aquifer and in other places the Niobrara Formation is in direct contact with the Tulare aquifer. The contact between the Niobrara Formation and the Pierre Shale, and the Niobrara Formation, Pierre Shale, and glacial deposits is unconformable [7], which means there was a period of erosion between the deposition of each of those three deposits. Erosional periods can cause highly undulating surfaces of the bedrock formations which can be difficult to predict based on the available lithological information. Based on available information, including lithologic logs and bedrock mapped in the area of these applications, it is likely the Tulare aquifer comes into direct contact with weathered portions of the Niobrara aquifer at the site of this application which is supported by the well completion report submitted with this application. Consequently, withdrawals from wells completed into the Niobrara Formation could cause flow to go from the Tulare aquifer to the Niobrara aquifer when the two aquifers are in direct contact. The Tulare: Western Spink-Hitchcock aquifer is the directly overlying management unit of the Tulare aquifer at this site. The Tulare: Western Spink- Hitchcock aquifer management unit is fully appropriated [8].

A well completion report was submitted with this application for one well completed on November 25, 2024 in the SW ¼ SW ¼ Section 26 T113N-R62W. The driller reported encountering coarse sand from 30 to 45 feet below grade, sand and coal from 45 to 65 feet below grade, fine sand from 65 to 75 feet below grade, sand streaks from 75 to 85 feet below grade, and chalk from 85 to 145 feet below grade. The driller indicated he drilled to 300 feet below grade, but did not indicate what formations he encountered from 145 to 300 feet below grade in the well completion report. In the driller's notes which were submitted as an attachment, he indicates encountering light grey chalk with very little water from 97 to 300 feet. At the end of the drilling portion of the notes, he indicated "Chalk drills like it's wide open. Hardly getting any cuttings." On the well completion report, the driller indicated setting screen from 105 to 145 feet below grade. He indicated the well was dry and had no static water level. After pumping the well and finding it unproductive, the driller removed the pump and all casing materials.

The described formations are consistent with the presence of a glacial aquifer (the Tulare: Western Spink-Hitchcock aquifer) being present from 30 to 85 feet below grade and the Niobrara Formation lying below it from 85 to 300 feet below grade. A lack of flow in the Niobrara Formation in the SW ¼ Section 26 does not mean there will be no flow in the SE ¼ of the same section. However, it is likely the applicant may need multiple wells to provide the requested rate, if this application is developed.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is 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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Niobrara aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge to the Main Body

Recharge to the Niobrara aquifer likely occurs by inflow from aquifers in contact with the Niobrara when the hydraulic head is higher in the other aquifers than in the Niobrara aquifer. No

estimate of the recharge to the Niobrara aquifer is available due to the extreme variability of aquifer characteristics across South Dakota. Observation well water levels in the Niobrara aquifer indicate that recharge exceeds withdrawals in the aquifer [9].

Discharge from the Main Body

Discharge from the Niobrara aquifer is likely by groundwater outflow to aquifers in contact with the Niobrara aquifer when the hydraulic head in the Niobrara aquifer is higher than that of the other aquifers and by withdrawals from domestic and appropriative wells [4]. Domestic wells are not a significant source of discharge in the Niobrara aquifer due to the presence of rural water systems and stratigraphically higher aquifers and the relatively limited diversion rates. There are 35 water rights/permits appropriating water from the main body of the Niobrara aquifer [10] [3]. Of those, 16 are for irrigation, seven are for commercial use, six for municipal use, four for institutional use, and one each for industrial use and fish and wildlife propagation.

Total irrigation reported in the main body of the Niobrara aquifer is shown in Figure 1. The average irrigation reported in the main body of the Niobrara aquifer over the period of record from 1979 through 2024 is 373 acre-feet per year (ac-ft/yr) [11]. However, multiple permits in the aquifer are relatively new and have not developed their systems yet. Table 1 lists each irrigation permit in the main body of the Niobrara aquifer, the number of years reporting, average reported volume, and other information. Permits with less than 10 years of reports are estimated to withdraw 10 inches per permitted acre. Permits with more than 10 years of reports are estimated to withdraw their average reported volume. Therefore, the estimated withdrawal by irrigation in the main body of the Niobrara aquifer is 1,346 ac-ft/yr.

Of the non-irrigation water rights/permits, Water Right Nos. 4121A-3, 4264A-3, 4264B-3, and 4278-3 are held by municipalities that purchase their water from another water distribution system [12] [13]; therefore, these water rights are assumed to withdraw a negligible amount of water for the hydrologic budget. There are two non-irrigation water rights/permits required to report their annual withdrawal but are still developing their permits. Those permits are assumed to withdraw the maximum volume limit listed on their permit, for a combined withdrawal of 227 ac-ft/yr. The remaining 13 non-irrigation water rights/permits are assumed to withdraw at their maximum licensed or permitted diversion rate 60% of the time, for an estimated combined average annual withdrawal rate of 705 ac-ft/yr.

There are six water permit applications (Nos. 8721-3, 8722-3, 8749-3, 8750-3, 8751-3, and 8752-3) which were deferred in the December 2023 Water Management Board hearing due to the possibility of inducing flow from the fully appropriated Tulare aquifers which overlie them. Those six permits proposed to irrigate a total of 2,758 acres in Spink and Beadle Counties at a total maximum withdrawal rate of 36.350 cfs. If those permits are approved, they are estimated to withdraw 2,298 ac-ft/yr assuming they irrigate at a rate of 10 inches per acre.

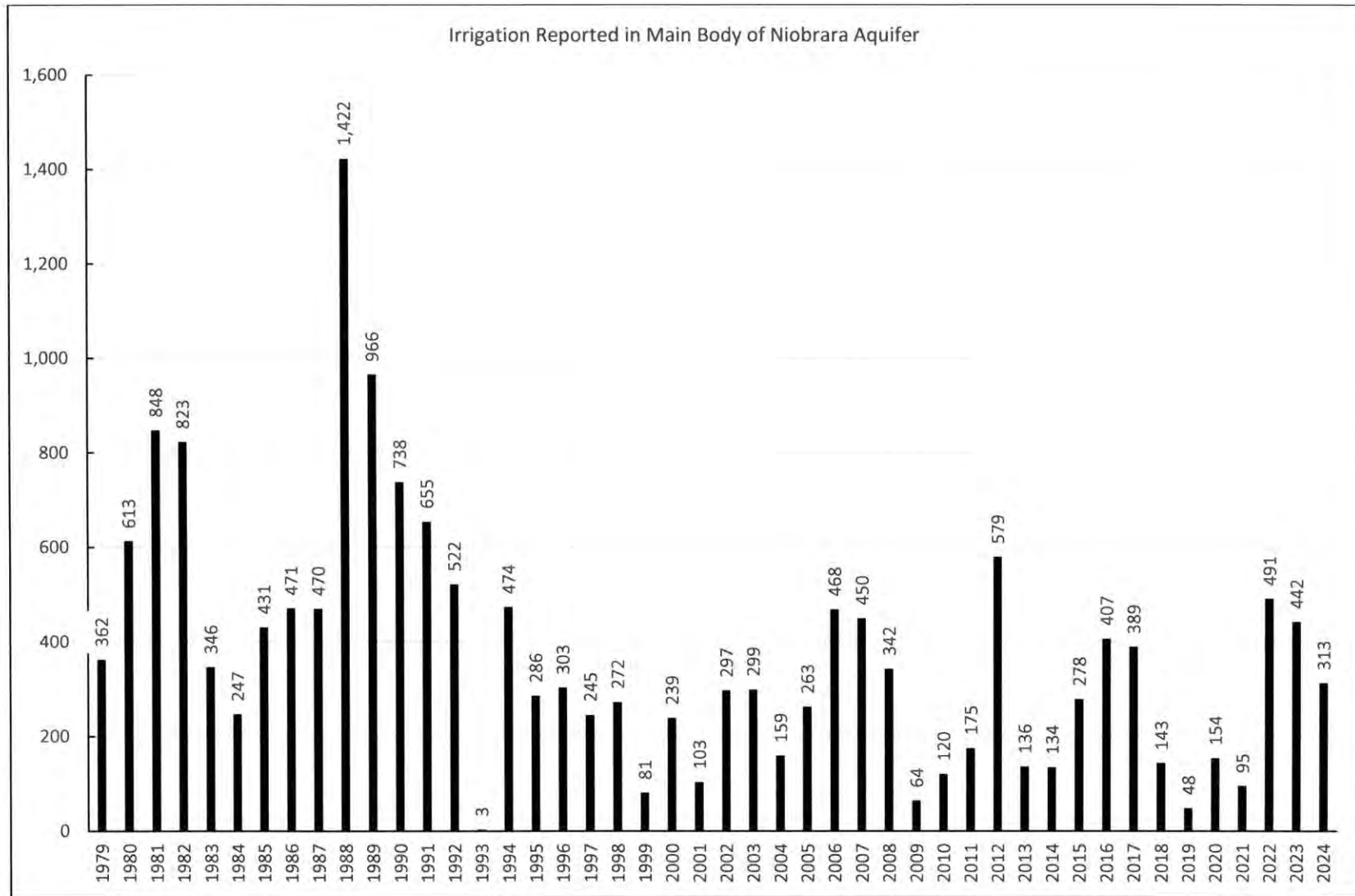


Figure 1: Irrigation reported in the main body of the Niobrara aquifer from 1979-2024 [11]

Report on Water Permit App. No. 8924-3

Table 1: Irrigation reported in the main body of the Niobrara aquifer by permit [11]

Permit No.	Name/Business	Status	County	Priority Date	Acres	Max. CFS	No. Years Reporting	Avg. Report (ac-ft)	Est. Use (ac-ft/yr)
1238-3	Lincoln Neugebauer	License	Davison	12/14/1965	386.0	1.880	46	55	55
1280-3	Marty Neugebauer	License	Davison	06/08/1966	152.0	2.040	46	76	76
3442-3	Robert Maeschen	License	Davison	09/01/1976	108.0	1.220	46	85	85
3788-3	Randal L Rumbolz	License	Davison	03/09/1977	120.0	1.330	46	11	11
3789-3	Randal L Rumbolz	License	Davison	03/09/1977	130.0	1.330	46	34	34
6532-3	Mitchell School District 17-2	Permit	Davison	07/19/2004	10.0	0.144	20	4	4
6615-3	Meadow Lawn Plaza LLC	License	Davison	03/24/2005	1.2	0.070	20	2	2
8005-3	Robert Maeschen	License	Davison	04/24/2014	132.0	1.340	10	41	41
8019-3	Mark Hohn	Permit	Davison	05/28/2014	145.0	1.730	10	55	55
8361-3	Mark Hohn	Permit	Davison	06/18/2018	145.0	0.170	6	38	121
8465-3	Robert Maeschen	License	Davison	12/21/2020	85.0	1.110	4	38	71
8579-3	Brett Guthmiller	Permit	Hutchinson	10/02/2024	32.0	0.890	0	N/A	27
8678-3	Huron Hutterian Brethren	Permit	Beadle	11/21/2022	300.0	4.460	2	0	250
8748-3	Van Buskirk Farms LLP	Permit	Beadle	06/30/2023	136.0	1.940	1	0	113
8773-3	Danny R Peterson	Permit	Spink	06/20/2023	160.0	2.110	1	0	133
8909-3	Tim Neugebauer	Permit	Davison	11/14/2024	320.0	2.220	0	N/A	267
Total					2,362.2	23.984	304	440	1,346

Summary of Hydrologic Budget of the Main Body

There is no estimate available for the recharge to the Niobrara aquifer due to its highly variable aquifer characteristics. The estimated average annual withdrawal from the main body of the Niobrara aquifer, including deferred permits, is 4,576 ac-ft/yr (Table 2). This application proposes to irrigate 160 acres. By multiplying 160 acres by 10 inches of water per acre year, the estimated average annual withdrawal for this application is 133 ac-ft/yr. By dividing the estimated 4,709 ac-ft/yr of withdrawal by the 17,600,000 acres of the main body of the Niobrara Formation, the recharge to the formation would have to exceed 0.003 inches per acre for recharge to exceed withdrawals. Given the very small amount of recharge needed to exceed withdrawals, there is reasonable probability unappropriated water is available in the Niobrara aquifer for this application.

Table 2: Summary of estimated withdrawals from the main body of the Niobrara aquifer

Type	Number	Est. Withdrawal (ac-ft/yr)
Irrigation	16	1,346
Non-irrigation, Standby	4	0
Non-irrigation, Volume	2	227
Non-irrigation, Sixty percent	13	705
<i>Subtotal, authorized to withdraw</i>	35	2,278
Deferred applications	6	2,298
Grand total	41	4,576

Beadle County Hydrologic Budget

Because the Niobrara aquifer has highly variable aquifer characteristics, it is appropriate to consider a more localized hydrologic budget. Lacking distinctive hydrogeological boundaries smaller than the extent of the main body of the aquifer, the hydrologic budget concerning only the area of Beadle County is considered. There are five water rights/permits authorized to withdraw from the Niobrara aquifer and four deferred applications in Beadle County. Using the same methods as in the statewide section, the estimated withdrawal for water rights permits authorized to withdraw from the Niobrara aquifer in Beadle County is 1,787 ac-ft/yr. This application would add an estimated 133 ac-ft/yr of withdrawals. By dividing the 1,920 ac-ft/yr of proposed or actual withdrawal over 809,600 acres in Beadle County, the necessary recharge rate for the Niobrara aquifer in Beadle County would be 0.03 inches per year.

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine the availability of unappropriated water. The Water Rights Program maintains 63 observation wells completed into the Niobrara aquifer, 40 of which are completed into the main body of the aquifer [9] [3]. The nearest observation well completed into the Niobrara aquifer to this application is BD-2023A, which is located approximately 3.7 miles northeast of the proposed well for this application. The period of record for Observation Well BD-2023A is limited and does not reflect fluctuations in the aquifer through wet and dry periods. The next nearest observation wells are SP-2023A, BD-2023B, and SP-77D, shown in Figure 2 [9]. Figure 3 shows water elevations in

those observation wells over their entire periods of record [9]. Water levels in observation wells completed into the main body of the Niobrara aquifer all have stable or increasing trends [9]. Observation Well SP-77D is representative of the general behavior of the Niobrara aquifer, although at the distance from the proposed well site, it does not reflect changes that would be specific to the area of this application. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. The fluctuation due to natural influences indicates water is naturally discharged from the Niobrara aquifer. The Water Management Board historically has considered natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available in the Niobrara aquifer for these applications.

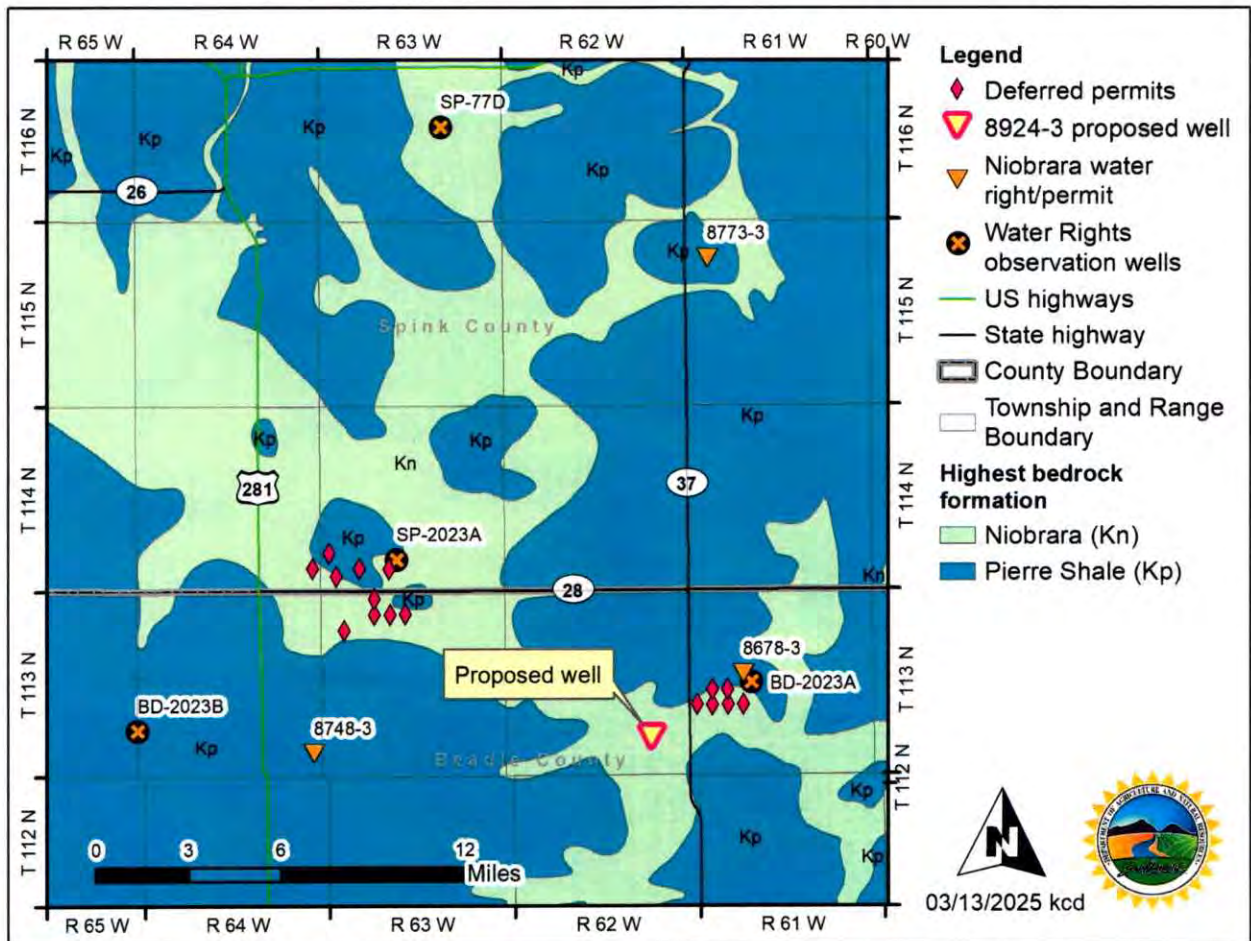


Figure 2: Map of nearby water rights, deferred permits, observation wells, and bedrock formations

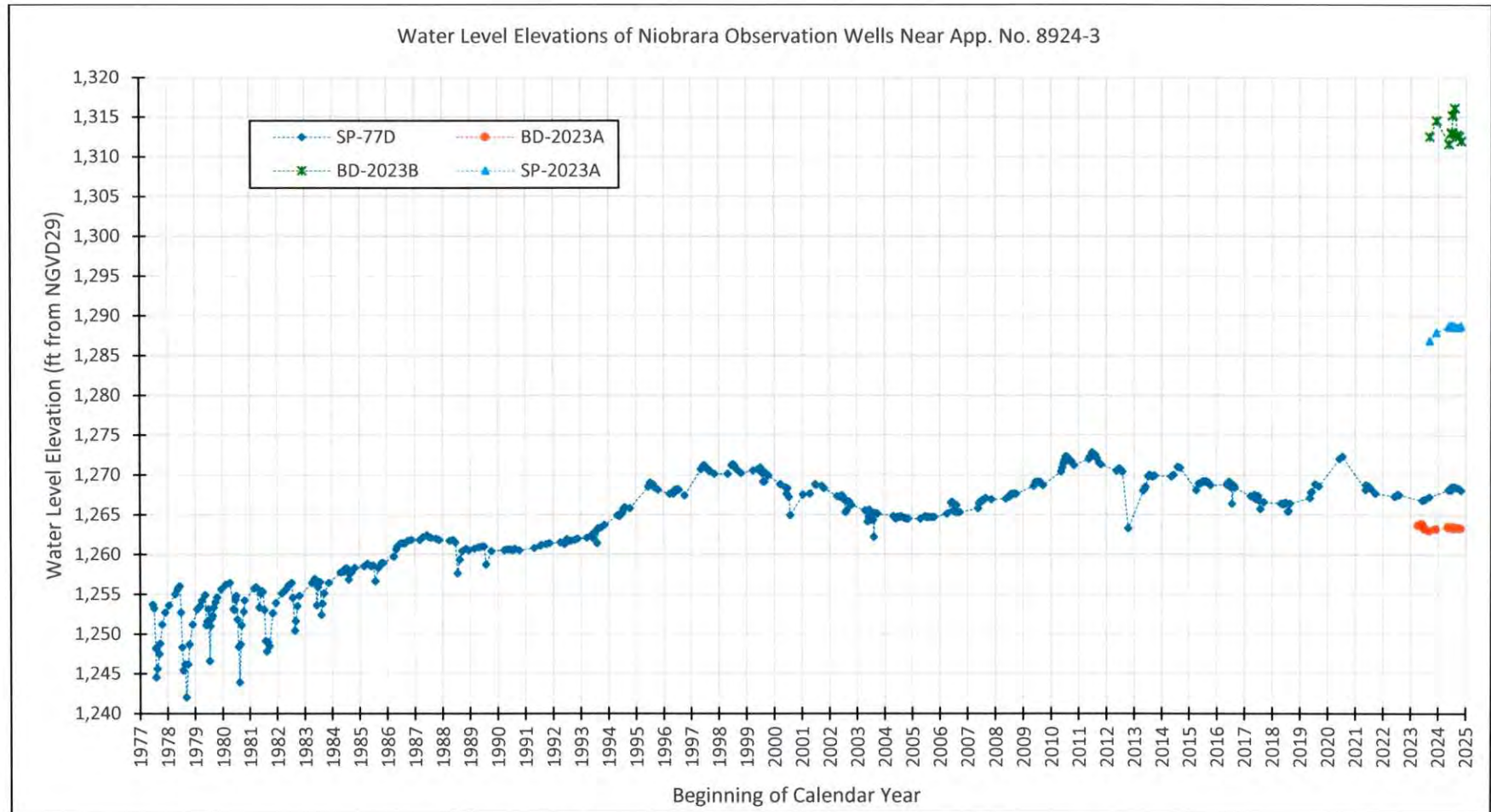


Figure 3: Observation well data for Niobrara aquifer observation wells near this application [9]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that is completed into the Niobrara aquifer is Water Permit No. 8678-3, located approximately 3.6 miles east-northeast of the proposed well for this application [10]. Deferred Water Permit Application Nos. 8721-3 and 8722-3 are between this application and Water Permit No. 8678-3 as shown in Figure 2. If the deferred permits are approved, they would have senior priority to this application. There are no domestic wells on file with the Water Rights Program that are likely to be completed into the Niobrara aquifer within three miles of this application [14]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

If these applications are approved, some drawdown in the aquifer will occur in the proximity of the pumping wells. There are no complaints concerning unlawful impairment of existing water rights in the Niobrara aquifer in Beadle County [15]. If this application is approved, the applicant should control their withdrawals so that an unlawful impairment of adequate wells does not occur. Based on the distance of the proposed well to the nearest water right, and lack of complaints concerning well interference in the Niobrara aquifer on file in Beadle County, there is reasonable probability these applications can be developed without unlawful impairment of existing domestic uses and water rights in the Niobrara aquifer. However, if this application is developed, it may induce withdrawal from the Tulare: Western Spink-Hitchcock aquifer which is a fully appropriated aquifer. Over time induced withdrawals from the Tulare aquifer may create conditions that could be considered an unlawful impairment of existing water rights in the Tulare: Western Spink-Hitchcock aquifer.

Special Consideration – Induction of Water from a Fully Appropriated Management Unit

As discussed in the Hydrogeologic Characteristics section, the area of Niobrara aquifer from which this application seeks to appropriate water directly underlies the fully appropriated Tulare: Western Spink-Hitchcock aquifer management unit. Consequently, pumping from the Niobrara aquifer may induce inflow from a fully appropriated management unit of the Tulare aquifer. The potential impact to a fully appropriated aquifer may pose a beneficial use and public interest consideration for the Water Management Board which is beyond the technical review provided in this report. To aid in decision-making by the Board, the applicant should conduct an aquifer performance test monitoring both the Niobrara aquifer and the Tulare: Western Spink-Hitchcock aquifer prior to approval of this application to determine whether pumping from the Niobrara

aquifer under the local hydrogeologic conditions will induce inflow from the Tulare: Western Spink-Hitchcock aquifer.

Special Consideration – Suitability for Irrigation

In a letter to the holder of Cancelled Water Permit No. 1286-3 dated November 27, 1978, then Chief Engineer Hatch indicated the permit holder had abandoned use of that irrigation permit because the water was ruining his land [10]. Hamilton and Howells [16] indicate “The large sodium concentration in the Niobrara aquifer makes the water unsuitable for irrigation use.” It is recommended the applicant complete a soil-water compatibility analysis by a qualified soil scientist to determine whether the water is suitable for irrigation, or when used for irrigation, what best management practices are needed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.

Conclusions

1. Water Permit Application No. 8924-3 proposes to appropriate 1.89 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 26 for irrigation of 160 acres located in the SE $\frac{1}{4}$ Section 26; all in T113N-R62W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water in the Niobrara aquifer is available for this application.
3. There is reasonable probability this application can be developed without unlawful impact to other water users within the Niobrara aquifer.
4. If this application is approved, the applicant should follow best management practices as recommended by a qualified soil scientist to prevent damage to the soil from poor water quality in the Niobrara aquifer. The permit may include a qualification requiring regular testing of the soil salinity.
5. Based on the lithologic information available, this application should be deferred to allow for an aquifer performance test to determine whether Niobrara aquifer withdrawals potentially impact the Tulare: Western Spink-Hitchcock aquifer at the site location.



Kimberly C. Drennon, E.I.
DANR Water Rights Program
Natural Resources Engineer III

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- [14] SD DANR Water Rights Program, "Well Completion Reports," SD DANR Water Rights Program, Pierre, South Dakota, 2025.
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F. P. 04-02-25

**NOTICE OF HEARING
on Application
No. 8924-3 to
Appropriate Water**

Notice is given that Ricky Miller, 19524 398th Avenue, Hitchcock SD 57348, has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (approximately 145 feet deep) located in the approximate center of the SE 1/4 Section 26 for irrigation of 160 acres located in the SE 1/4 Section 26; all in T113N-R62W. This site is located approximately thirteen miles north of Huron SD.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 8924-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8924-3 is to allow time for the applicant to retain a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Niobrara aquifer in this area will induce recharge from the fully appropriated Tulare: Western Spink Hitchcock aquifer. Inducing inflow from a fully appropriated aquifer presents beneficial use and public interest concerns for consid-

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

The May hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by April 14, 2025. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 14, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to

ensure accommodations are available. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 9:45 AM (Central Time) on May 7, 2025, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 14, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the applica-

tion by the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 14, 2025. 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 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

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I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Ricky Miller -Notice of Hearing was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 4/2/2025. The full amount of the fee charged for publishing \$79.50 is to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.



Subscribed and sworn to me before this date 4/16/25.



Notary Public, South Dakota

My Term Expires 12/27/2030

