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

WATER MANAGEMENT BOARD MEETING
December 2, 2026

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

2051-1	Continental Resources	Oklahoma City	HR	360 AF	IND	1 well – Inyan Kara	wi, wcr, 2 special
2053-1	Randy Orbeck	Nisland	BU	0.445 cfs	IRR(114 acres)	Belle Fourche	lf, iq, 3 special
2056-1	Clint Krambeck	Spearfish	LA	1.78 cfs	IRR(132 acres)	Lake Creek	
2908-2	JKRK Properties LLC.	Rapid City	PE	121.5 AF	WDS	1 well – Madison	wi, wcr, 3 special
2911-2	Doug Perry	Presho	LY	0.67 cfs	IRR(40 acres)	White River	lf, iq, 4 special
2913-2	True North Retreat	Rapid City	CU	1.0 AF	COM/REC	1 well – Crystalline Rock	wi, wcr, 2 special
2918-2	Jeff Johnson	Martin	BT	2.23 cfs	IRR(156 acres)	1 well – Ogallala	wi, wcr, iq
8999-3	Craig Brock	Hitchcock	BD	1.78 cfs	IRR(155 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq
9013-3	Danny Peterson	Hitchcock	SP	No Add'l	IRR(160 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9014-3	Danny Peterson	Hitchcock	SP	No Add'l	IRR(260 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9015-3	Danny Peterson	Hitchcock	SP	No Add'l	IRR(160 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9016-3	Danny Peterson	Hitchcock	SP	No Add'l	IRR(160 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9017-3	Danny Peterson	Hitchcock	BD	No Add'l	IRR(160 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9018-3	Danny Peterson	Hitchcock	SP	No Add'l	IRR(320 acres)	2 wells – Tulare: Western Spink Hitchcock	wi, wcr, iq, 1 special
9031-3	South Lincoln RWS	Beresford	LN	1,448 AF	RWS	11 wells – Dakota	wi, 3 special
9036-3	Martin Anderson	Hitchcock	BD	1.86 cfs	IRR(136 acres)	1 well – Tulare: Western Spink Hitchcock	wi, wcr, iq
9038-3	Erik Cimpl	Dante	LN	44.7 AF	REC/FWP	Choteau Creek	lf, 5 special
9040-3	Freeman School District	Freeman	HT	0.111 cfs	IRR(6 acres)	1 well – Niobrara	wi, wcr, iq
9041-3	Steve Allard	Elk Point	UN	No Add'l	IRR(440 acres)	2 wells – Missouri: Elk Point	wi, wcr, iq, 1 special
9044-3	MDB Properties, LLC.	Sioux Falls	LN	1.34 cfs	IRR(300 acres)	2 wells – Shindler	wi, wcr, iq
9046-3	BF Land, c/o Bret Fliehs	Groton	BN	1.78 cfs	IRR(150 acres)	Drain Tile Outfall	wi
9048-3	BF Land, c/o Bret Fliehs	Groton	BN	1.33 cfs	IRR(66 acres)	Drain Tile Outfall	wi
9049-3	Rogge Excavating	Ghent	DU	10 AF	IND	Retention Ponds (BS:B)	wi, 2 special
9050-3	Grant-Roberts RWS	Milbank	CD	1,228 AF	Future Use	Antelope Valley	4 special

Dewell, Amanda

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Thursday, October 29, 2026 4:59 PM
To: Duvall, Ron; Dewell, Amanda
Subject: [EXT] Comment on No. 2051-1, Continental Resources, c/o Peter MacIntyre

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:
No. 2051-1, Continental Resources, c/o Peter MacIntyre

Comment Deadline Date:
11/02/2026

Date Comment Filed:
10/29/2026 16:58:59

Commenter Info:
Cindy Lloyd
PO BOX 872
Spearfish SD, 57783

Comment:
I am writing to urge the DANR to reject the permits for this mining. We, the taxpayers, have already been left to clean up behind other mining projects like this and there are some chemicals that are being used and the radioactive materials mined that can never be safely mined. We are responsible to ensure that the generations of South Dakotans will have safe clean water to drink. One big step in doing that will be rejecting this permit out right. thank you Cindy Lloyd

Attachment:

RECEIVED

OCT 1 0 2026

Water Rights Program

Comment

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Concerning Application for a Water Right Permit

Application No. 2053-1 **Name of Applicant** Randy Orbeck

The Application No. and applicant's name can be found in the public notice at https://danr.sd.gov/public.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

Regarding the additional water allocation for Randy Orbeck's water right we have concerns that the added gallons per minute could affect downstream water users. We believe the section of the Belle Fourche River from the diversion dam to the Owl Creek Confluence of the Belle Fourche River has the least amount of water available for irrigation. We would encourage the Water Board to take this into consideration.

Thank you,
Randy & Rhonda Vallery
Brian & Codi Mills
Nislan, SD

Commenter's name and address:

First Name: Randy Last Name: Vallery

Address: 12287 Vallery Road

City: Nisland State: SD Zip: 57762

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

Application No. 2053-1

Commenter's Name Randy & Rhonda Vallery, Brian & Codi Mills

Any additional comments:

RECEIVED

OCT 13 2026

Water Rights Program

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Comment

Concerning Application for a Water Right Permit

Application No. 2053-1 **Name of Applicant** Randy Orbeck

The Application No. and applicant's name can be found in the public notice at https://danr.sd.gov/public.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

Even though I have decided not to contest this application for a water right because of it's volume, I feel it necessary to comment on the surrounding situation on this part of the Belle Fourche River.

I don't know how it is decided if there is enough water to appropriate, but everyone from Maloney Creek on down who has water rights feels that this area is already over appropriated by a significant amount. I personally feel that the state isn't really aware of the situation and only determines appropriation by an applicant's claim that there is enough water for them to pump.

We are at a point where we have intermittent shut off times during the summer for low flows and making that more severe is setting up a situation where previous water rights will have to deal with it by either shutting off more often at the detriment of their crops, or requesting water right use regulation from the state during the summer.

We have a saying that we share with each other from time to time when more water rights are issued from the state on this part of the river and it's "being up river is really who has the earlier permit".

There are huge investments made to develop an irrigation system, and if the state keeps issuing water rights on this part of the river, those investments will seriously be threatened above what they already are. What the state uses for a reason to keep appropriating water and how they measure it for this area of the river is not easily understood given the situation we are actually dealing with.

Given the fact that the state does not enforce the 3 year use it or lose it law at all on this portion of the river, even when those who are past the 3 year requirement admit non use on their survey, the over appropriation situation becomes even more severe when those permits are passed on with the land when sold and then are re-developed. I personally have no idea why the state ignores the enforcement of this law, even when there are those of us who have known knowledge of a permit's non use. We do not understand what it takes to actually prove non use because our testimony has never been enough when someone decides they want to start pumping again after years of non use. Most of us would be more understanding of these situations if the state allowed them to retain their permits as long as their priority date was put to the back of the line, but even that doesn't happen.

The intent of my comments is to give the state a clearer understanding of the reality along this portion of the river and how many of us feel about it. I understand that my claims of how others feel holds no real weight because I can only technically represent myself here, but I assure you there is frustration over this issue among us all. We have no idea where the point is going to be where the state will finally say, there is no more water to appropriate in this part of the Belle Fourche River.

Thanks for your consideration of this issue.

Ed Kling

Commenter's name and address:

First Name: Ed Last Name: Kling

Address: 12345 Vallery Rd.

City: Nisland State: SD Zip: 57762

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

Application No. 2053-1

Commenter's Name _____

Any additional comments:

Dewell, Amanda

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Friday, November 6, 2026 5:00 PM
To: Duvall, Ron; Dewell, Amanda
Subject: [EXT] Comment on No. 2056-1, Clint Krambeck

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Comment On:
No. 2056-1, Clint Krambeck

Comment Deadline Date:
11/16/2026

Date Comment Filed:
11/06/2026 17:00:16

Commenter Info:
Robert Gmeiner
942 Ridgecrest Dr
Vermillion SD, 57069

Comment:
I am an economics professor at the University of South Dakota, and my comment pertains to near certain groundwater contamination. I approve of mining and mineral exploration, but groundwater contamination is an externality, or a cost of an activity that is borne by neither the producer nor the consumer. Local residents and ranchers will bear this cost. From a societal standpoint, this mining is only efficient if the producer bears the cost of cleaning up any and all contamination. If the producer can do this and still turn a profit, then the project is worth it. However, it is imperative that those who cause the contamination pay to clean it up. Only when all benefits exceed all costs, including costs to others, can there be any determination of whether this is worth it.

Attachment:

RECEIVED

JUN 22 2026

OFFICE OF WATER

FILE COPY

PAID

JUN 18 2026

Ck# 1030

Rec't# _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to:	No. 2006A-1 Hydrologic Unit 10120112
SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	Basin Lower Cheyenne Newspaper Faith Independent Rapid City Journal (office use only)

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ **New** ☐ **Vested Right** (Use predates Mar 2, 1955) ☒ **Amendment/Correction to Permit No.** 2006-1

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
request to extend construction completion deadline due to unforeseeable engineering difficulties/ supply chain issues (due to Covid-19 pandemic)

1. Name to Appear on Irrigation Permit Thomas Simons

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 2024 Cheyenne Crossing Rd (Address) Faith (City) SD (State) 57626 (Zip Code)

Phone 605-985-5026 Mobile _____ Email simonsangus13@gmail.com

2. Amount of water claimed N/A *CFS or N/A **GPM N/A ***AF Total Acreage N/A
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Cheyenne River

4. Location of point of diversion river pump between NW 1/4 NE 1/4 Sec 29 & W 1/2 NW 1/4 Sec 15; all in T6N-R17E (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
see below			

8. Give a description of the project. (Attach sheet if more space is needed)
Requesting extension of construction completion deadline for WP No. 2006-1, with no increase to the 5.34 cfs diversion rate or the 900 acres to be irrigated in portions of Section 16, 17, 18, 19, and 20; all in T6N-R17E (fully described in Permit No. 2006-1)

I, Thomas A. Simons (Name of Person), Owner (Title (if applicable)), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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

44.48341/-102.06129

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

RECOMMENDATION OF THE CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 2006A-1 TO AMEND WATER PERMIT NO. 2006-1, Thomas Simons

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 Water Permit Application No. 2006A-1, Thomas Simons, 20240 Cheyenne Crossing Road, Howes SD 57748.

The Chief Engineer is recommending APPROVAL for an extension of time for five years to Water Permit No. 2006-1 because of exigent circumstances and, because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with written orders by the Chief Engineer.

2. Water Permit No. 2006A-1 is subject to shut-off orders issued by the Chief Engineer if a holder of a downstream senior water right or domestic user makes a call of impairment and the Chief Engineer determines under current flow conditions, pumping diminishes the flow available downstream.

3. The irrigation intake(s) for this project must be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.

4. Water Permit No. 2006A-1 incorporates the applicable portions of Water Permit No. 2006-1, authorizing a maximum diversion rate of 5.34 cfs for the irrigation of 900 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.

5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Adam Mathiowetz, PE
Chief Engineer
Department of Agriculture and Natural Resources-Water Rights Program
September 24, 2026

Report to the Chief Engineer

On Water Permit Application No. 2006A-1

Thomas Simons

September 23, 2026

Water Permit Application No. 2006A-1 proposes to amend Water Permit No. 2006-1 to extend the length of time allowed to complete construction of works and placement of water to beneficial use. Water Permit No. 2006-1 appropriates 5.34 cubic feet of water per second (cfs) from the Cheyenne River, at a pump site located between the NW ¼ NE ¼ of Section 29 and the W ½ NW ¼ of Section 15 for the irrigation of 900 acres located in the NW ¼, NW ¼ SW ¼ of Section 16, Section 17, SE ¼, SE ¼ NE ¼ of Section 18, NE ¼ of Section 19, and NW ¼, NE ¼ SW ¼ of Section 20; all in T6N-R17E. This site is located in Meade County, approximately ten miles south of Howes, SD.

Water Permit No. 2006-1 was approved July 5, 2021, and the proposed project was to be completed by July 5, 2026, with water placed to beneficial use by July 5, 2030. Application No. 2006A-1 requests to extend the time allowed to complete construction of the project for an additional five years with all construction to be completed by July 5, 2031, and water placed to beneficial use by July 5, 2035. If approved, Application No. 2006A-1 will retain the April 15, 202 1, priority date assigned to Permit No. 2006-1. Pursuant to SDCL 46-5-26, a permit may be amended to extend the time for completion of construction due to delays caused by engineering difficulties, delays caused by operations of law, or other exigent circumstances as identified by the Board. This application is requesting an extension of time due to supply chain delays following the COVID-19 pandemic.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a water permit application. The Chief Engineer needs to consider four criteria when making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board.

WATER AVAILABILITY:

The Cheyenne River headwaters in the high plains of Wyoming in the Thunder Basin National Grasslands and meanders around the southern extent of the Black Hills, entering South Dakota about 14 miles northwest of the town of Edgemont, SD in Fall River County. The river is impounded by Angostura Reservoir, located approximately 6 miles south of Hot Springs, SD, and is capable of impounding up to 138,761 acre-feet of water stored in Angostura Reservoir for irrigation at the Angostura Irrigation District and other purposes. Construction of Angostura Reservoir was completed in 1949 as part of the Angostura Unit and supplies the Angostura

Irrigation District water for irrigation of 12,218 acres in northeastern Fall River and southeastern Custer counties (US BOR, 2002).

A major source of flow coming from upstream of the proposed diversion point is from irrigation return flows from the Angostura Irrigation District and the Belle Fourche Irrigation District (BFID) (Figure 1). The Belle Fourche River has its headwaters in northeastern Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota, then east to the Cheyenne River confluence north of Wasta, South Dakota. In this stretch is the BFID, a US Bureau of Reclamation (US BOR) irrigation project capable of diverting Belle Fourche River flow to an off-river reservoir located on Owl Creek. The BFID project was completed in 1914 and includes the Belle Fourche River diversion dam, a storage dam capable of impounding 192,077 acre-feet of storage and irrigating 57,068 acres in southeastern Butte and northwestern Meade counties (US BOR, 2004). There are also numerous tributaries located along the southern, eastern, and northern flanks of the Black Hills that contribute water to the Cheyenne and Belle Fourche Rivers.

The U.S. Geological Survey (USGS) maintains a long-term stream gaging network in South Dakota that provides real-time discharge measurements that are available to the public (USGS, 2026). For this purpose, the USGS maintains a database of historical data that includes statistical daily, monthly, and annual discharge information. This discharge information includes mean daily readings and median daily readings. Figure 1 displays a map of the proposed diversion point (Water Rights, 2026a), USGS stream gages upstream and downstream of the proposed diversion point (USGS, 2026), and the Angostura and Belle Fourche Irrigation District Boundaries (USBOR, 2002 and 2004).

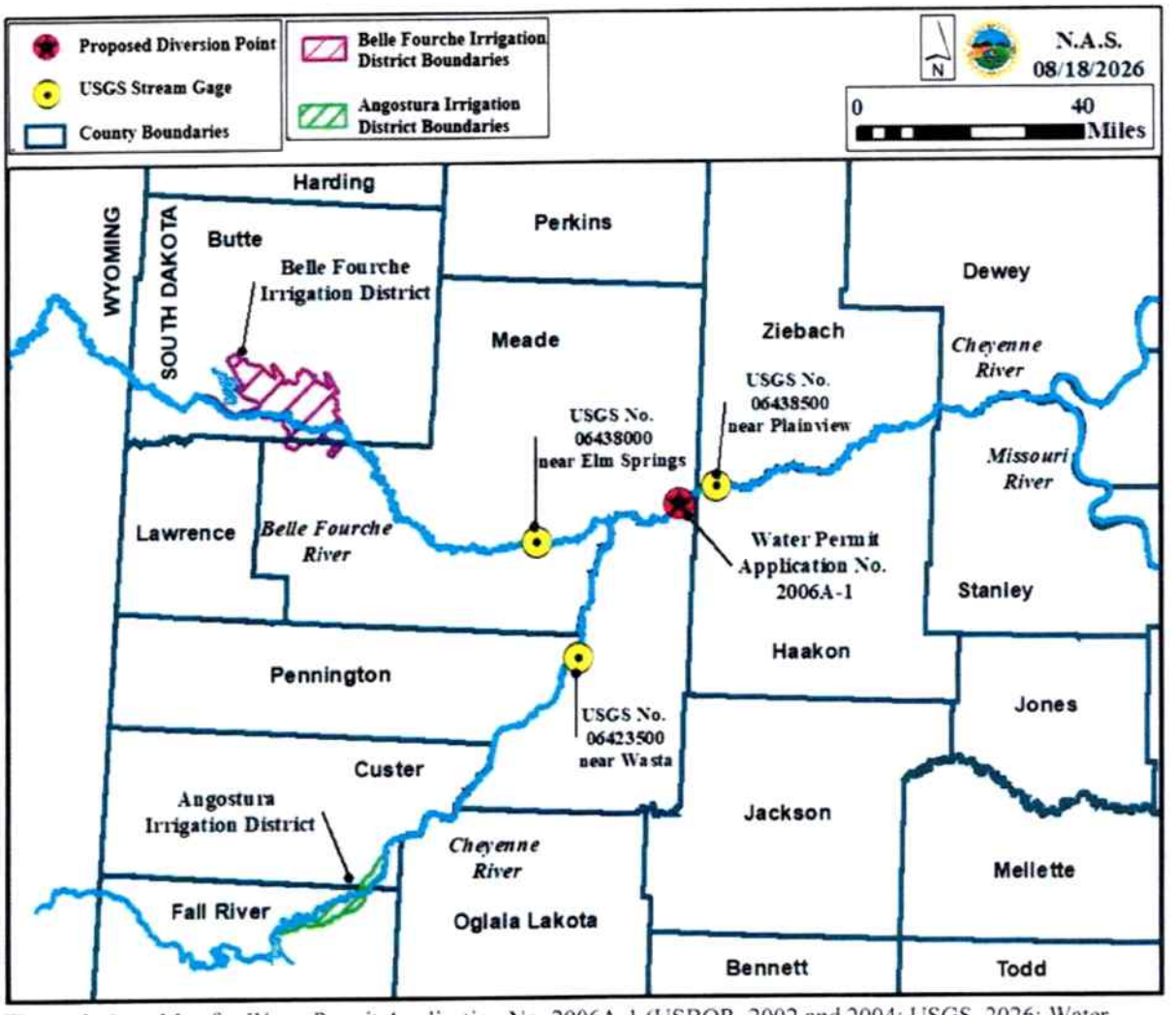

Figure 1. Area Map for Water Permit Application No. 2006A-1 (USBOR, 2002 and 2004; USGS, 2026; Water Rights, 2026a)

Statistical terms, mean and median, have a similar role in understanding the central tendency of a set of statistical results. The mean value, often referred to as average, is calculated by dividing the sum of the data values by the sample size. The disadvantage of using the mean value to describe flow is that the value can be drastically affected by any single value in the data set whether very high or very low compared to the rest of the data values. For example, in the analysis of long-term flow data, large flood event flow values increase the calculated mean value giving an unreasonable expectation of a higher flow value during a time period. The median (middle/50th percentile) value of flow data separates the higher half of the data set from the lower half based on rank. Median values tend to give a more representative measure of a mid-point value when analyzing river flow data.

Daily mean versus monthly median flow values for the USGS Stream Gaging Station No. 06438500 on the Cheyenne River near Plainview, SD are compared in Figure 2. The daily flow data collected by the USGS at that station was evaluated from 1950 to 2026 (USGS, 2026).

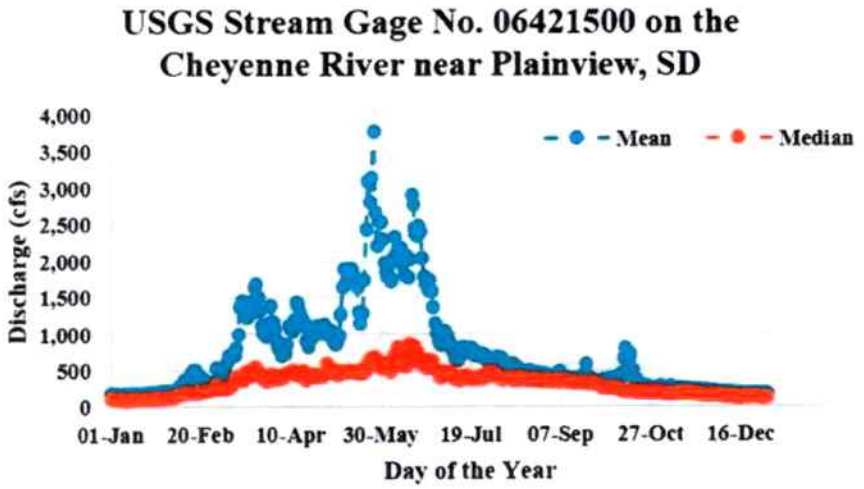

Figure 2. USGS Cheyenne River gaging station (No. 06438500) near Plainview, SD, from October 1, 1950 to August 23, 2026 daily mean versus monthly median flow values, contributing drainage area: 21,340 sq. miles (USGS, 2026)

Hydrographs for the USGS gaging stations upstream from the confluence of the Belle Fourche and upper Cheyenne Rivers were analyzed to determine discharge values, seasonal tendencies, and seasonal pumping before the two rivers merge. The nearest gaging stations upstream to the confluence and the proposed diversion point are USGS Stream Gage No. 06423500 on the upper Cheyenne River near Wasta, SD and Stream Gage No. 06438000 on the Belle Fourche River near Elm Springs, SD. Additionally, the hydrograph for USGS Stream Gage No. 06438500 for the Cheyenne River, located near Plainview, SD, was analyzed to determine discharge values, seasonal flow tendencies, and the effects of seasonal pumping downstream from the proposed diversion point and after the confluence of the two rivers (Figure 1) (USGS, 2026). USGS Gaging Station No. 06423500 (Cheyenne River upstream) USGS Stream Gage No. 06423500 on the upper Cheyenne River near Wasta is located approximately 40 river miles upstream from the proposed diversion point and approximately 14 river miles upstream from the confluence with the Belle Fourche River. A hydrograph was constructed using the 50th, 20th, and 10th percentiles of daily mean discharge values (Figure 3).

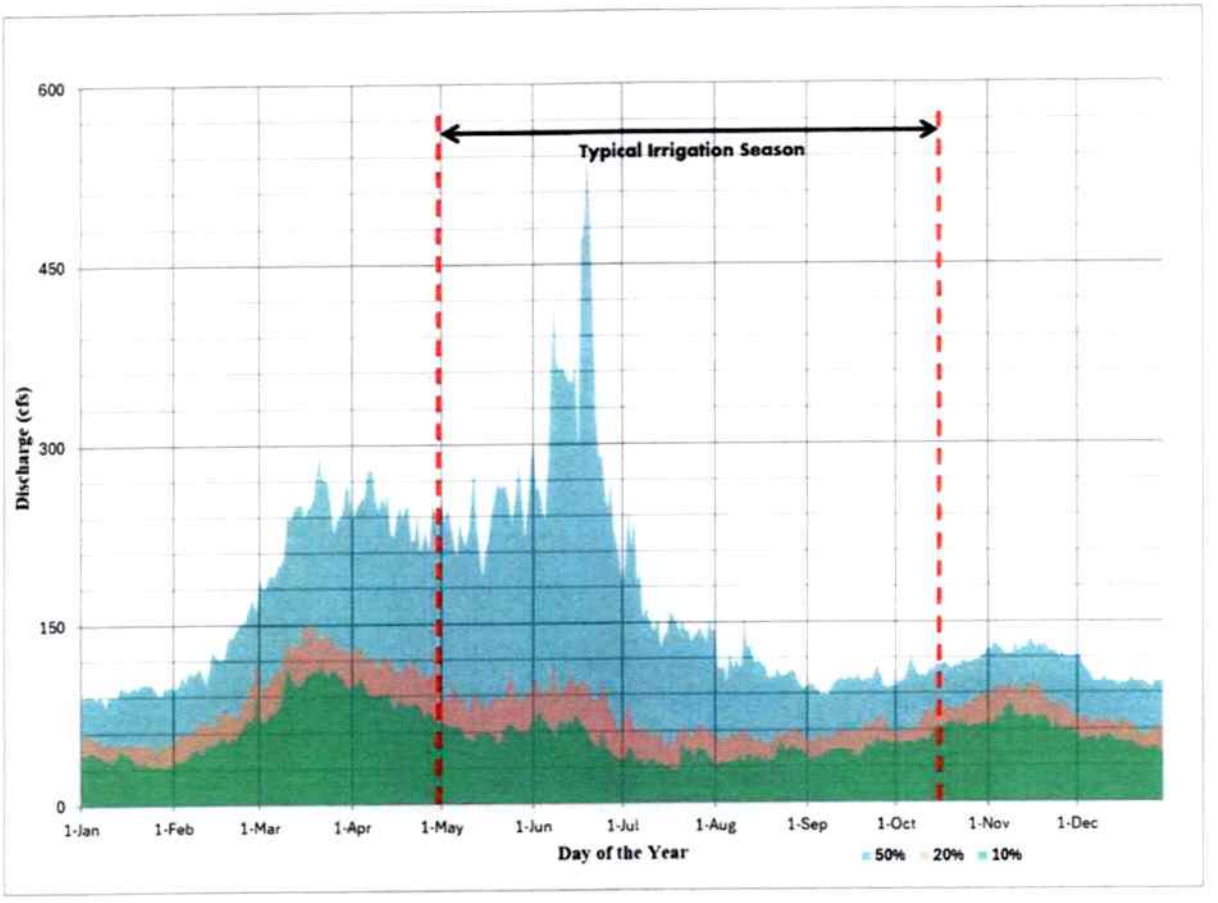

Figure 3. Hydrograph for USGS Gaging Station No. 06423500 located on the upper Cheyenne River near Wasta using 50th, 20th, and 10th percentiles of daily mean discharge values over the period of record beginning October 1914 to August 2026. This gaging station has a contributing drainage area of 12,674 mi² (USGS, 2026)

The median (50th percentile) hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of two years. The hydrograph displays an increase in flow beginning mid-February, due to spring snowmelt, with flow values remaining steady (approximately 80 cfs to 500 cfs) through September and peaking during large rain events. Flow values decrease (below 100 cfs) in October following the irrigation season and level out to approximately 90 to 130 cfs for the remainder of the year.

The 20th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of five years. The hydrograph displays an increase in flow beginning mid- March, due to spring snowmelt, with consistent flows ranging from approximately 40 to 130 cfs until the end of September with peaks during spring/summer rain events. Flow values decrease (below 60 cfs) in October following the irrigation season and level out to approximately 50 to 100 cfs for the remainder of the year.

The 10th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of ten years. A similar trend is displayed on this hydrograph when compared to the 20th and 50th percentile hydrographs - an increase in flow values through the spring/summer months (approximately 25 to 100 cfs) before lowering in late September following the irrigation season and remaining steady (approximately 40 cfs to 80 cfs) for the remainder of the year.

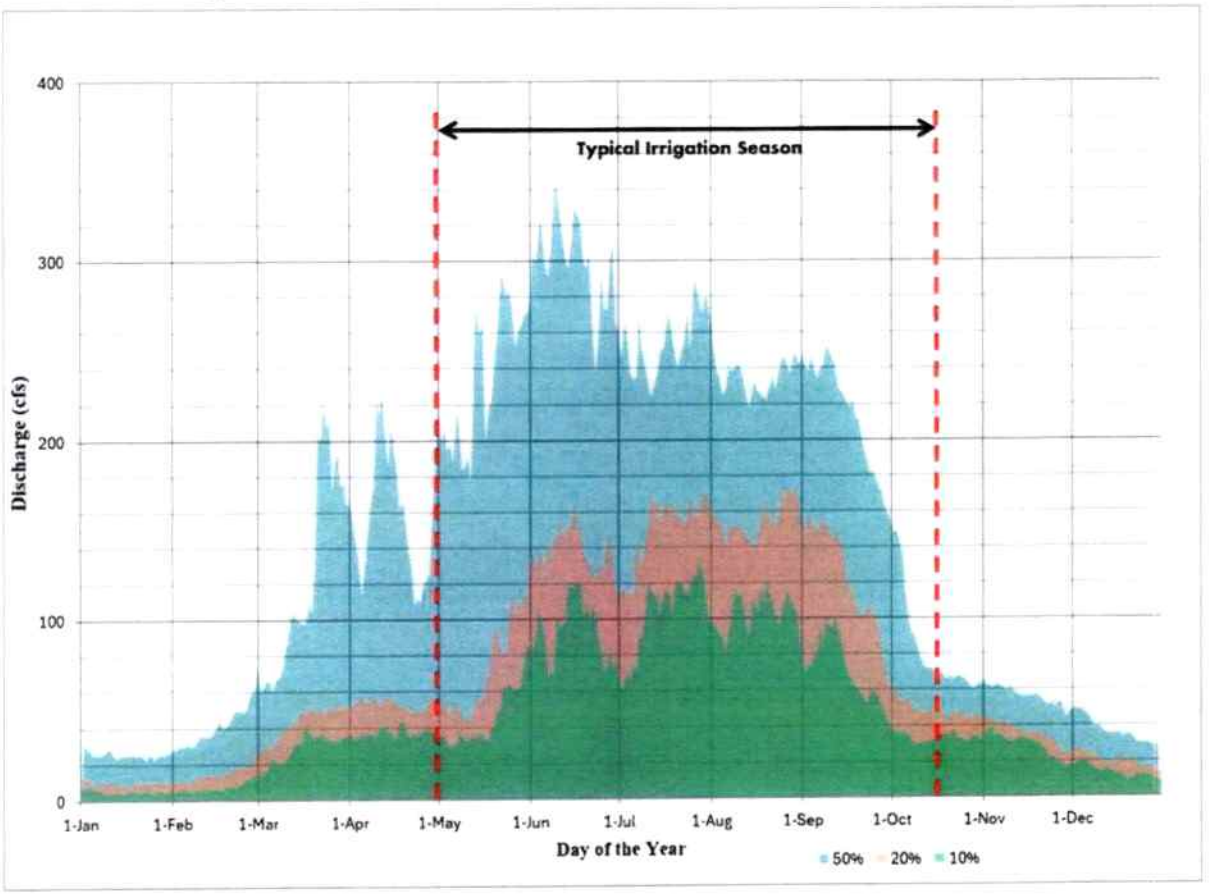

Figure 4. Hydrograph for USGS Gaging Station No. 06438000 located on the Belle Fourche River near Elm Springs, SD, using 50th, 20th, and 10th percentiles of daily mean discharge values over the period of record beginning August 1928 to August 2026. This gaging station has a contributing drainage area of 6,997 mi2 (USGS, 2026)

The median (50th percentile) hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of two years. The hydrograph displays an increase in flow beginning mid-February, due to spring snowmelt, with flow values remaining steady (approximately 60 cfs to 300 cfs) through September and peaking during large rain events. Flow values decrease (below 60 cfs) in October following the irrigation season and level out to approximately 30 to 60 cfs for the remainder of the year.

The 20th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of five years. The hydrograph displays an increase in flow beginning mid- March, due to spring snowmelt, with consistent flows ranging from approximately 25 to

175 cfs until the end of September with peaks during spring/summer rain events. Flow values decrease (below 40 cfs) in October following the irrigation season and level out to approximately 10 to 40 cfs for the remainder of the year.

The 10th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of ten years. A similar trend is displayed on this hydrograph when compared to the 20th and 50th percentile hydrographs - an increase in flow values through the spring/summer months (approximately 10 to 130 cfs) before lowering in late September following the irrigation season and remaining steady (approximately 8 cfs to 38 cfs) for the remainder of the year.

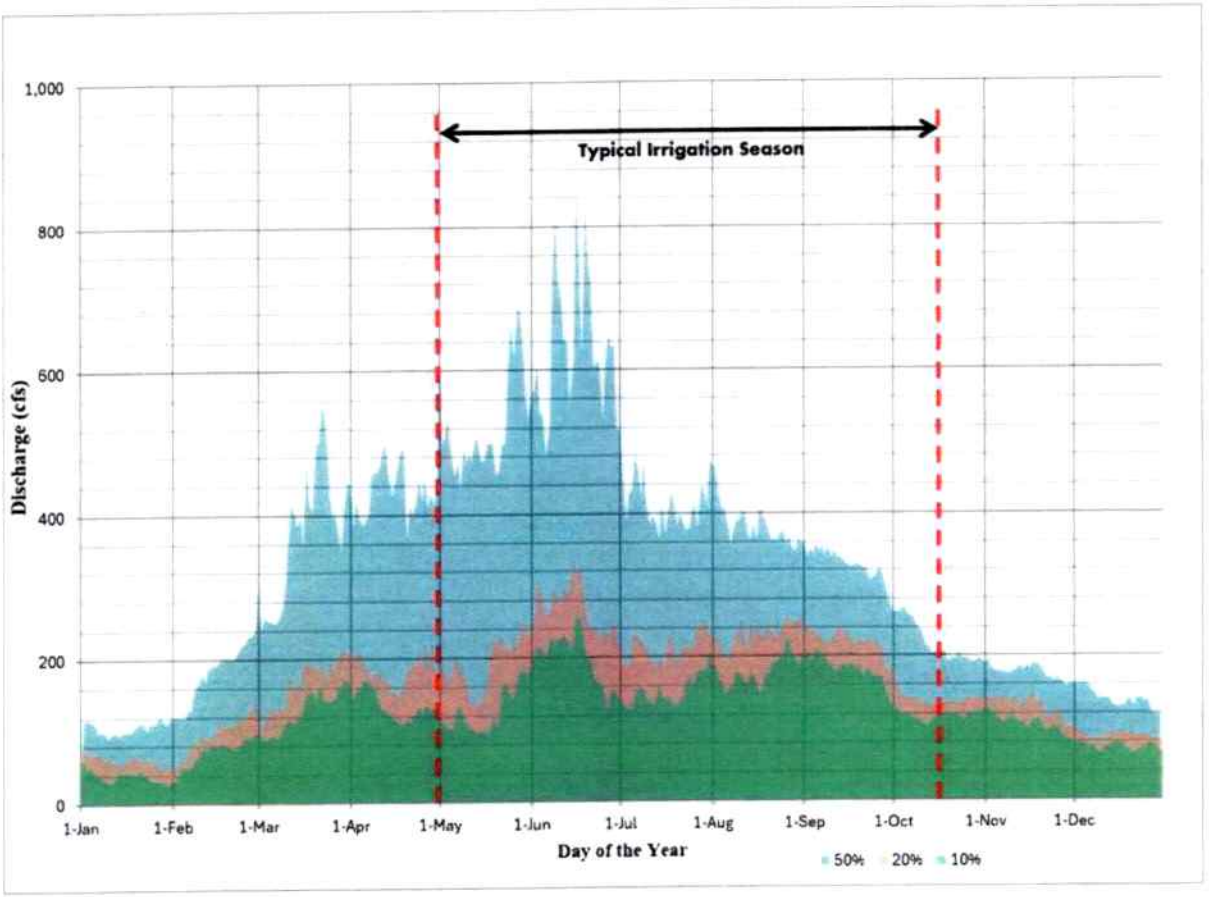

Figure 5. Hydrograph for USGS Gaging Station No. 06438500 located on the Cheyenne River, near Plainview SD, using 50th, 20th, and 10th percentiles of daily mean discharge values over the period of record beginning October 1950 to September 2020. This gaging station has a contributing drainage area of 21,340 mi² (USGS, 2026)

The median (50th percentile) hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of two years. The hydrograph displays an increase in flow beginning mid-February, due to spring snowmelt, with flow values remaining steady (approximately 250 cfs to 850 cfs) through September and peaking during large rain events. Flow values decrease (below 200 cfs) in October following the irrigation season and level out to approximately 120 to 200 cfs for the remainder of the year.

The 20th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of five years. The hydrograph displays an increase in flow beginning mid- March, due to spring snowmelt, with consistent flows ranging from approximately 130 to 300 cfs until the end of September with peaks during spring/summer rain events. Flow values decrease (below 130 cfs) in October following the irrigation season and level out to approximately 80 to 150 cfs for the remainder of the year.

The 10th percentile hydrograph curve exhibits the daily flow values at or below the indicated level on average one out of ten years. A similar trend is displayed on this hydrograph when compared to the 20th and 50th percentile hydrographs - an increase in flow values through the spring/summer months (approximately 90 to 150 cfs) before lowering in late September following the irrigation season and remaining steady (approximately 60 cfs to 120 cfs) for the remainder of the year.

UNLWAFUL IMPAIRMENT OF EXISTING RIGHTS, DISCUSSION, AND RECOMMENDATION:

There are ten water rights/permits authorized to appropriate water from the Cheyenne River downstream from the proposed diversion point and each of them are authorized for irrigation use. Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. Water Right No. 116-2 is not required to submit an irrigation questionnaire but the remaining nine water rights/permits are required to (Water Rights, 2026a and 2026b).

The estimated average annual withdrawal rate for the irrigation water rights/permits currently downstream of the proposed diversion point that have reported over the period of record (1982 to 2025) is approximately 677 acre-feet per year (Table 1). For comparison purposes, the average annual withdrawal rate for irrigation appropriations from 2016 to 2025 is approximately 235 acre-feet per year (Table 1). The maximum instantaneous pump rate for irrigation rights/permits from the Cheyenne River downstream from the proposed diversion point is 31.66 cfs (Water Rights, 2026a).

Table 1. Historical irrigation questionnaire data for irrigation rights/permits currently authorized to withdraw water from the Cheyenne River downstream from the proposed diversion point (Water Rights, 2026a and 2026b)

Year	No. of Water Rights/Permits Reporting	Reported Pumpage (acre-feet/year)
1982	4	695.01
1983	4	1,194.29
1984	3	664
1985	4	1,242
1986	4	850
1987	4	1,652
1988	5	1,627.2
1989	5	836
1990	5	1417
1991	6	1,388.5
1992	6	1,246.84
1993	6	432
1994	6	1,138.79
1995	6	475.99
1996	6	726.04
1997	6	934
1998	6	951.24
1999	6	580.94
2000	6	928.41
2001	6	686.45
2002	6	1,694.57
2003	6	951.98
2004	6	1,661.44
2005	7	1,087.19
2006	7	306.64
2007	7	811.66
2008	7	0
2009	7	530.31
2010	7	18.41
2011	7	0
2012	7	670.64
2013	7	33.49
2014	7	0
2015	7	0
2016	7	0
2017	7	765.02
2018	8	737.93
2019	8	0
2020	8	78.3
2021	9	290.53
2022	9	248.35
2023	9	73.55
2024	9	154.58
2025	9	0
Min	3	0
Max	9	1,695
Average (1982 to 2025)	**6**	**677**
Average (2016 to 2025)	**7**	**235**

The lower Cheyenne River is considered a reliable water source. The confluence of Belle Fourche River and upper Cheyenne River discharge a larger volume of water into the lower Cheyenne River, providing for reliable discharge values throughout most of the year. The hydrograph for the upper Cheyenne River near Wasta, SD (Station No. 06423500), indicates higher discharge values in the spring months and the hydrograph for the Belle Fourche River near Elm Springs, SD (Station No. 06438000), indicates higher discharge values in the summer and early fall months. The higher discharge values in the summer months for the Belle Fourche River correspond with return flows from the Belle Fourche Irrigation District discharging into the river. The Chief Engineer issued a shutoff order to users withdrawing from the lower Cheyenne River in 2006 due to low flow conditions (Water Rights, 2026c).

If drier climatic conditions occur causing low flow conditions, the applicant may be restricted in the amount of water allowed for diversion to protect downstream domestic use, including livestock watering and prior water rights/permits from unlawful impairment. If this permit is approved, it is recommended a qualification be included to address low flow conditions by allowing the Chief Engineer to issue orders restricting diversion to the permit holder.

CONCLUSIONS:

1. Water Permit Application No. 2006A-1 proposes to amend Water Permit No. 2006-1 to extend the length of time allowed to complete construction of works and placement of water to beneficial use. Water Permit No. 2006-1 appropriates 5.34 cfs from the Cheyenne River, at a pump site located between the NW ¼ NE ¼ of Section 29 and the W ½ NW ¼ of Section 15 for the irrigation of 900 acres located in the NW ¼, NW ¼ SW ¼ of Section 16, Section 17, SE ¼, SE ¼ NE ¼ of Section 18, NE ¼ of Section 19, and NW ¼, NE ¼ SW ¼ of Section 20; all in T6N-R17E. Water Permit No. 2006-1 was approved July 5, 202 1, and the proposed project was to be completed by July 5, 2026, with water placed to beneficial use by July 5, 2030. This site is located in Meade County, approximately ten miles south of Howes SD.

2. Water Permit Application No. 2006A-1 requests to extend the time allowed to complete construction of the project for an additional five years, with all construction to be completed by July 5, 2031, and water placed to beneficial use by July 5, 2035. If approved, Application No. 2006A-1 will retain the April 15, 2021, priority date assigned to Permit No. 2006-1. Pursuant to SDCL 46-5-26, a permit may be amended to extend the time for completion of construction due to delays caused by engineering difficulties, delays caused by operations of law, or other exigent circumstances as identified by the Board. This application is requesting an extension of time due to supply chain delays following the COVID-19 pandemic.

3. Review of historical discharge data and reported use indicates there is a reasonable probability that there is unappropriated water available for the applicant's proposed use.

4. Historical discharge data indicates that there is a reasonable probability that the diversion proposed by this application will not unlawfully impair existing water rights/permits and domestic users.

5. If drier climatic conditions cause a considerable reduction in flow of the lower Cheyenne River, use by the applicant should be restricted to protect downstream domestic use, including livestock watering, and prior water rights/permits from unlawful impairment.

6. If this application is approved, it should contain the qualification that low flows as needed for downstream domestic use, including livestock watering and prior water rights/permits, must be bypassed. Diversions under this Permit shall be in accordance with any written orders by the Chief Engineer.

Nakaila Steen

Nakaila Steen

Natural Resources Engineer III

SD DANR - Water Rights Program

References

USGS, 2026. National Water Information System data available on the World Wide Web (USGS Water Data for the Nation). Retrieved from https://waterdata.usgs.gov/nwis/

US Bureau of Reclamation (US BOR), 2002. Angostura Unit Contract Negotiation and Water. Dakotas Area Office: Bismarck, ND and Rapid City, SD. Bureau of Reclamation Great Plains Region.

US Bureau of Reclamation (US BOR), 2004. Final Environmental Assessment and Resources. Dakotas Area Office: Bismarck, ND and Rapid City, SD. US Dept. of the Interior, Bureau of Reclamation.

Water Rights, 2026a. Water Right/Permit Files. Joe Foss Bldg., Pierre, South Dakota. SD DANR-Water Rights Program.

Water Rights, 2026b. "1982-2025 Irrigation Summaries," SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights, 2026c. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnsn

certify that the attached printed Notice was taken from the Faith Independent

printed and published in Faith

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

10/07/26

Cost of Printing $43.50

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Kris Stocklin-Johnson

(Signature)

Owner

(Title)

10/26/26

(Date Signed)

Prairie Doc

Continued from page 8

Daily acid-reducing medication is a common treatment for chronic GERD (gastroesophageal reflux disease). These medications can be very effective, but long-term use should be periodically reviewed with a healthcare provider. The goal is generally to use the lowest effective dose for the shortest appropriate duration. Long-term use has been associated with some infections and nutritional deficiencies, although research linking these medications to conditions such as dementia, cardiovascular disease, and kidney disease has produced mixed results.

When GERD is severe or poorly controlled, repeated exposure of the esophagus to stomach acid can cause inflammation and damage. Over time, this can lead to changes in the esophageal lining, including Barrett's esophagus, which can increase the risk of esophageal cancer.

For people with longstanding or difficult-to-control GERD, or concerning symptoms, a physician may recommend an EGD, or upper endoscopy. This procedure allows a physician to look directly at the esophagus and stomach for inflammation, ulcers, or other abnormalities.

Unlike a colonoscopy, an EGD does not require a bowel preparation. The patient simply needs to fast so the stomach is empty. For convenience, an EGD can sometimes be performed during the same appointment as a colonoscopy.

The take-home message is that if you have frequent heartburn or reflux, talk with your healthcare provider. Medication may be appropriate, and an EGD may be recommended in certain situations. But don't overlook the importance of diet and lifestyle changes. When possible, those changes can help reduce symptoms and the need for medication.

Your stomach—and your esophagus—will thank you.

Dr. Andrew Ellsworth is a Family Medical Physician at Avera Medical Clinic in Brookings, SD. He serves as a volunteer host for the Prairie Doc® team, which is currently celebrating its 25th season of providing health education based on science and built on trust. Follow us on Facebook, Instagram, YouTube, and TikTok to stay connected. Our programming includes the medical Q&A show On Call with the Prairie Doc® (most Thursdays at 7pm on SDPB, YouTube, and Facebook), along with two podcasts and a weekly radio program (Sundays at 6am and 1pm on SDPB).

NOTICE OF HEARING ON APPLICATION NO. 2006A-1 to AMEND WATER PERMIT NO. 2006-1

Notice is given that Thomas Simons, 20240 Cheyenne Crossing Road, Howes SD 57748, has filed an application for a water permit to amend Water Permit No. 2006-1 to extend the length of time allowed to complete construction of works and placement of water to beneficial use. Water Permit No. 2006-1 appropriates 5.34 cubic feet of water per second from the Cheyenne River, at a pump site located between the NW 1/4 NE 1/4 Section 29 and the W 1/2 NW 1/4 Section 15 for irrigation of 900 acres located in the NW 1/4, NW 1/4 SW 1/4 Section 16, Section 17, SE 1/4, SE 1/4 NE 1/4 Section 18, NE 1/4 Section 19 and NW 1/4, NE 1/4 SW 1/4 Section 20; all in T6N-R17E. This site is located in Meade County, approximately ten miles south of Howes SD.

Water Permit No. 2006-1 was approved July 5, 2021, and the proposed project was to be completed by July 5, 2026, with water placed to beneficial use by July 5, 2030. Application No. 2006A-1 requests to extend the time allowed to complete construction of the project for an additional five years, with all construction to be completed by July 5, 2031, and water placed to beneficial use by July 5, 2035. If approved, Application No. 2006A-1 will retain the April 15, 2021, priority date assigned to Permit No. 2006-1.

Pursuant to SDCL 46-5-26, a permit may be amended to extend the time for construction or application of water to beneficial use due to delays caused by engineering difficulties, delays caused by operation of law, or delays caused by other exigent circumstances as identified by the Water Management Board. The permit holder is requesting an extension of time due to operation of law involving a lawsuit affecting the facility design and exigent circumstances caused by the Covid-19 pandemic.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2006A-1 because of exigent circumstances and, because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell 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 December 2, 2026, 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 October 19, 2026.

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

The December 2, 2026, 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 October 19, 2026. 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 October 19, 2026.

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 October 19, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published September 30, 2026 at the approximate cost of $90.86 and may be viewed free of charge at www.sdpublicnotices.com.

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NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the General Election to be held on November 3, 2026, will close on October 19, 2026, at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the Meade County Auditor at (605) 347-2360.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, Secretary of State's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at www.sdsos.gov or www.meadecounty.org/auditor-forms.

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Dawn Christenson,
Auditor Meade County, SD

Published September 30 & October 7, 2026 at the approximate cost of $29.11 and may be viewed free of charge at www.sdpublicnotices.com

Meade County Commission Meeting Tuesday, September 22, 2026

Members present: Chairman Deering; Commissioner Creed; Commissioner Liggett; Commissioner Wieczorek; Commissioner Severn

A. Call to Order at 9:00 AM

1. Pledge of Allegiance led by Board of Commissioners

2. Prayer led by Chairman Deering

3. Approval of the Agenda

Motion to approve the agenda. Motion by Creed, second by Liggett. Motion carries. Vote unanimous.

B. Routine Business

1. Opportunity for Public Comment - Chairman Deering opened the floor to public comment.

Darrell Rave discussed submitting an appeal for missing a framing inspection on the construction of a home in Meade County. He requested to move forward with final inspection. Commissioner Wieczorek suggested that he submit a written appeal to the Planning Department.

Having no more comments, Chairman Deering closed public comment.

C. Executive Session for Personnel

1. Executive Session – 1-25-2

Motion to go into Executive Session for personnel matters at 9:13 am. Motion by Creed, second by Liggett. Motion carries. Vote unanimous.

Chairman Deering declared the Commission out of Executive Session at 9:40 am.

D. Routine Business Continued

1. Reports and Updates – No items.

2. Equalization Reports and Updates – Senior Appraiser Jon Olson gave the August reports that are available on BoardDocs.

3. Facilities Report and Updates – August report is available on BoardDocs.

4. ROD Reports and Updates – August report is available on BoardDocs.

5. State's Attorney Reports and Updates – State's Attorney Michele Bordewyk discussed the July and August reports that are available on BoardDocs.

6. Treasurer Reports and Updates – August report is available on BoardDocs.

E. Sheriff

1. Sheriff's Reports and Updates – Sheriff Pat West gave the August report is that is available on BoardDocs.

2. Sheriff's Office Jail Reports and Updates – Sheriff Pat West gave the August reports that are available on BoardDocs.

3. Discussion and vote for resolution supporting Retirement Reclassification – Sheriff West introduced the request for support of the statewide reclassification of communications dispatchers from Class A to Class B retirement.

Michael Graham, Assistant Chief of Sioux Falls Fire & Rescue, joined the meeting via phone and discussed the 911 Telecommunicator Retirement Reclassification Request for County Com-

Continued on next page

Friendly Reminder
Ad and News Deadlines
Monday Noon Week of Publication

Rapid City Journal

AFFIDAVIT OF PUBLICATION

Thomas Simons
20240 Cheyenne Crossing Road
Howes South Dakota 57748

State of New Jersey, County of Camden, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher 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:
- Oct 8, 2026

NOTICE ID: B9Pp98xDa9Gg4luKmZd5

NOTICE NAME: 2006A-1 Thomas Simons - Public Notice

TOTAL AD COST: $168.89

Anjana Bhadoriya

Agent

VERIFICATION

State of New Jersey
County of Camden

Signed or attested before me on this: 10/13/2026

Notary Public

Notarized remotely online using communication technology via Proof.

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

NOTICE OF HEARING ON APPLICATION NO. 2006A-1 to AMEND WATER PERMIT NO. 2006-1

Notice is given that Thomas Simons, 20240 Cheyenne Crossing Road, Howes SD 57748, has filed an application for a water permit to amend Water Permit No. 2006-1 to extend the length of time allowed to complete construction of works and placement of water to beneficial use. Water Permit No. 2006-1 appropriates 5.34 cubic feet of water per second from the Cheyenne River, at a pump site located between the NW 1/4 NE 1/4 Section 29 and the W 1/2 NW 1/4 Section 15 for irrigation of 900 acres located in the NW 1/4, NW 1/4 SW 1/4 Section 16, Section 17, SE 1/4, SE 1/4 NE 1/4 Section 18, NE 1/4 Section 19 and NW 1/4, NE 1/4 SW 1/4 Section 20; all in T6N-R17E. This site is located in Meade County, approximately ten miles south of Howes SD.

Water Permit No. 2006-1 was approved July 5, 2021, and the proposed project was to be completed by July 5, 2026, with water placed to beneficial use by July 5, 2030. Application No. 2006A-1 requests to extend the time allowed to complete construction of the project for an additional five years, with all construction to be completed by July 5, 2031, and water placed to beneficial use by July 5, 2035. If approved, Application No. 2006A-1 will retain the April 15, 2021, priority date assigned to Permit No. 2006-1.

Pursuant to SDCL 46-5-26, a permit may be amended to extend the time for construction or application of water to beneficial use due to delays caused by engineering difficulties, delays caused by operation of law, or delays caused by other exigent circumstances as identified by the Water Management Board. The permit holder is requesting an extension of time due to operation of law involving a lawsuit affecting the facility design and exigent circumstances caused by the Covid-19 pandemic.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2006A-1 because of exigent circumstances and, because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of ex-

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existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell 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 December 2, 2026, 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 October 19, 2026.

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

The December 2, 2026, 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 October 19, 2026. 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 October 19, 2026.

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 October 19, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

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RECEIVED
OCT 21 2026
Water Rights Program

FILE COPY

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to:	No. 9042-3 Hydrologic Unit 10160006
SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	Basin Middle James Newspaper Huron Plainsman Watertown Public Opinion (office use only)

RECEIVED
APR 06 2020
Water Rights Program

Application for Permit to Appropriate Water for Irrigation

Type of Application: ■ **New** ☐ **Vested Right** (Use predates Mar 2, 1955) ☐ **Amendment/Correction to Permit No.** _____

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

1. Name to Appear on Irrigation Permit Terry Wieting

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 40270 Riverbend Ln (Address) Huron (City) SD (State) 57350 (Zip Code)

Phone 6053505142 Mobile 6053505142 Email twieting@venturecomm.net

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare Western aquifer

4. Location of point of diversion center of the SW 1/4 sec 32 112-61
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

_____ County _____

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April-Sept 30

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of SW 1/4 Sec 32 112-61	30		
SW 1/4 of SW 1/4 sec 32 112-61	30		
NE 1/4 of SW 1/4 sec 32 112-61	40		
SE 1/4 of SW 1/4 Sec 32 112-61	40		

8. Give a description of the project. (Attach sheet if more space is needed)

We are cleaning up the quarter and will have a 6 tower with a corner to equal 7 tower pivot. It should irrigate around 125-130 acres. The corner will go around the yards that are located on the west side of the quarter. One well would feed the pivot for about 800 gpm

I, Terry Wieting (Name of Person) Owner (Title (if applicable)), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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

44.46117 / -98.18915

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

RECOMMENDATION OF THE CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 9042-3, Terry Wieting

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 Water Permit Application No. 9042-3, Terry Wieting, 40270 Riverbend Ln, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 9042-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 9042-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The proposed well for this permit and any future replacement or additional wells 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Adam Mathiowetz, PE
Chief Engineer
Department of Agriculture and Natural Resources-Water Rights Program
September 08, 2026

Report to the Chief Engineer on
Water Permit App. No. 9042-3
Terry Wieting
September 3, 2026

In October of 2013, the Water Management Board declared the Tulare: Western Spink-Hitchcock aquifer was fully appropriated. The 27 applications that were placed on hold following legislation to establish a waitlist for fully appropriated aquifers were approved by the Water Management Board in the May 2026 meeting. There are also 26 new applications for the aquifer in review pursuant to State rule and State law for new water permit applications. Figure 1 below is a map of the new application in this report, nearby water rights [1], and Water Rights Program observation wells completed into the same aquifer [2]. Table 1 displays information about water rights in Figure 1.

Water Permit Application No. 9042-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer (approximately 90 feet deep) located in the approximate center of the SW ¼ of Section 32 for irrigation of 140 acres in the SW ¼ of Section 32; all in T112N-R61W. The priority of this application is April 6, 2026. This site is located in Beadle County approximately five and one half miles north of Huron, South Dakota.

Table 1: Water rights shown in Figure 1 [1]

File No.	Name/Business	Status	Use Type	Max. CFS	Irr. Acres	Priority
149-3	Leroy Slepikas	LC	IRR	4.00	320	03/01/1956
498-3	C.H. & J.R. Erling	LC	IRR	4.55	320	09/04/1957
563-3	Leroy & Buell Slepikas	LC	IRR	4.00	296	01/10/1959
1523-3	Riverside Hutterian Brethren	LC	IRR	1.71	131	02/20/1968
2078-3	Riverside Hutterian Brethren	LC	IRR	7.25	792	02/13/1961
2078A-3	Riverside Hutterian Brethren	LC	IRR	1.44	132	04/03/1974
2471B-3	Buell & Craig Slepikas	LC	IRR	2.88	202	07/23/1992
4482-3	Denis Slepikas	LC	IRR	1.78	132	03/06/1980
4550-3	Raymond Oil Company	LC	IRR	3.77	264	08/14/1980
4622A-3	Riverside Hutterian Brethren	LC	IRR	1.33	130	03/01/1977
6108-3	Scott & Tammy Slepikas	LC	IRR	2.72	304	10/20/1998
7716-3	Denis & Craig Slepikas	LC	IRR	1.67	135	02/08/2013
7723-3	Brent & Leland Kleinsasser	LC	IRR	2.67	405	02/08/2013
7724-3	Brent & Leland Kleinsasser	LC	IRR	3.56	300	02/08/2013

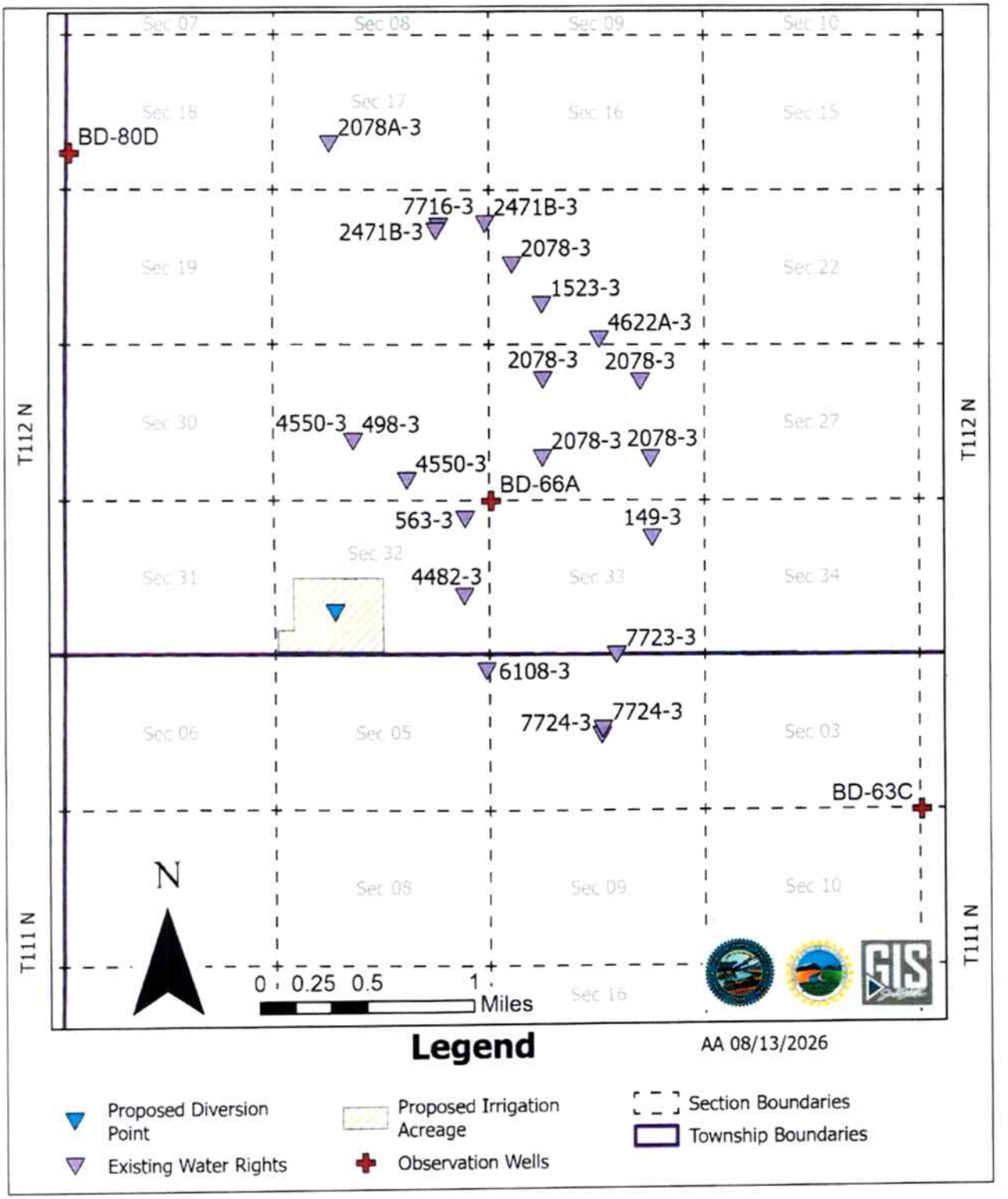

Figure 1: Observation wells and water right near this application. [1] [2]

Aquifer: Tulare: Western Spink-Hitchcock

Hydrogeologic Characteristics

The Tulare aquifer is a Quaternary-aged system of sand and gravel layers that were deposited as outwash by meltwater from receding glaciers. The Western Spink-Hitchcock management unit of the Tulare aquifer is a buried aquifer generally lying immediately above the bedrock (a.k.a. basal) [3] [4]. The bedrock is composed of an erosional surface of exposed Cretaceous-aged Pierre Shale and the Niobrara Formation, with the lowest erosional surface possibly incising into the Carlile Shale, which contains the Codell Sandstone member [5]. The Niobrara Formation and Codell Sandstone can also be aquifers in portions of South Dakota [2] [1]. The Tulare: Western Spink-Hitchcock aquifer underlies approximately 260,000 acres of Hand, Spink, and Beadle Counties [6] [7]. The Tulare aquifer has an average saturated thickness of 37 feet [8]. Assuming a porosity of 0.15 [9], the estimated recoverable water in storage in the Tulare: Western Spink-Hitchcock aquifer is approximately 1.4 million acre-feet. The Tulare: Western Spink-Hitchcock aquifer is hydrologically connected to several Quaternary and Cretaceous aged aquifers in physical contact with it. Buhler [10] estimated that approximately 77,000 acres of the Tulare: Western Spink-Hitchcock aquifer were under unconfined conditions in October 2012, and showed that at the time, a majority of the aquifer was under confined conditions. The area of the aquifer under confined conditions fluctuates with the amount of water stored in the aquifer. Since water is essentially incompressible, when the aquifer has more water in storage, more area becomes confined and vice-versa for when there is less water in the aquifer.

The applicant did not submit any well completion reports with this application, but sufficient information is available to complete the technical analysis for this report. A well completion report in the SW ¼ of Section 32-T112N-R61W indicates the drill encountered yellow clay from approximately land surface to 20 feet below grade, blue clay from 20 to 40 feet, sand from 40 to 45 feet, blue clay from 45 to 100 feet, gravel from 100 to 118 feet, and shale at 118 feet [4]. The driller completed the well into the Dakota aquifer, which occurred at depths between approximately 770 and the total depth of 1,040 feet. The precise location of this well with respect to the proposed well in this application is not available, but it is within the same quarter section, based on the driller's log [4]. A lithologic log in the SE ¼ SE ¼ of Section 32-T112N-R61W, approximately one half mile east of the proposed well for this application indicates the geologist encountered yellow clay from approximately land surface to 35 feet, blue clay with occasional gravel streaks from 35 to 62 feet, sand from 62 feet to 105 feet, and blue clay until shale was encountered at 156 feet [3]. Another well completion report from the SE ¼ NE ¼ of Section 31-T112N-R61W, approximately one half mile northwest of the proposed well for this application indicates the driller encountered yellow clay from land surface to approximately 22 feet below grade, blue clay from 22 to 80 feet with small streaks of sand from 40 to 80 feet, sand from 80 to 120 feet, and blue clay from 100 to 120 feet [4]. Yellow coloring of a formation can indicate weathering, which may make it more porous than a formation that was not weathered after and during its deposition. Based on this well completion report and observation well data nearby, it is likely the aquifer will be under confined conditions at the locations of the proposed wells for these applications [4] [2], but may fluctuate between confined and unconfined depending on the pressure in the aquifer. The depths of the formations encountered are typical for the Tulare: Western Spink-Hitchcock aquifer in this area [11].

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 Tulare: Western Spink-Hitchcock aquifer is younger and stratigraphically higher than the Greenhorn Formation [12]. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

The hydrologic budget of the Tulare: Western Spink-Hitchcock aquifer as of 2025 was presented before the Water Management Board in December of 2025 [13] and is summarized below. The estimated average annual recharge to the aquifer is approximately 0.83 inches per acre [11], which equates to 18,000 ac-ft/yr over the currently estimated extent of the aquifer. Withdrawals from the aquifer are mainly for irrigation use by appropriative users. By taking the sum of the average irrigation reported for each permit, Drennon [13] estimated the average annual withdrawal from the aquifer was between 12,000 and 13,000 ac-ft/yr depending on the range of data used. Irrigators have been applying fewer inches per acre as time goes on but irrigating a higher proportion of their permitted acreage in any given year. The estimated average annual withdrawal from irrigation was approximately 12,000 ac-ft/yr for the period of 2015 through 2024, which was the last ten years of reports when Drennon [13] authored her report. Based on this hydrologic budget, there is approximately 6,000 ac-ft/yr of unappropriated water available. At the meeting, members of the Water Management Board expressed discomfort at approving the entire 6,000 acre-feet of unappropriated water but did not issue an order specifying an exact amount to which they would limit withdrawals.

There were 27 water permits placed on hold in 2015 following procedure for fully appropriated aquifers established by the Legislature in 2014, which were approved at the May 2026 Board Meeting. Those 27 permits have senior priority to this application. For the period of 2015 through 2024, the average irrigation per reported acre was 6.63 inches per year and permit holders irrigated 79% of their permitted acres [13]. For the period of record of 1979 through 2024, the average irrigation per reported acre was 8.89 inches per year and permit holders

irrigated on average 65% of their permitted acres [13]. The total estimated withdrawal of the 27 permits approved in May 2026 is likely to range between approximately 2,300 and 2,500 ac-ft/yr. Table 2 summarizes the held applications and estimated withdrawal based on past irrigation reports. The Water Permit for Martin Anderson (File. No. 8120-3) may not be developed because the applicant indicated an intent to irrigate from the same aquifer at a different location which would be authorized under Water Permit Application No. 9036-3 [14]. This action would not change the hydrologic budget. At the time of writing, there are 25 new applications requesting water from the Tulare: Western Spink-Hitchcock aquifer, including Application No. 9036-3. Table 3 summarizes the new permit applications since the December board meeting by applicant, and Appendix Table 4 (Page 11) lists the new permit applications in order of priority date and other details pertaining to those applications. Table 3 summarizes the estimated withdrawals for the new applications, which are also all for irrigation. The estimated withdrawal for Martin Anderson was calculated assuming both Permit No. 8120-3 and Application No. 9036-3 will be developed, however total withdrawals may be smaller as the applicant has stated he will likely cancel Water Permit No. 8120-3 upon approval of Application No. 9036-3.

This application is estimated to withdraw between 61 and 67 ac-ft/yr on average, although the lower value is more likely as it is based on only the last 10 years of irrigation withdrawals rather than the entire period of record when irrigation practices and precipitation conditions were different. Therefore, based on the hydrologic budget, there is reasonable probability there is unappropriated water available for this application.

Table 2: Estimated withdrawals for the 27 applications approved in May 2026. Several entities have multiple permits [13].

Applicant with Held Permit(s)	Total Requested CFS	Total Requested Acres	Est. Withdrawal (ac-ft/yr)	
			6.63 in/yr @ 79% acreage utilization	8.89 in/yr @ 65% acreage utilization
Allen and Jeffrey Gatzke	2.67	110	48	53
Bixler Farms or Bixler Land	16.02	1,450	633	698
Hamilton Family LLC	2.00	145	63	70
Jeff Hamilton	4.00	290	127	140
Ken and Jodi Hofer	4.33	310	135	149
Loren or Cynthia Marzahn	2.22	160	70	77
Martin Anderson*	1.86	132	58	64
Riverside Hutterian Brethren	7.70	384	168	185
Scott Hamilton	4.00	435	190	209
Van Buskirk Farms, LLP	25.65	1,798	785	866
Total	**70.45**	**5,214**	**2,276**	**2,511**
* This application will be canceled if App. No. 9036-3 is approved.				

Table 3: Estimated withdrawals for new applications since the December 2025 Water Management Board meeting

Applicant for New Permit(s)	Total Requested CFS	Total Requested Acres	Est. Withdrawal (ac-ft/yr)	
			6.63 in/yr @ 79% acreage utilization	8.89 in/yr @ 65% acreage utilization
Bixler Farms	4.01	172	75	83
Matthew Van Buskirk	12.46	952	416	458
Wayne or Scott Binger	4.00	280	122	135
Terry McClain	2.00	180	79	87
Timoty Masat	1.78	204	89	98
Craig Brock	1.78	155	68	75
Lenny D Peterson	3.56	440	192	212
Brian Gilbert	3.57	300	131	144
Jon Gilbert	3.56	280	122	135
Danny Peterson	0.00	209	91	101
Martin Anderson	1.86	132	58	64
Terry Weiting	1.78	140	61	67
Total	**40.36**	**3,444**	**1,503**	**1,658**

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely upon the record of observation well analysis in addition to other information to ensure that recharge to the aquifer exceeds withdrawals. The Water Rights Program maintains 55 observation wells completed into the Tulare: Western Spink-Hitchcock aquifer [2]. The nearest observation well to this application is BD-66A, approximately one mile northeast of the proposed well for this application [2]. The next nearest observation wells are BD-63C, located approximately three miles southeast of the proposed well, and BD-80D, located approximately three and one quarter miles northwest of the proposed well for this application [2]. The locations of these observation wells are mapped in Figure 1. Figure 2 shows the water level elevations for those observation wells [2]. The water-level fluctuations in those wells are representative of the general behavior of the aquifer. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [15]. There is a slight trend of springtime water levels increasing with time, which is consistent with the increased precipitation over time in the area [2] [15]. There are also seasonal declines during the irrigation season. The tendency of the water levels in the aquifer to be primarily influenced by climate and precipitation rather than well withdrawals indicates that both recharge and natural discharge are occurring, which the Water Management Board considers available for capture. Furthermore, the scale of recharge and natural discharge is greater than withdrawals. Therefore, based on the record of observation wells, there is reasonable probability that unappropriated water is available for this application.

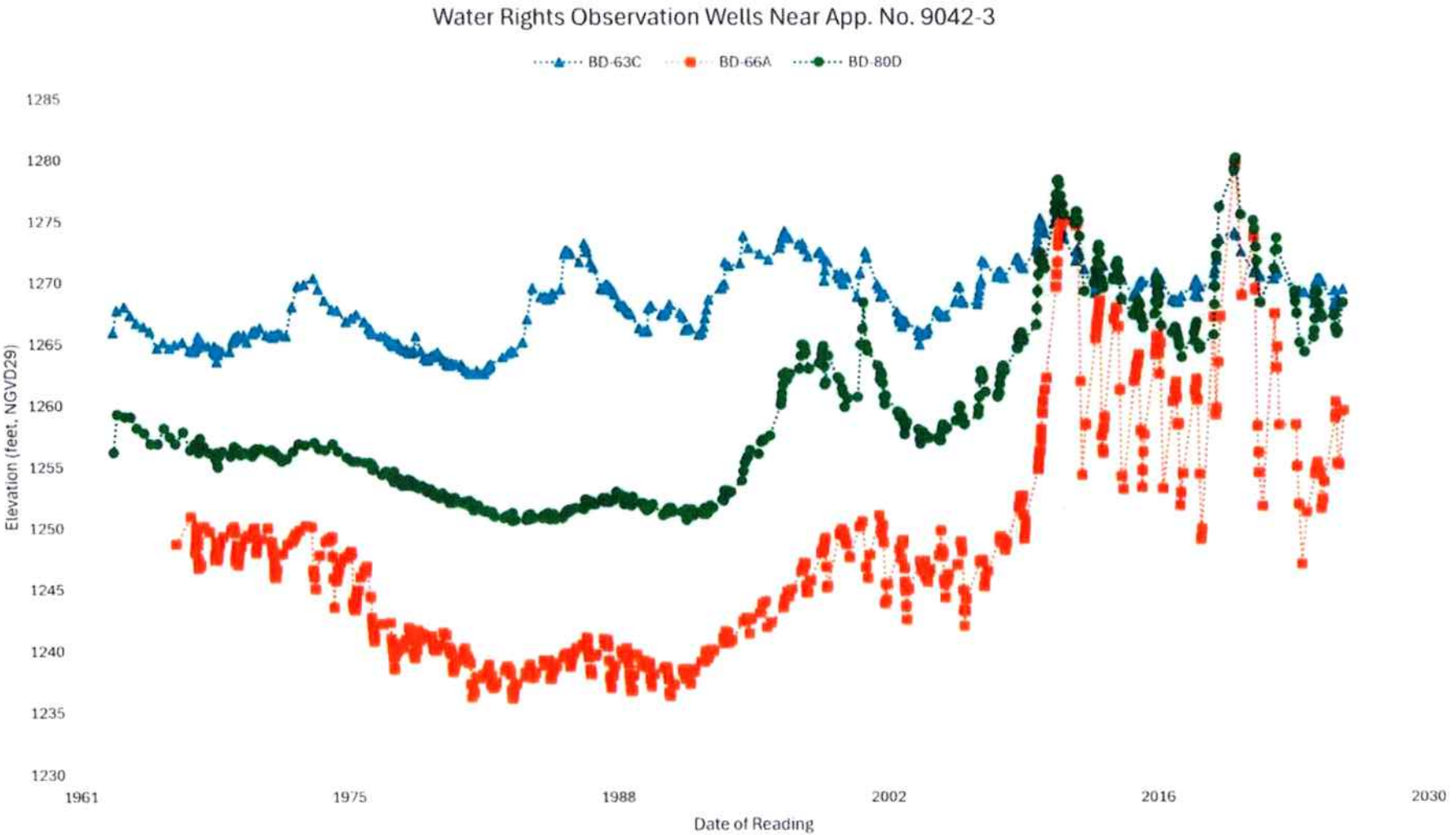

Figure 2: Observation well water elevations near this application [2].

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water rights senior to this application are Water Right No. 4482-3 located approximately a half mile east of the proposed well, Water Right No. 563-3 located approximately three quarter miles northeast of the proposed well, and Water Right No. 6108-3 located approximately three quarter miles southeast of the proposed well for this application [1]. The nearest domestic well on file with the Water Rights program that is likely to be completed into the same aquifer is approximately half a mile east of the proposed well for this application, based on the location provided by the driller [4]. There may be more wells in the area that are not on file because they predate the South Dakota Well Construction Standards requiring drillers file a report for each well and test hole drilled. 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. 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*

There are no complaints on file with the Water Rights Program involving possible well interference in the Tulare: Western Spink-Hitchcock aquifer in Beadle County despite the large number of wells appropriative in relatively close proximity throughout the Tulare: Western Spink-Hitchcock aquifer [16]. Therefore, based on the lack of complaints and saturated aquifer thickness, there is reasonable probability this application can be developed without unlawful impairment of existing domestic wells or senior water rights.

Conclusions

1. Water Permit Application No. 9042-3 proposes to appropriate up to 1.78 cfs from one well to be completed into the Tulare: Western Spink-Hitchcock aquifer located in the approximate center of the SW ¼ of Section 32 for irrigation of 140 acres in the SW ¼ of Section 32; all in T112N-R61W.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of senior water rights or domestic use.

Alyssa Adams
Water Rights Intern
DANR Water Rights Program

Reviewed by:

Kimberly C. Drennon, E.I.
Engineer III – DANR Water Rights Program

References

[1] Water Rights Program, "Water Right Permit Files," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.

[2] Water Rights Program, "Observation Wells," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.

[3] SD DANR Geological Survey Program, "Lithologic Logs," Vermillion, South Dakota, 2025.

[4] Water Rights Program, "Well Completion Reports," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2026.

[5] D. W. Tomhave and L. D. Schulz, "Bedrock geologoic map showing configuration of the bedrock surface in South Dakota east of the Missouri River," DANR Geological Survey Program, Vermillion, SD, 2004.

[6] J. Farmer, "First Report on the Five Year Review of Water Availability Western Spink Hitchcock Management Unit of the Tulare Aquifer," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2020.

[7] T. Jensen and A. Mathiowetz, "Report to the Chief Engineer on Water Permit Application Nos. 8949-3 & 8950-3 Tom Tuhsbaumer & 8951-3 Tyson Nuhsbaumer," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD., 2025.

[8] R. D. Benson, "Major aquifers in Spink County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1997.

[9] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa Tasks 1-4," US Army Corps of Engineers, Omaha, Nebraska, 1982.

[10] K. Buhler, "Report to the Chief Engineer on Water Permit Application Nos. 7858-3, 7859-3, 7860-3, 7861-3, 7863-3 through 7872-3, 7885-3, 7894-3," SD DANR Water Rights Program, Joe Foss Bldg. Pierre, South Dakota, 2013.

[11] L. K. Kuiper, "Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota," US Geological Survey, Huron, South Dakota, 1984.

[12] M. D. Fahrenbach, F. V. Steece, J. F. Sawyer, K. A. McCormick, G. L. McGillivray, L. D. Schulz and J. A. Redden, "South Dakota Stratigraphic Correlation Chart," SD Dept. of Ag. and Nat. Res. Geologic Survey Program, Vermillion, SD, 2010.

[13] K. C. Drennon, "Second Report on the Five-Year Review of Water Availablility in the Western Spink-Hitchcock Management Unit of the Tulare Aquifer," SD DANR Water Rights Program, 3 December 2025. [Online]. Available: https://danr.sd.gov/wrimage/pub/2025_TWSH_5YR.pdf. [Accessed 19 February 2026].

[14] A. Mathiowetz, Interviewee, *Acting Chief Engineer - Water Rights Program.* [Interview]. 27 March 2026.

[15] NOAA National Centers for Environmental Information, "Climate at a Glance: Divisional Time Series," U. S. National Oceanic and Atmospheric Administration, 1 March 2026. [Online]. Available: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/time-series. [Accessed 19 March 2026].

[16] Water Rights Program, "Complaints Database," S.D. Dept. of Ag. and Nat. Resources, Joe Foss Building, Pierre, SD, 2025.

[17] L. D. Schulz, "First Occurrence of Aquifer Materials in Beadle County, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2003.

Appendix: Supplemental Tables

Table 4: All Tulare: Western Spink-Hitchcock water permit applications in process at time of report authorship.

File No.	Name	Priority	T N	R W	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
					CFS	Acres	No. Wells	Location of Wells	Location of Acres	File No.	No. Wells	CFS	Acres	Location of Wells	Location of Acres		
8993-3	Bixler Farms	12/04/2025 # 1 of 6	115	63	0.45	12	0	N/A	SE ¼ & E ½ SW ¼ Sec 25	4134A-3	2	1.33	128	Sec. 25	SW ¼ SE ¼, NW ¼ SE ¼ Sec 25	1.78	140
8994-3		12/04/2025 # 2 of 6	114	62	1.78	160	1	Ctr. of SE ¼ Sec. 18	SE ¼ Sec 18	N/A	N/A	N/A	N/A	N/A	N/A	1.78	160
8995-3		12/04/2025 # 3 of 6	114	62	1.78	0	1	Ctr. of SW ¼ Sec 31	N/A	5182-3	1	1.88	279	Ctr. of NW ¼ Sec 31	NW ¼, W ½ NE ¼, SW ¼ Sec 31	3.66	279
9000-3	Matthew Van Buskirk	12/04/2025 # 4 of 6	113	63	1.78	136	1	Ctr. of NE ¼ Sec 36	NE ¼ Sec 36	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
8996-3	Wayne or Scott Binger	12/04/2025 # 5 of 6	114	65	2.00	140	up to 2	NW ¼ Sec 1	NW ¼ Sec 1	N/A	N/A	N/A	N/A	N/A	N/A	2.00	140
8997-3		12/04/2025 # 6 of 6	115	65	2.00	140	up to 2	NE ¼ Sec 25	NE ¼ Sec 25	N/A	N/A	N/A	N/A	N/A	N/A	2.00	140
9005-3	Matthew Van Buskirk	12/05/2025 # 1 of 8	113	63	1.78	136	1	Ctr. SE ¼ Sec 30	SE ¼ Sec 30	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9004-3		12/05/2025 # 2 of 8	113	63	1.78	136	1	Ctr. NE ¼ Sec 7	NE ¼ Sec 7	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9003-3		12/05/2025 # 3 of 8	114	63	3.56	272	2	Ctrs. of SE ¼ & NE ¼ Sec 21	E ½ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	3.56	272
9002-3		12/05/2025 # 4 of 8	114	63	1.78	136	1	Ctr. of NW ¼ Sec 21	NW ¼ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
9001-3		12/05/2025 # 5 of 8	114	63	1.78	136	1	Ctr. SE ¼ Sec 32	SE ¼ Sec 32	N/A	N/A	N/A	N/A	N/A	N/A	1.78	136
8998-3	Terry McClain	12/05/2025 # 6 of 8	114	62	2.00	180	1	Ctr. SW ¼ Sec 8	S ½ Sec 8	N/A	N/A	N/A	N/A	N/A	N/A	2.00	180
9006-3	Timoty Masat	12/05/2025 # 7 of 8	115	63	1.78	204	2	Ctrs. of NW ¼, SE ¼ Sec 21	N ½ Sec 21	N/A	N/A	N/A	N/A	N/A	N/A	1.78	204
8999-3	Craig Brock	12/05/2025 # 8 of 8	113	63	1.78	155	1	Ctr. NE ¼ Sec 2	NE ¼ Sec 2	N/A	N/A	N/A	N/A	N/A	N/A	1.78	155
9010-3	Lenny D Peterson	12/06/2025 # 1 of 1	115	65	1.78	280	2	W ½ SE ¼ Sec 12	S ½ Sec 12	N/A	N/A	N/A	N/A	N/A	N/A	1.78	280
9011-3		12/07/2025 # 1 of 1	115	65	1.78	160	1	Ctr. of SE ¼ Sec 11	SE ¼ Sec 11	N/A	N/A	N/A	N/A	N/A	N/A	1.78	160
9008-3	Brian Gilbert	12/08/2025 # 1 of 2	115	65	3.57	300	2	Ctrs. NE ¼ & SE ¼ Sec 28	E ½ Sec 28	N/A	N/A	N/A	N/A	N/A	N/A	3.57	300

File No.	Name	Priority	T N	R W	New Development Proposed					Other Water Right in Application						Total CFS	Total Acres
					CFS	Acres	No. Wells	Location of Wells	Location of Acres	File No.	No. Wells	CFS	Acres	Location of Wells	Location of Acres		
9007-3	Jon Gilbert	12/08/2025 # 2 of 2	115	63	3.56	280	2	Ctrs. of NW ¼ & NE ¼ Sec 33	N ½ Sec 33	N/A	N/A	N/A	N/A	N/A	N/A	3.56	280
9013-3	Danny Peterson	12/23/2025 # 1 of 6	114	63	0.00	25	0	N/A	SW ¼ Sec 22	7725C-3	1	1.78	135	NE ¼ SW ¼ Sec 22	SW ¼ Sec 22	1.78	160
9014-3		12/23/2025 # 2 of 6	114	63	0.00	45	0	N/A	E ½ Sec 2	6333A-3	1	1.78	215	NE ¼ SW ¼ Sec 2	E ½ Sec 2	1.78	260
9016-3		12/23/2025 # 3 of 6	114	63	0.00	30	0	N/A	SW ¼ Sec 2	3065B-3	1	1.66	130	Ctr. of SW ¼ Sec 2	SW ¼ Sec 2	1.66	160
9015-3		12/23/2025 # 4 of 6	114	63	0.00	28	0	N/A	NE ¼ Sec 22	6312-3	1	1.78	132	Ctr. NE ¼ Sec 22	NE ¼ Sec 22	1.78	160
9017-3		12/23/2025 # 5 of 6	113	62	0.00	25	0	N/A	NW ¼ Sec 6	1512-3	1	1.90	135	Ctr. of NW ¼ Sec 6	NW ¼ Sec 6	1.90	160
9018-3		12/23/2025 # 6 of 6	114	63	0.00	56	0	N/A	E ½ Sec 34	6201C-3	2	3.56	264	SE ¼ NE ¼ & Ctr. of SE ¼ Sec 34	E ½ Sec 34	3.56	320
9036-3*	Martin Anderson	03/29/2026	113	63	1.86	136	1	Ctr. NE ¼ Sec 1	NE ¼ Sec. 1	N/A	N/A	N/A	N/A	N/A	N/A	1.86	136
9042-3	Terry Weiting	04/06/2026	112	61	1.78	140	1	Ctr. SW ¼ Sec 32	SW ¼ Sec. 32	N/A	N/A	N/A	N/A	N/A	N/A	1.78	140

* Approval of this application may cancel Water Permit No. 8120-3

AFFP
#3706 Public Notice

Affidavit of Publication

STATE OF SOUTH DAKOTA SS
}
COUNTY OF BEADLE }

Shaun Sarvis, being duly sworn, says:

That he is Representative of the Huron Daily Plainsman, a weekly newspaper of general circulation, printed and published in Huron, Beadle County, South Dakota; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 30, 2026

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Representative

Subscribed to and sworn to me this 30th day of September 2026.

Shaun Sarvis, Publisher, Beadle County, South Dakota

My commission expires: April 26, 2028

22061694 01255863

Terry Wieting
521-Terry Wieting
40270 Riverbend Ln
Huron, SD 57350

SHAUN SARVIS Notary SEAL PUBLIC

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Water Rights Program

FP 09-30-2026
NOTICE OF HEARING on Application No. 9042-3 to Appropriate Water
Notice is given that Terry Wieting, 40270 Riverbend Ln, Huron SD 57350, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 90 feet deep) located in the approximate center of the SW 1/4 Section 32 for irrigation of 140 acres located in the SW 1/4 Section 32; all in T112N-R61W. This site is located in Beadle County, approximately five and one-half miles north of Huron SD.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9042-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:00 AM (Central Time) on December 2, 2026, 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 October 13, 2026.

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

The December 2, 2026, 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 October 13, 2026. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be

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AFFIDAVIT OF PUBLICATION

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

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STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

09/30/2026

and that the fees charged are legal.
Sworn to and subscribed before on 09/30/2026

Legal Clerk

Notary, State of WI, County of Brown

4-6-27

My commission expires

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DENISE ROBERTS
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State of Wisconsin

NOTICE OF HEARING on Application No. 9042-3 to Appropriate Water

Notice is given that Terry Wieting, 40270 Riverbend Ln, Huron SD 57350, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (approximately 90 feet deep) located in the approximate center of the SW 1/4 Section 32 for irrigation of 140 acres located in the SW 1/4 Section 32; all in T112N-R61W. This site is located in Beadle County, approximately five and one-half miles north of Huron SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9042-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:00 AM (Central Time) on December 2, 2026, 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

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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 October 13, 2026.

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

The December 2, 2026, 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 October 13, 2026. 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

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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 October 13, 2026.

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 October 13, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

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

FILE COPY

Mail to:	No. 9061-3 Hydrologic Unit see list
SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	Basin Missouri R Newspaper see list - Regions & Newspapers (office use only)

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Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

- [X] Municipal
- [X] Rural Water System
- [ ] Domestic (over 18 gpm)
- [ ] Water Distribution System
- [ ] Commercial
- [ ] Industrial
- [ ] Recreational
- [ ] Fish & Wildlife
- [ ] Other
- [ ] Institutional
- [ ] Geothermal

Type of Application: **(check one)**

- [ ] **New**
- [ ] **Vested Right** (Use predates Mar 2, 1955)
- [X] **Future Use Reservation**
- [ ] **Place to Beneficial Use Water Reserved by Future Use Permit No.** _____
- [ ] **Amendment/Correction to Permit No.** _____

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

1. Name to Appear on Water Permit Dakota Mainstem Regional Water System

   Mailing Address 1100 Heritage Drive (Address) Madison (City) SD (State) 57042 (Zip Code)

   Phone 605.204.9125 Mobile _____ Email kpfeifle@dmrws.com

2. Amount of water claimed 324.9 *CFS or 145,833 **GPM and ~~225,230~~ 55,230 ***AF or _____ Gallons
   Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Missouri River

4. Location of point of diversion See Attachment 1- Figure 1 County ~~(Pending)~~ see list Hughes, Hyde, Buffalo, Brule, Charles Mix, Bon Homme, Yankton, or Clay County
   (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
   If not a public water supply (e.g. municipal), will water be used outside of the area described above? [ ] Yes [ ] No
   If "Yes," where will water be used? See Attachment 1- Figure 2
   (example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used See Attachment 1- Figure 3

6. Annual period during which water is to be used Year round.

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

An Appraisal Study was completed for the Dakota Mainstem Regional Water System (DMRWS) to evaluate whether the project should advance to a feasibility study. The Appraisal Study, included as Attachment 2, assessed long-term water supply challenges facing 55 member entities across South Dakota, Minnesota, Iowa, and Nebraska. The Appraisal Study found that existing groundwater sources are nearing capacity and face water quality issues, infrastructure limitations, drought vulnerability, and contamination risks that could hinder future growth and development. Water demand is projected to reach approximately 194 million gallons per day by 2070, exceeding the sustainable yield of available groundwater resources. To meet future needs, the Appraisal Study recommended the System Build alternative, which would develop a Missouri River-based water supply, centralized treatment facilities, and a regional transmission network implemented in phases through 2070. The Appraisal Study concluded that a feasibility study is necessary to refine system design, secure permits and water rights, address environmental considerations, and ensure a reliable, high-quality regional water supply for the future.

To support this long-term regional water supply strategy, this application seeks to reserve 235,386 acre-feet of water annually from the Missouri River for use in the projected DMRWS service area.

I, Myron W Johnson (Name of Person) President - Dakota Mainstem Regional Water System (Title (if applicable)), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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

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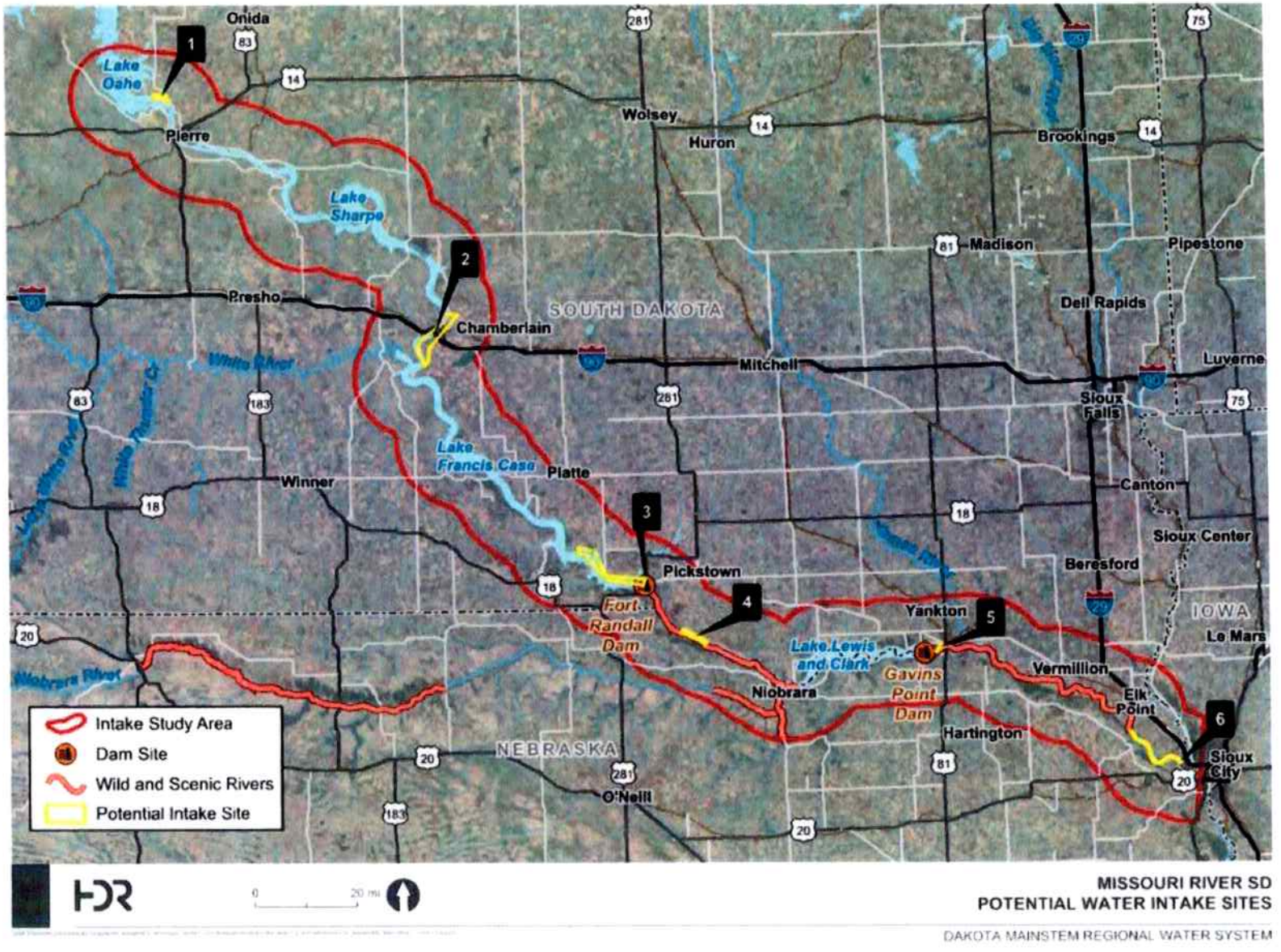

Figure 4-2 Potential Surface Water Site Locations

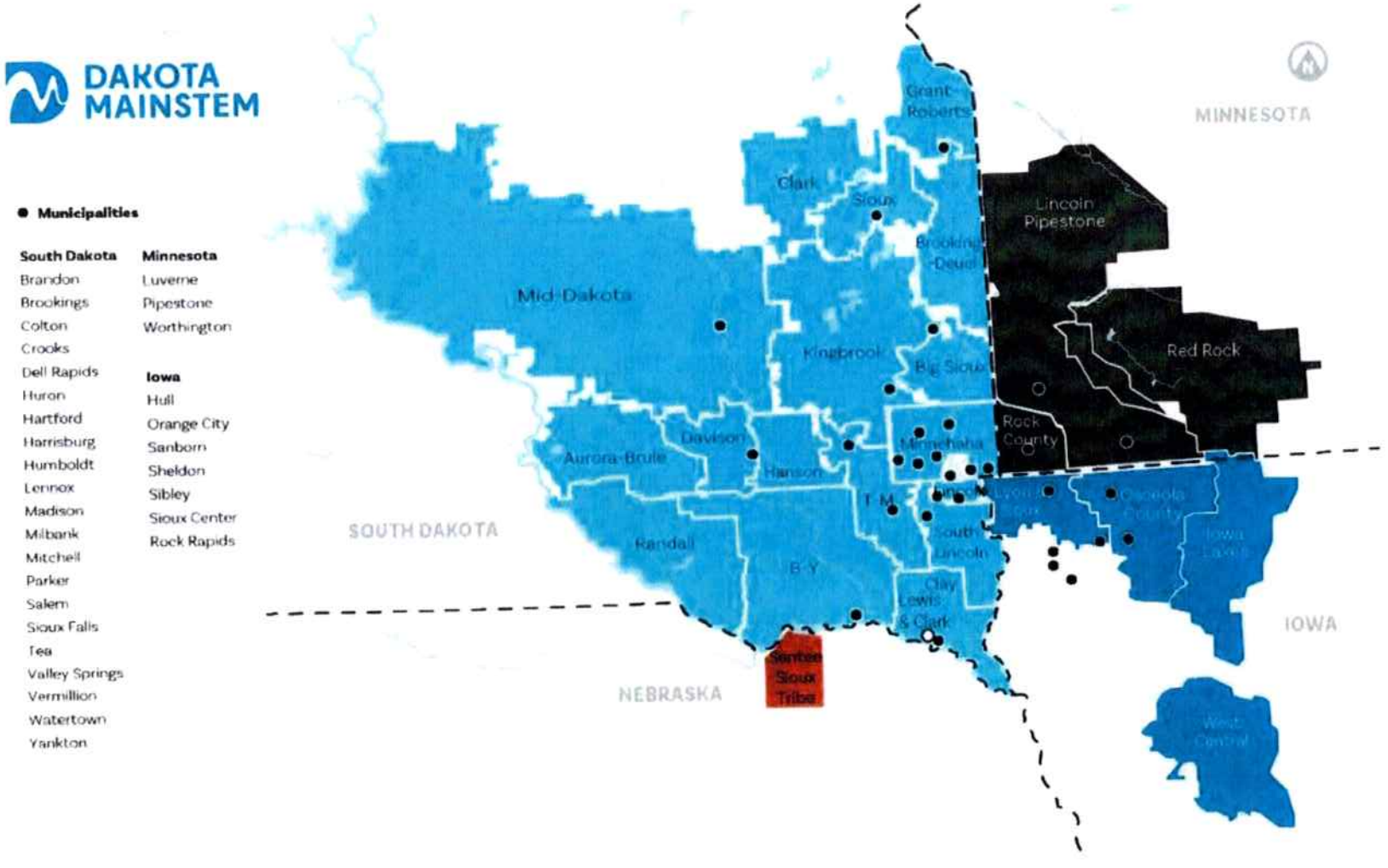

Figure 2-1 DMRWS Membership Overview

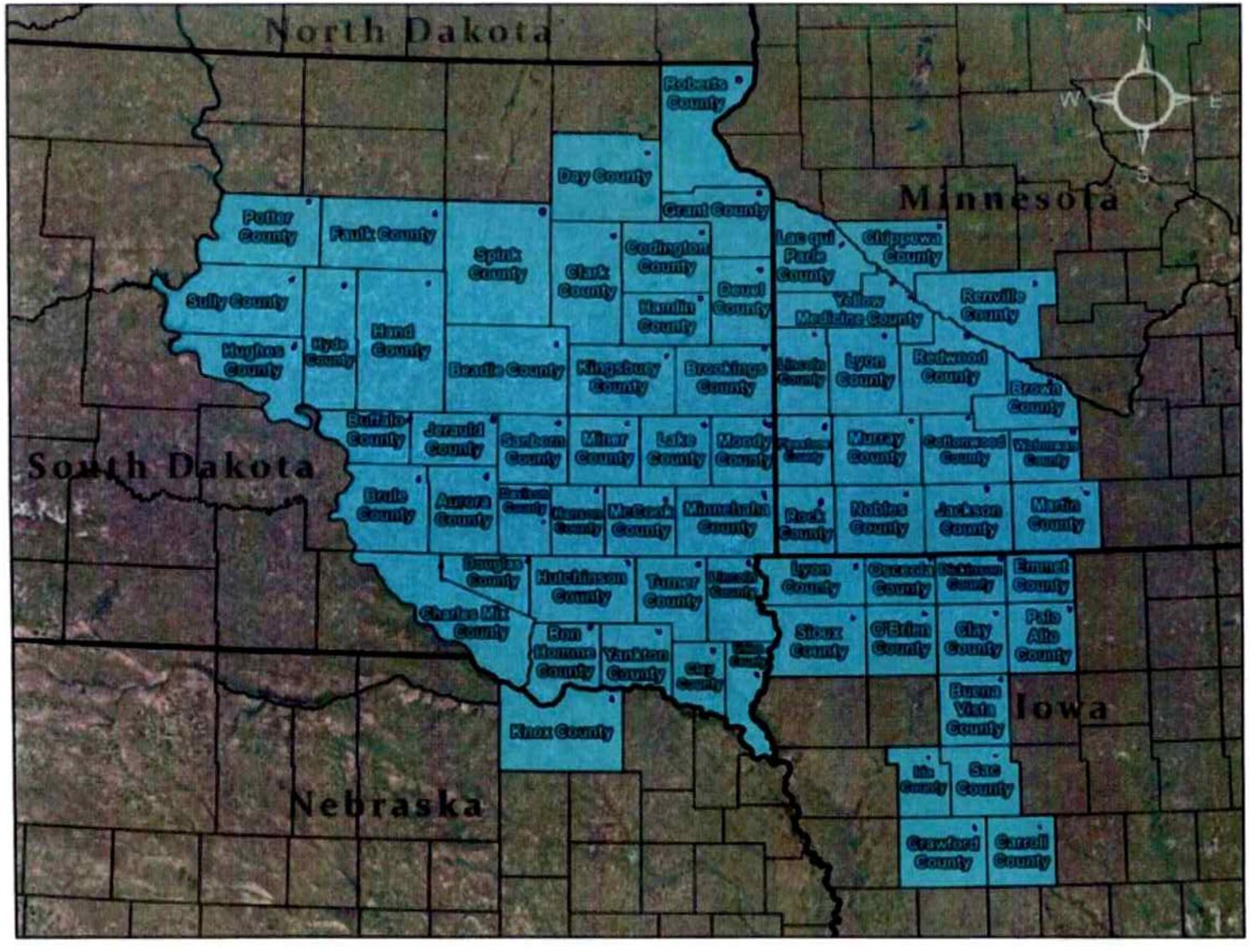

Figure 3. Counties that would be served by Dakota Mainstem

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Site Map ID	TOWN	RANG	CONCATENATE_SECT
1	112	80	34, 35, 36, 25, 26, 27, 28
2	103	71	7, 6, 18, 19, 5
2	103	72	1, 24, 12, 14, 11, 13, 2
2	104	70	6
2	104	71	12, 14, 15, 16, 28, 29, 3, 30, 1, 11, 2, 32, 20, 21, 22, 4, 10, 17, 19, 27, 31, 33, 9
2	104	72	24, 35, 36, 25
2	105	70	31, 32
2	105	71	36, 35
3	95	65	8, 5, 6
3	95	66	1, 2, 4, 5, 3
3	96	65	31, 32
3	96	66	30, 32, 34, 35, 36, 31, 33
3	96	67	10, 11, 24, 25, 26, 6, 9, 14, 22, 4, 13, 15, 2, 23, 3, 36, 5
3	97	67	33, 31, 32, 34
4	93	63	8, 5, 7, 6
4	93	64	1
4	94	63	31
4	94	64	27, 28, 26, 35, 34, 36
5	93	56	23, 26, 22, 13, 14
6	89	48	17, 18, 21, 20, 28
6	89	49	16, 21, 22, 24, 4, 5, 9, 13, 15, 23
6	90	49	30, 31, 32, 33
6	90	50	24, 25

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DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
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PIERRE SD 57501-3182
danr.sd.gov

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT APPLICATION NO. 9061-3, Dakota Mainstem 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. 9061-3, Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042

The Chief Engineer is recommending APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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. 9061-3 reserves 55,230 acre-feet of water annually from the natural flows of the Missouri River.
2. Future Use Permit No. 9061-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Adam Mathiowetz, PE
Chief Engineer
DANR-Water Rights Program
October 07, 2026

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.

Approval or denial of this permit does not preclude DMRWS from applying for additional future use reservations at some later date.

Report to the Chief Engineer

On Future Use Permit Application No. 9061-3

Dakota Mainstem

October 6, 2026

Future Use Permit Application No. 9061-3 proposes to appropriate and reserve 55,230 acre-feet of water annually from the natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union Counties, generally following the Missouri River in the reach between the Oahe Dam located approximately seven miles northwest of Pierre, South Dakota and Sioux City, Iowa.

Site one reserves Sections 25 through 28 and 34 through 36; all in T112N-R80W.

Site two reserves Sections 5 through 7, 18 and 19; all in T103N-R71W; Sections 1 and 2, 11 through 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 through 4, 9 through 12, 14 through 17, 19 through 22 and 27 through 33; all in T104N-R71W; Sections 24, 25, 35 and 36; all in T104N-R72W; Sections 31 and 32; all in T105N-R70W; and Sections 35 and 36; all in T105N-R71W.

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Site five reserves Sections 13 and 14, 22 and 23, and 26; all in T93N-R56W.

Site six reserves Sections 17 and 18, 20 and 21, and 28; all in T93N-R48W; Sections 4 and 5, 9, 13, 15 and 16, and 22 through 24; all in T89N-R49W; Sections 30 through 33; all in T90N-R49W; and Section 24 and 25; all in T90N-R50W.

The water is to be reserved as a future water supply, to serve municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union Counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rocky Counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll Counties (Iowa). If approved, this application does not authorize the construction of works or placement of water to beneficial use.

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

Pursuant to 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 has been prepared to aid the Chief Engineer in making a recommendation and for the Water Management Board's decision-making authority on the application.

SDCL 46-2A-10 and SDCL 46-5-20.1

Pursuant to 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."

SDCL 46-5-38 and SDCL 46-5-38.1

Dakota Mainstem Regional Water System (DMRWS) is a proposed regional water system intended to provide its members with clean, safe, and reliable drinking water. DMRWS is an entity that may reserve water for future use pursuant to SDCL 46-5-38(4). An entity that may reserve water for future use must show future need for the water, and unappropriated water must be available for the proposed appropriation pursuant to SDCL 46-2A-10.

DMRWS membership spans across four states including eastern South Dakota, southwest Minnesota, northwest Iowa, and the Santee Sioux Tribe in Nebraska. DMRWS is composed of 57 members, including 31 municipalities, one tribal nation, and 25 rural water systems. The total area intended to be served includes just over 23 million acres of land.

An engineering report completed by Banner Engineering, DGR, HDR, and Bartlett & West Inc. was submitted with the application for an appraisal study developed for the United States Bureau of Reclamation (US BOR) by DMRWS to determine whether it is appropriate to recommend that a feasibility study be conducted. The appraisal study found that existing groundwater sources are nearing capacity and face water quality issues, infrastructure limitations, drought vulnerability, and contamination risks.

Water demand is projected by the applicant to reach approximately 194 million gallons per day (mgpd) by the year 2070, which is expected to exceed the sustainable yield of available groundwater resources (Banner Engineering, DGR, HDR, and B&W, 2026).

Pursuant to 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."

Description of Proposed Water Source

If approved, this application proposes to appropriate and reserve 55,230 acre-feet of water per year from the natural flows of the Missouri River, when fully developed. Since DMRWS is a proposed regional water system, there are currently no existing water distribution facilities or water rights held by DMRWS.

The engineering report analyzed potential surface water intake sites along the Missouri River that could serve DMRWS within the area of interest between Pierre, SD to Sioux City, Iowa. This river reach includes three reservoirs operated by U.S. Army Corps of Engineers (USACE), which include Lake Oahe, Lake Francis Case, and Lewis and Clark Lake, as shown in Figure 1. These reservoirs are created by Oahe Dam, Fort Randall Dam, and Gavin's Point Dam, respectively.

One cfs continuously pumping for one year equals an approximate volume of 724 acre-feet. The annual volume proposed by this application with continuous pumping equates to approximately 76 cubic feet of water per second (cfs). Since pumping will not be on a continuous basis, the actual pump rate required to divert the proposed volume will, at times, exceed the approximate diversion rate of 76 cfs. However, a generalized, equivalent pump rate of 76 cfs continuously is needed to pump 55,230 acre-feet per year as requested by this application; therefore, 76 cfs will be used for purpose of analyzing the hydrologic budget in this report.

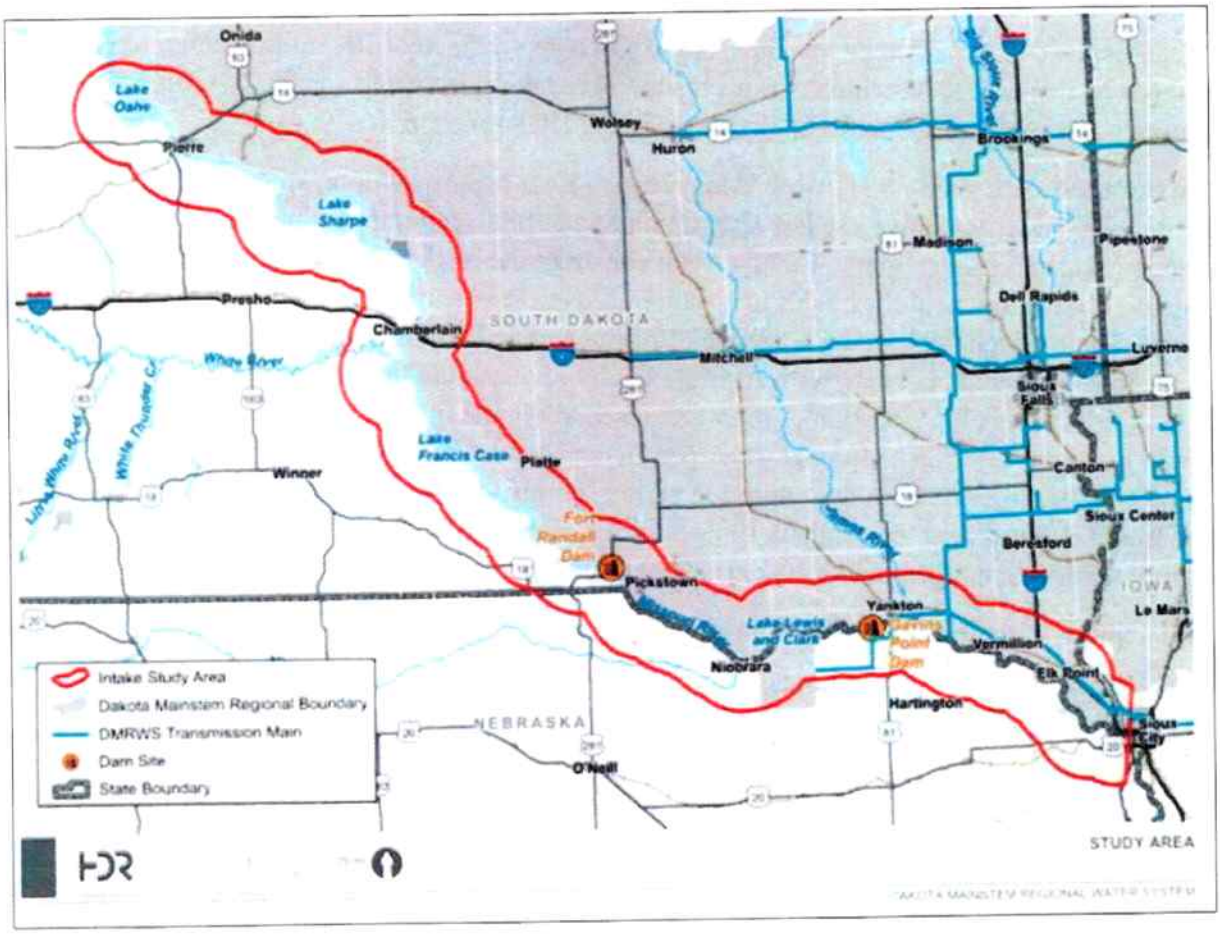

Figure 1. DMRWS surface water intake study area (modified from Banner Engineering, DGR, HDR, and B&W, 2026)

Between 1933 to 1964, the USACE constructed the six dams that comprise the Missouri River Basin Mainstem System: Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point (upstream to downstream). The Missouri River is a regulated system, and flow hydrographs of the river are affected by the presence of the mainstem reservoir system. The dams are managed as a single system and operated in accordance with a master manual provided by the USACE in 2018 and an Annual Operating Plan (AOP) for 2025 through 2026 (USACE, 2018 and 2025). The eight congressionally authorized purposes of the system that are defined and regulated by the 1944 Flood Control Act are flood control, navigation, irrigation, power, water supply, water quality control, recreation, and fish and wildlife. The Master Manual is the foundational, long-term regulatory document, while the AOP is the short-term implementation plan that applies those rules to the specific hydrologic and water-supply conditions of a given year (USACE, 2025).

Unregulated, or "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. USACE defines unregulated flow as "Missouri River flows that would have resulted if the reservoirs were not in place" (USACE, 2025). This flow is available

for appropriation without the need for releases to augment the flow. Although the general pattern of higher flows released during the summer compared to flows released during the winter still prevails, system regulation serves to reduce high flows in the spring and summer in most years and to release the stored water during the lower flows in the fall and winter (USACE, 2018). The natural flow of the Missouri River is available for appropriation pursuant to South Dakota Water Law.

Figure 2 shows a hydrograph comparing the actual releases (regulated flow) and modeled, unregulated flow from Oahe Dam that was published in the 2025-2026 AOP of the Missouri Mainstem System by USACE. The graph illustrates the smoothing of flows throughout the year due to the presence of the dam. It should be noted that the unregulated hydrograph during January and February 2024 and 2025 show low flows. USACE states in the AOP that low or zero unregulated flow values could be due to ice formation, agricultural depletions, and/or upstream tributary regulation. However, during January and February of 2025, the USGS stream gage on the Yellowstone River near Sidney, MT records flow ranging from 3,000 to 8,000 cfs (with an end of February peak around 30,000 cfs), USGS stream gage on the Cheyenne River near Plainview, SD records flow ranging from 70 to 300 cfs, and the USGS stream gage on the Grand River at Little Eagle, SD records flow ranging from 10 to 500 cfs (USGS, 2025).

Since these are only three of many tributaries accounting for natural flow in the Missouri River, it is unclear how USACE determines low flows, and this suggests that the impacts of ice formation, agricultural depletions, or upstream tributary regulation may be overestimated in USACE's determination of unregulated flow. Additionally, while in an unregulated system January and February are estimated to be the months of lowest flow, most of the agricultural depletions, such as irrigation, would not be present during that timeframe. However, there may be some limited use by livestock production during that period.

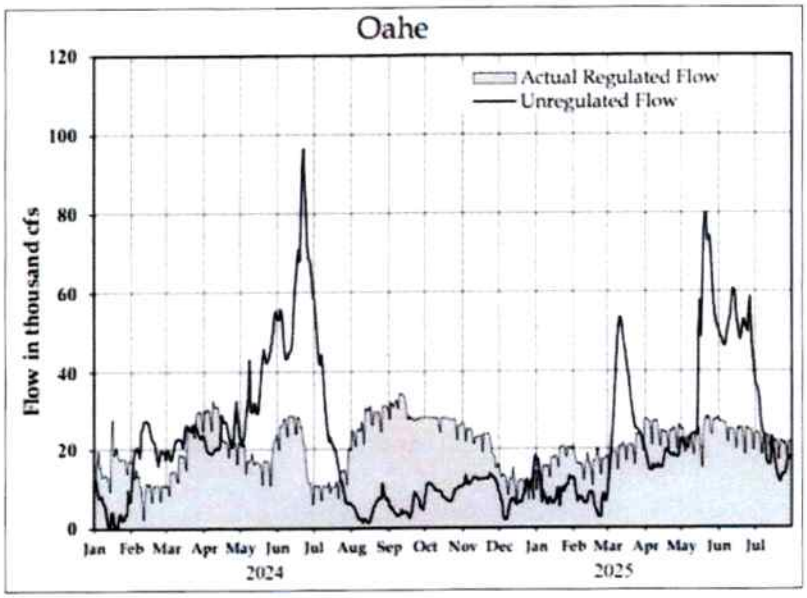

Figure 2. Graph shown on Plate 12 of 2025-2026 Annual Operating Plan: Reservoir Release and Unregulated Flow (USACE, 2025)

Water Availability

Statistical analysis of a hydrograph requires a discharge record of sufficient length to estimate water availability. On the Missouri River, daily discharge records do not start until the 1920s, and all six mainstem dams were completed by 1964, leaving minimal records of the unregulated river.

In 2001, the United States Geological Survey (USGS) conducted a study modeling outflow alternatives using 100 years of historical inflow data for the years 1898 to 1998 at Oahe and Gavins Point Dams (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, 50th, and 90th percentiles) were calculated. For example, the 90th percentile line shows the flow that equaled or exceeded 90% of the time on that day for each year. Figures 3 and 4 show the flow exceedance curves made for the modeled unregulated outflow at Oahe and Gavins Point Dams, respectively.

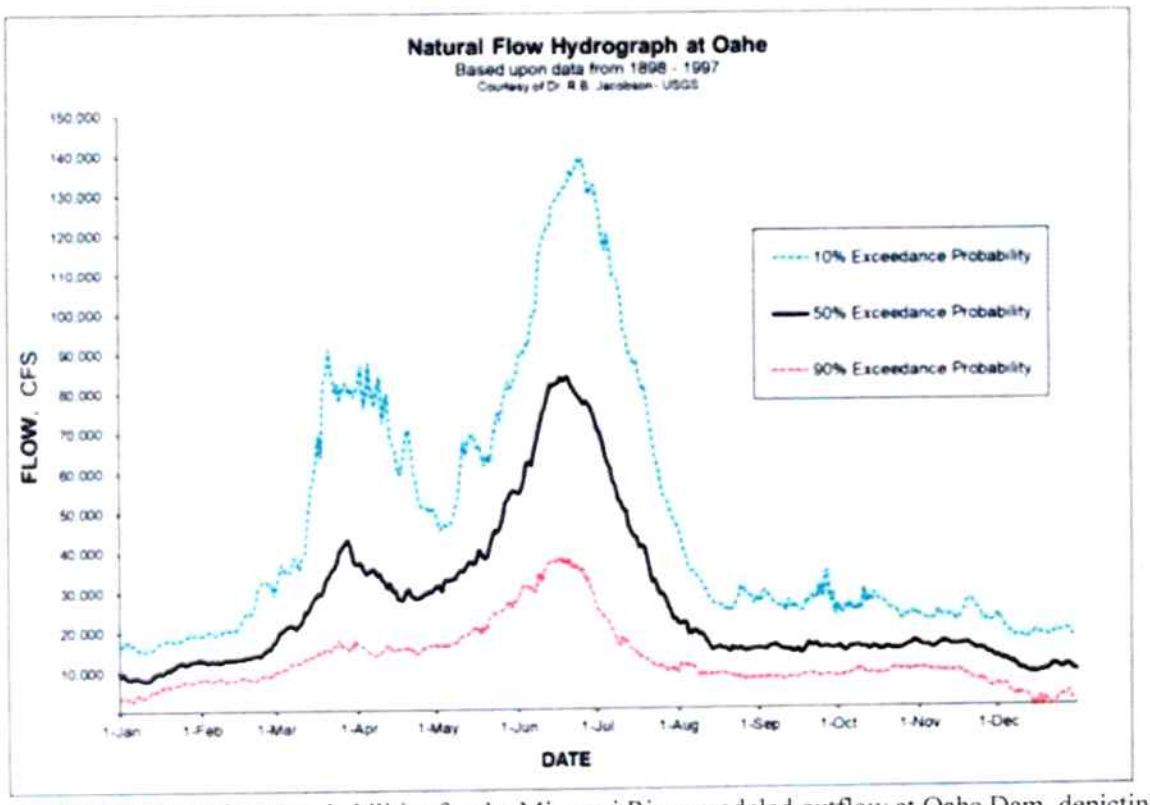

Figure 3. Flow exceedance probabilities for the Missouri River modeled outflow at Oahe Dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001)

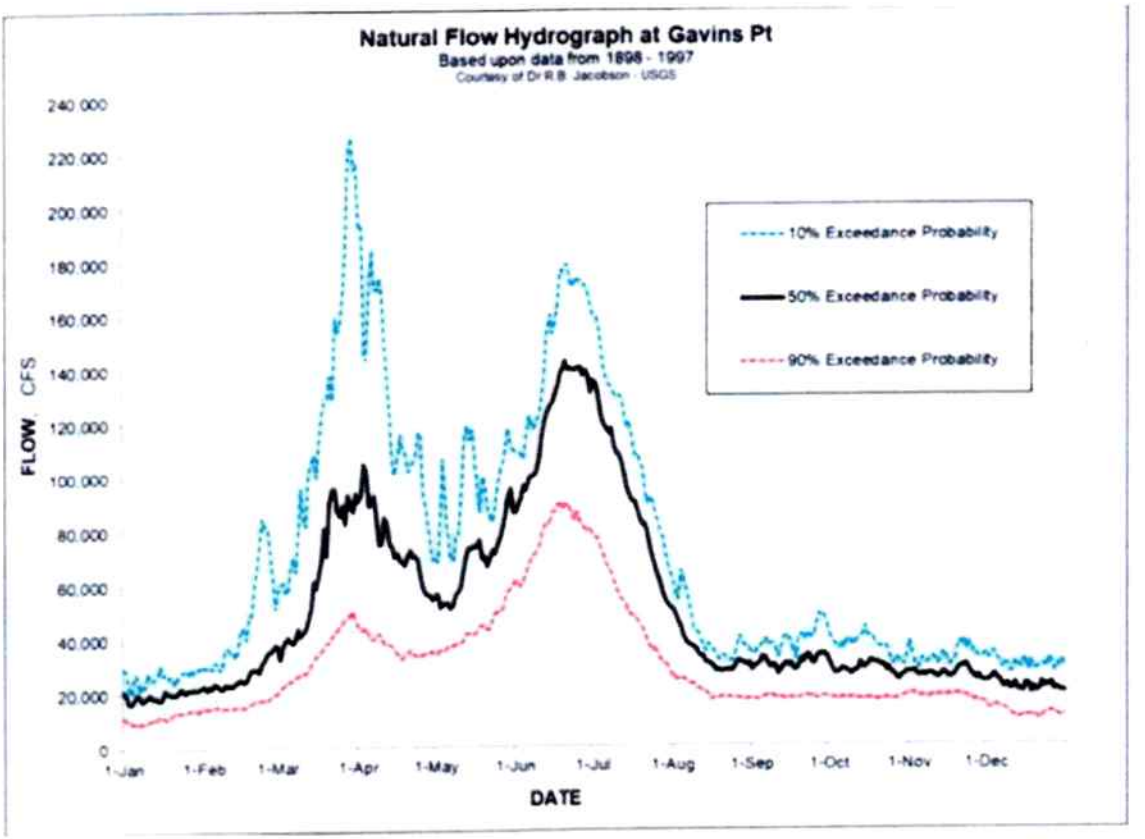

Figure 4. Flow exceedance probabilities for the Missouri River modeled outflow at Gavins Point Dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001)

The annual variability of historical natural flows for the Missouri River at Oahe Dam is reflected in the variability of output discharge shown in Figures 3 and 4. Vertical variation in the graph shows the annual variation of flows based on the flow exceedance probabilities, and horizontal variation shows seasonal variation throughout the year (Jacobson and Heuser, 2001). There are two large peaks throughout the year. The first peak occurs from the Great Plains snowmelt in the early spring. The second, and largest peak (except for the Gavins Point 10% exceedance probability which indicates flooding conditions), occurs in late spring to early summer resulting from rainfall over large areas of the Missouri Basin, including local thunderstorms, combined with the rapid melting of mountain snowpack. Late summer and fall show diminishing rainfall, and low runoff and light precipitation in the winter (USACE, 2018).

The 90th percentile for Figures 3 and 4 shows 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 (Jacobson and Heuser, 2001).

The modeled flows used in Figures 2 to 4 were generated by the Daily Routing Model (DRM) used by USACE (Jacobson and Heuser, 2001; USACE, 2025). Even considering a few likely overestimated modeled low flow days shown in Figure 2 and Figure 3, there is ample water

available in the Missouri River's natural flows, even at the 90% exceedance probability at the proposed withdrawal sites, if this project is approved. Water availability is not a concern when using the natural flows of the Missouri River as an appropriative water source in South Dakota at this time.

Existing Users

There are currently 249 existing water rights/permits appropriating 1,222 cfs from the natural flows of the Missouri River in South Dakota. Of those 249 existing water rights/permits, 212 are for irrigation use, and during the irrigation season (generally April 1 through October 31 in South Dakota) are authorized to pump approximately 1,035 cfs at any given time, with approximately 187 cfs of flow appropriated to the 37 non-irrigation water rights/permits (Water Rights, 2026). It is a conservative measure to assume that all water right/permit holders would be pumping at any given time.

Currently, there are 23 future use permits collectively reserving 405,465 acre-feet of water per year listed in Table 1. Future Use Permit No. US594-3 reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project, and Deferred Water Permit Application No. 4831-3 requests 1.5 million acre-feet of water for the CENDAK irrigation project during the time of application. The irrigation projects for which the water was reserved or applied for have not been constructed and are currently defunded. Even though the projects have been defunded, Future Use Permit No. US594-3 remains in place and Deferred Water Permit Application No. 4831-3 remains in a deferred status. The reserved volume by Future Use Permit No. US594-3 is not included in the remaining reserved 405,465 acre-feet of water per year (Water Rights, 2026).

Table 1. Future use permits reserving water from Missouri River in South Dakota (Water Rights, 2026)

Future Use Permit Holder	Permit No.	Remaining Reserved Water (acre-feet)
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
WEB Water Development Association, Inc.	2671-3	0
	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
Western Dakota Regional Water System	2881-2	20,765
City of Aberdeen	8959-3	9,500
Mid-Dakota Rural Water System	9030-3	9,999
TOTAL:	**23**	**405,465***
*Total remaining reserved water does not include the 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 application is required, 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 reservation. Assuming full development of the remaining reserved water by the 23 Missouri River future use permits, and assuming that they will pump continuously throughout the year, the 405,465 acre-feet of water per year equates to approximately 560 cfs of water being pumped on a continuous basis. This application, when fully developed, seeks to withdraw the equivalent of 76 cfs of water from the Missouri River.

Table 2 lists the estimated flow required 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 76 cfs at full development from MDRWS, if this future use 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, 2026).

Table 2. Estimated required natural flows on the Missouri River to satisfy existing water rights/permits, assuming full development of the remaining volumes reserved by future use permits, and including the proposed pump rate for this application, if approved, during the irrigation and non-irrigation seasons (Water Rights, 2026)

Use Type	Estimated Pumping (at any given time) from April 1 to October 31 - Irrigation Season (cfs)	Estimated Pumping (at any given time) from November 1 to March 31 - Non-Irrigation Season (cfs)
Irrigation Use	1,035	0
Non-Irrigation Use	187	187
Remaining Future Use Development	560	560
Future Use Permit Application No. 9061-3, if approved	76	76
TOTAL:	**1,858**	**823**

Comparing the estimated required flow (Table 2) for different times of the year to Figures 3 and 4, including an equivalent pump rate of 76 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 212 irrigation water rights/permits, accounting for approximately 85% of both the water permits/rights and diversion rate authorized to be diverted from the Missouri River in South Dakota, are pumping continuously during the irrigation season which is mostly during high-flow months;
- All 37 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 can be fully developed and would pump continuously year-round.

CONCLUSIONS:

1. Future Use Permit Application No. 9061-3 proposes to appropriate and reserve 55,230 acre-feet of water annually from the natural flows of the Missouri River. The areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union Counties, generally following the Missouri River in the reach between the Oahe Dam located approximately seven miles northwest of Pierre, South Dakota and Sioux City, Iowa.

2. Site one reserves Sections 25 through 28 and Sections 34 through 36; all in T112N-R80W.

3. Site two reserves Sections 5 through Sections 7, 18 and 19; all in T103N-R71W; Sections 1 and 2, 11 through 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 through 4, 9 through 12, 14 through 17, 19 through 22 and 27 through 33; all in T104N-R71W; Sections 24, 25, 35 and 36; all in T104N-R72W; Sections 31 and 32; all in T105N-R70W; and Sections 35 and 36; all in T105N-R71W.

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5. Site four reserves Sections 5 through 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 through 28 and 34 through 36; all in T94N-R64W.

6. Site five reserves Sections 13 and 14, 22 and 23, and 26; all in T93N-R56W.

7. Site six reserves Sections 17 and 18, 20 and 21, and 28; all in T93N-R48W; Sections 4 and 5, 9, 13, 15 and 16, and 22 through 24; all in T89N-R49W; Sections 30 through 33; all in T90N-R49W; and Section 24 and 25; all in T90N-R50W.

8. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union Counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rocky Counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll Counties (Iowa). If approved, this application does not authorize the construction of works or placement of water to beneficial use.

9. 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 release of stored water from Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, or Gavins Point Dams, though the reservoirs may supplement the rivers during low-flow periods.

10. Based on an evaluation of a USGS report and the USACE Daily Routing Model which models the natural flows of the Missouri River, the review indicates there is a reasonable probability that unappropriated water is available for this reservation of water.

11. DMRWS has demonstrated through the feasibility study that in order to meet projected future water needs, 55,230 acre-feet of water annually is needed from the Missouri River in addition to existing water supplies.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer III
SD DANR - Water Rights Program

References

Banner Engineering, DGR, HDR, Bartlett & West, Inc. (B&W), 2026. "Dakota Mainstem Regional Water System Appraisal Study," January 2026.

Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.

USACE. 2025. Missouri River Mainstem System 2025-2026 Annual Operating Plan. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.

USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.

Water Rights, 2026. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

October 13, 2026

Dakota Mainstem Regional Water System
c/o Kurk Pfeifle
1100 Heritage Drive
Madison SD 57042

Dear Mr. Pfeifle:

Water Permit Application No. 9061-3 has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

- Pierre Capital Journal (Forum Online Portal)
- Sisseton Courier 605-698-7642
- Webster Reporter & Farmer 605-345-3356
- Milbank/Grant County Review 605-432-4516
- Gettysburg/Potter County News 605-765-2464
- Faulkton/Faulk County Record 605-598-6525
- Redfield Press 605-472-0822
- Clark County Courier 605-532-3654
- South Shore Gazette 605-756-4247
- Hayti/Hamlin Co. Enterprise 605-793-2293
- Clear Lake Courier 605-874-2499
- Onida Watchman 605-258-2604
- Highmore Herald 605-852-2927
- Miller Press 605-853-3575
- Huron Plainsman 605-353-7401
- Kingsbury Journal 605-854-3331
- Brookings Register 605-997-3194
- Chamberlain Central Dakota Times 605-234-0266
- Wessington Springs True Dakotan 605-539-1281
- Woonsocket/Sanborn Weekly Journal 605-796-4221
- Howard/Miner County Pioneer 605-772-5644
- Madison Daily Leader (Forum Online Portal)
- Flandreau/Moody County Enterprise 605-997-3725
- Plankinton South Dakota Mail 605-942-7770
- Mitchell Daily Republic (Column Online Portal)
- Salem Special 605-425-2361
- Dakota Scout 605-271-4586
- Lake Andes Wave 605-384-5616
- Platte Enterprise 605-337-3101
- Wagner Post 605-384-5616
- Corsica Globe 605-946-5489
- Freeman Courier 605-925-7033
- New Era 605-297-4419
- Lennox Independent 605-647-2284
- Tyndall Tribune & Register 605-589-3242
- Daily Press & Dakotan 605-665-7811
- Vermillion Plain Talk 605-624-2695
- Beresford Republic 605-763-2006
- Dakota Dunes No. Sioux City Times 605-356-2632
- Aberdeen American News (USA Today Co.)
- Watertown Public Opinion (USA Today Co.)
- Argus Leader (USA Today Co.)

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

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

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

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Jeremy Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That The Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Jeremy Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Jeremy Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed Notice of Hearing

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

The first publication on:
November 11, 2026
the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of $95.08 insures solely to the benefit of the publisher of The Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of $95.08 is the rate for publishing legal notices.

Subscribed and sworn to before me this 30th day of November, 2026.

Notary Public
Commission expires: 09/28/30

Publication fee: $95.08
Notary fee:
Total: $95.08

RECEIVED
NOV 19 2026
Water Rights
Program

PUBLIC NOTICES

BECAUSE IT'S YOUR RIGHT TO KNOW

RECEIVED
NOV 18 2026
Water Rights Program

DAKOTA MAINSTEM REGIONAL WATER SYSTEM

Notice of hearing on Application No. 9061-3

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W. Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W. Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5, all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W. Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg., 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 23, 2026.

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.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at https://danr.sd.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 23, 2026.

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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 November 23, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

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maintained on file in the office of the City Finance Officer and is available for inspection by any interested party during normal business hours.

Section 12. Authority of City Officers. The Mayor, City Finance Officer, City Attorney and other City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other agreements, instruments, certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized and in the documents authorized and approved herein.

Section 13. Approval Pursuant to Section 147(f) of the Code. To the fullest extent required by Section 147(f) of the Code, the City hereby approves of the issuance of the Tax-Exempt Bonds, in one or more series, pursuant to a plan of finance in an aggregate principal amount not to exceed $32,000,000 and to finance the Project as described in the Notice of Public Hearing.

Section 14. Effective Date. This Resolution shall take effect following the 20th day following its publication unless suspended by a referendum.

Dated this 3rd day of November, 2026.

ATTEST:
Michael Walter, Mayor
Lisa Edelman, Finance Officer

Bond Counsel Engagement Letter

Tjaden moved to authorize Mayor Walter to sign the bond counsel engagement letter with Meierhenry Sargent LLP. Fransen seconded the motion. Roll call: all votes aye.

Jacobsen moved to close the public hearing at 6:39 p.m. Waltner seconded the motion. All votes aye.

Surplus Property

Tjaden moved to surplus a Winchester 12 Guage Shotgun and 2 Beretta Model 96 .40 caliber pistols and sell at the Wieman gun auction on December 29, 2026. Saarie seconded the motion. All votes aye.

Jacobsen moved to surplus the 2021 Peterbilt 520 garbage truck and sell on the Purple Wave Auction site with a $70,000.00 reserve. Lachman seconded the motion. Roll call: all votes aye.

Golf Board Members

Mayor Walter presented 2 names to be appointed to the golf board. Saarie moved to appoint Dean Dreessen and Seth Walter to the Golf Board. Jacobsen seconded the motion. All votes aye.

Liquor License Renewals

Jacobsen moved to approve the off-sale liquor license for Casey's, the wine license for Dollar General, the off-sale liquor license for Freeman Shopping Center, the on-sale liquor license for Hootz, the off-sale liquor license for Hootz, the off-sale liquor license for Total Stop and the on-sale liquor license for Valley View Golf Course for 2027. Saarie seconded the motion. Roll call: all votes aye.

Sewer Cleaning & Repair

Walters updated the council on the sewer lining project. He stated that the company that has been in town to clean and camera the lines found an area that is not part of the project that is plugged with grease and they also found a broken pipe at 7th St and Walnut St.

Fransen moved to hire CC Steel to clean the area plugged with grease at $650/hour. Saarie seconded the motion. Roll call: all votes aye.

Fransen moved to hire CMC Excavation to repair the broken pipe at 7th St and Walnut St. Lachman seconded the motion. Roll call: all votes aye.

Department Reports

Golf: Jacobsen asked about the hole at the golf course that needs to be filled in before it freezes.

Sewer: Walters stated that the control panel at the lagoon is being repaired this week.

Tree City: Tjaden asked for more information on the tree inventory and what needs to be done to get the dead trees removed.

Next Meeting Date

The next meeting of the Freeman City Council will take place on Tuesday, November 17, 2026 at 6:30 pm.

Executive Session

Fransen moved to go into Executive Session at 7:11 pm pursuant to SDCL 1-25-2(1) personnel. Waltner seconded the motion. All votes aye.

Saarie declared out of executive session at 7:48 pm.

Adjournment

Saarie moved to adjourn at 7:49 pm. Fransen seconded motion. All votes aye.

Lisa Edelman,
Finance Officer
Michael Walter,
Mayor

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on Application No. 9061-3
Appropriate and Reserve W
for Future Use

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Mainstem Regional Water System,
Heritage Drive, Madison SD 57042
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thru 4, 9 thru 12, 14 thru 17, 19 th
& 27 thru 33; all in T104N-R
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R72W; Sections 31 & 32; all in T
R70W; and Sections 35 & 36;
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Sections 5, 6 & 8; all in T95N-R
Section 1 thru 5; all in T95N-R
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Sections 30 thru 33; all in T90N-R
and Section 24 & 25; all in T90N-R
The water is to be reserved as a future
water supply, serving municipal and
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Day, Grant, Codington, Deuel, Hamlin,
Clark, Spink, Faulk, Potter, Sully,
Hughes, Hyde, Hand, Beadle,
Kingsbury, Brookings, Moody, Lake,
Miner, Sanborn, Jerauld, Buffalo, Brule,
Aurora, Davison, Hanson, McCook,
Minnehaha, Lincoln, Turner,
Hutchinson, Douglas, Charles Mix,
Bon Homme, Yankton, Clay, and Union
counties (South Dakota); Knox County
Nebraska); Lac-qui Parle, Chippewa,
Renville, Yellow Medicine, Lincoln,
Lyon, Redwood, Brown, Pipestone,
Murray, Cottonwood, Watonwon,
Martin, Jackson, Nobles, and Rock
counties (Minnesota); and Lyon,
Osceola, Dickinson, Emmet, Sioux,
O'Brien, Clay, Palo Alto, Buena Vista,
da, Sac, Crowford, and Corroll
counties (Iowa). If approved, this
application does not authorize
construction of works or application of
water to beneficial use.

RECEIVED
NOV 16 2026
OFFICE OF
WATER

Faulk County Commissione

No. 209, November 11, 2026

FAULK COUNTY
COMMISSIONER'S MEETING
November 5, 2026
(Unapproved Minutes)

Chairman Allen Hadrick called the meeting to order at 8:00 a.m. Those present were: Commissioner Kevin Horning, Commissioner Dwight Hossle, Commissioner Allen Hadrick, Commissioner Bruce Edgar, Commissioner Lee Hansen, Commissioner Elect Kasey Schraeder, Commissioner Elect Steve Roseland, and Auditor Aimee Law. Absent was State's Attorney Emily Marcotte. Also, present were members from the public Diana Homan, Alan and Michele Kathner, Milo and Debra Kolda and Dean Niederbaumer.

APPROVAL OF MINUTES:

2026.11.1 Commissioner Dwight Hossle made a motion and Commissioner Lee Hansen seconded to approve the minutes of the October 6th, 2026 meeting. Motion passed unanimously.

APPROVAL OF BILLS PAID DURING THE MONTH:

2026.11.2 Commissioner Kevin Horning made a motion and Commissioner Bruce Edgar seconded it to approve the following payroll and bills paid throughout the month. Motion passed unanimously.

DACOTAH BANK SUPPLIES/ TRANSPORT EXPENSES $540.93; STATE TREASURER TATE REMITTANCE $78,440.39; SCHOOLS SEPTEMBER 2026 APPORTION $32,330.91; TOWNSHIPS SEPTEMBER 2026 APPORTION $13,486.38; TOWNS SEPTEMBER 2026 APPORTION $9,869.05; FAULK COUNTY TREASURER TREASURERS TRUST $5,610.00; LAW ENFORCEMENT TRAINING REGISTRATION $1,000.00; MONTANA DAKOTA UTILITIES $ 26.21;

requirements and wishing to be
of record in a contested case
shall file a written petition to
the application with BOTI
applicant and Chief Enginee
petition opposing the applicatic
be filed on a form provided by th
Engineer. The petition form is a
online at https://danr.sd.gov/p
by contacting the Chief Engin
Chief Engineer's address is
Rights Program, Foss Building
Capitol, Pierre SD 57501" or ca
773-3352. The applicant's
address is given above. If contesu

STOCKING UNIT $25,6
ELECTRONICS SI
MATERIALS $114.00;
MOWING $100.00; HC
BOOKS/SUPPLIES $3
INC HIGHWAY MA
$5,145.00; ES&S P
SERVICES $5,366.83;
SERVICES P
SERVICES $100,99
COUNTY RECORD
$1,945.59; FAULK
TREASURER SU
MATERIALS $127.80
AREA MED. CENTE
MATERIALS $513.14
REXALL DRUG
MATERIALS $142
JUDICIAL CIRCUI
PROFESSIONAL SER
GILLETTE LAW
$1,469.54; GREAT WE
INC SUPPLIES &
$11,375.70; GUARDIAN
SYSTEM RENEWA
HANSON'S INC P
SERVICES $30.00;
WELDING & REPAI
MAINTENANCE $1,1
ACE HARDWARE
MATERIALS $34.8
LIBRARY BOOKS $1
INC SUPPLIES & MATI
JENSEN ROCK &
PROFESSIONAL
$439,115.59; KC LUMI
SUPPLIES & MATE
ELIZABETH KOENS
KONEXUS ALERTS
$9,135.65; AIMEE LA
MATERIALS $41.52;
TRAINING & CONF
GAS & EQUIPMENT I
MATERIALS $319.55;
OCTOBER PROF. SER
MCLEOD'S PRINTING
SUPPLIES & MATE
MIDWEST PIPE LININ
CLEAN OUT $11,402
MARKETING SU
MATERIALS $518.83;
SOLUTIONS, INC IN C
BODY CAM $17
PROFESSIONAL SER
PLUNKETT'S PEST
PROFESSIONAL SER
REDWOOD TOXIC
PROFESSIONAL SER
RESOURCE MATE
MATERIALS $115.
SANITATION UTILI
SANTANDER BANK
EQUIPMENT $86,005.
AUTO PARTS & REPAI
MATERIALS $22.33; S

Affidavit of Publication

State of South Dakota

§

County of Faulk

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

Notice of Hearing
Appropriate and Reserve Water

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

week(s), on the day of each week on which said

One (1)

newspaper was regularly published, to-wit:

November 11, 2026

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

$110.59

Subscribed and sworn to before me this

November 30, 2026

KRISTEN M BENT
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

My Commission **Expires**
September 8, **2027**

No. 207, Nov. 11, 2026

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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 November 23, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published one time at the total approximate cost of $110.59.

$110.59

RECEIVED
NOV 16 2026
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m to before me this

November 30, 2026

KRISTEN M BENT
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

My Commission **Expires**
September **8, 2027**

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 acre-feet of water annually,

3) the proposed use is a beneficial use and 4) it is in the public interest.

NOTICE OF HEARING

on Application No. 9061-3 Appropriate and Reserve W for Future Use

Notice is given that D. Mainstem Regional Water System, Heritage Drive, Madison SD 57042 filed an application for a future water permit to appropriate and re 55,230 acre-feet of water annually natural flows of the Missouri River six proposed areas to be reserve future use development are locat Hughes, Brule, Charles Mix, Yan and Union counties, gen following the Missouri River be the Oahe Dam and Sioux City. Sit reserves Sections 25 thru 28 & 34 36; all in T112N-R80W. Site reserves Sections 5 thru 7, 18 & in T103N-R71W; Sections 1 & thru 14, and 24; all in T103N-R Section 6-T104N-R70W; Sectic thru 4, 9 thru 12, 14 thru 17, 19 tl & 27 thru 33; all in T104N-R Sections 24, 25, 35 & 36; all in T R72W; Sections 31 & 32; all in T R70W; and Sections 35 & 36; T105N-R71W. Site three re Sections 5, 6 & 8; all in T95N-R Section 1 thru 5; all in T95N-R Sections 31 & 32; all in T96N-R Sections 30 thru 36; all in T96N-R Sections 2 thru 6, 9 thru 11, 13 th Sections 22 thru 26, and Section in T96N-R67W. Site four re Sections 5 thru 8; all in T93N-R Section 1-T93N-R64W; Sectio T94W-R63W; Sections 26 thru 2 thru 36; all in T94N-R64W. Sit reserves Sections 13 & 14, 22 & 2 26; all in T93N-R56W. Site six re Sections 17 & 18, 20 & 21, and 28 T93N-R48W; Sections 4 & 5, 9, 1 16, and 22 thru 24; all in T89N- Sections 30 thru 33; all in T90N- and Section 24 & 25; all in T90N-

The water is to be reserved as a water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

RECEIVED
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OFFICE OF WATER

No. 209, November 11, 2026

FAULK COUNTY COMMISSIONER'S MEETING
November 5, 2026
(Unapproved Minutes)

Chairman Allen Hadrick called the meeting to order at 8:00 a.m. Those present were: Commissioner Kevin Horning, Commissioner Dwight Hossle, Commissioner Allen Hadrick, Commissioner Bruce Edgar, Commissioner Lee Hansen, Commissioner Elect Kasey Schraeder, Commissioner Elect Steve Roseland, and Auditor Aimee Law. Absent was State's Attorney Emily Marcotte. Also, present were members from the public Diana Homan, Alan and Michele Kathner, Milo and Debra Kolda and Dean Niederbaumer.

APPROVAL OF MINUTES:

2026.11.1 Commissioner Dwight Hossle made a motion and Commissioner Lee Hansen seconded to approve the minutes of the October 6th, 2026 meeting. Motion passed unanimously.

APPROVAL OF BILLS PAID DURING THE MONTH:

2026.11.2 Commissioner Kevin Horning made a motion and Commissioner Bruce Edgar seconded it to approve the following payroll and bills paid throughout the month. Motion passed unanimously.

DACOTAH BANK SUPPLIES/ TRANSPORT EXPENSES $540.93; STATE TREASURER TATE REMITTANCE $78,440.39; SCHOOLS SEPTEMBER 2026 APPORTION $32,330.91; TOWNSHIPS SEPTEMBER 2026 APPORTION $13,486.38; TOWNS SEPTEMBER 2026 APPORTION $9,869.05; FAULK COUNTY TREASURER TREASURERS TRUST $5,610.00; LAW ENFORCEMENT TRAINING REGISTRATION $1,000.00; MONTANA DAKOTA UTILITIES $ 26.21; STOCKING UNIT $25,6 ELECTRONICS SI MATERIALS $114.00; I MOWING $100.00; HC BOOKS/SUPPLIES $3 INC HIGHWAY MA $5,145.00; ES&S P SERVICES $5,366.83; SERVICES P SERVICES $100,997 COUNTY RECORD $1,945.59; FAULK TREASURER SU MATERIALS $127.80 AREA MED. CENTEI MATERIALS $513.14 REXALL DRUG MATERIALS $142 JUDICIAL CIRCUI PROFESSIONAL SEF GILLETTE LAW $1,469.54; GREAT WE INC SUPPLIES & $11,375.70; GUARDIAN SYSTEM RENEWA HANSON'S INC P SERVICES $30.00; WELDING & REPAI MAINTENANCE $1,1 ACE HARDWARE MATERIALS $34.8 LIBRARY BOOKS $1 INC SUPPLIES & MATI JENSEN ROCK & PROFESSIONAL $439,115.59; KC LUMI SUPPLIES & MATE ELIZABETH KOENS T KONEXUS ALERTS $9,135.65; AIMEE LAV MATERIALS $41.52; TRAINING & CONF GAS & EQUIPMENT IN MATERIALS $319.55; OCTOBER PROF. SER MCLEOD'S PRINTING SUPPLIES & MATEI MIDWEST PIPE LININ CLEAN OUT $11,402 MARKETING SU MATERIALS $518.83; SOLUTIONS, INC IN C. BODY CAM $17 PROFESSIONAL SER PLUNKETT'S PEST PROFESSIONAL SER REDWOOD TOXIC PROFESSIONAL SER RESOURCE MATE MATERIALS $115. SANITATION UTILI SANTANDER BANK EQUIPMENT $86,005. AUTO PARTS & REPAI MATERIALS $22.33; S

requirements and wishing to be of record in a contested case h shall file a written petition to the application with BOTI applicant and Chief Enginee petition opposing the applicatic be filed on a form provided by th Engineer. The petition form is a online at https://danr.sd.gov/pu by contacting the Chief Engin Chief Engineer's address is Rights Program, Foss Building Capitol, Pierre SD 57501" or ca 773-3352. The applicant's address is given above. If contesting

Affidavit of Publication

State of South Dakota

§

County of Faulk

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

Notice of Hearing
Appropriate and Reserve Water

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

week(s), on the day of each week on which said

One (1)

newspaper was regularly published, to-wit:

November 11, 2026

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

$110.59

Subscribed and sworn to before me this

November 30, 2026

KRISTEN M BENT
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

My Commission **Expires** September 8, 2027

South Shore Gazette

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 16 2026
OFFICE OF WATER

STATE OF SOUTH DAKOTA

COUNTY OF CODINGTON } ss

Glenn Elmore, being duly sworn says: That South Shore Gazette is, and during all the times hereafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at South Shore, Codington County, South Dakota, by South Shore Gazette; that affiant is and during all of said times was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper upon:

Thursday, the 12th day of November, 2026 Notice of Hearing on Application No. 9001-3 to Appropiate and Reserve Water for future use.

Thursday, the _____ day of _____, _____

Thursday, the _____ day of _____, _____

that the full amount of the fee charged for publishing the same, including a $5.00 affidavit fee, to-wit, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Glenn Elmore

Subscribed and sworn to before me this 12 day of November, 2026

Alicia Huffman

Notary Public, South Dakota

My commission expires Feb. 24, 2032

Alicia Huffman
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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

Form 8

PROOF OF PUBLICATION

RECEIVED
NOV 16 2026
OFFICE OF WATER

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Glenn Elmore

certify that the attached printed Notice was taken from the e-mail on the computer.

printed and published in the South Shore Gazette

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

November 12, 2026

Cost of Printing $136.09

Glenn Elmore
(Signature)

owner and editor
(Title)

11/12/2026
(Date Signed)

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 23, 2026.

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.

The December 2, 2026, 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 November 23, 2026. 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 November 23, 2026.

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Published once at an approximate cost of 136.09.

May also be viewed free of charge at www.sdpublicnotices.com

(Publish Thursday, November 12, 2026)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that the **ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR USE

A printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive issues, the first publication made **2026** the **12th** day of **NOVEMBER**, and the last publication on **2026** the -- day of --, and that **$115.32** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

Curtis R. Olson

Subscribed and Sworn to me this

13th Day of November, 2026

(SEAL)

My commission expires February 26, 2032

Notary Public in and for Sully County, South Dakota

RECEIVED

NOV 16 2026

OFFICE OF WATER

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River.

The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections

30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lacqui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 23, 2026.

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

Continued on next page

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.

The December 2, 2026, 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 November 23, 2026. 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 November 23, 2026.

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 November 23, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published November 12, 2026, at the total approximate cost of $115.32 or may be viewed at www.sdpublicnotices.com. (372)-46

Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF CHARLES MIX)

Barbra Pechous, of said County and State being first duly sworn on her oath says: That the ***Wagner Post*** *is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Barbra Pechous, and has been such newspaper during the time herein mentioned; and that I, Barbra Pechous, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for* 1 *successive weeks.*

RECEIVED
NOV 13 2026
Water Rights Program

1st publication made on 21 day of Oct., 2026
2nd publication made on _____ day of _____, 2026
3rd publication made on _____ day of _____, 2026
4th publication made on _____ day of _____, 2026
5th publication made on _____ day of _____, 2026

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

$ 12389

Barbra Pechous

Subscribed and sworn before me this 13th day of November, 2026.

Tammy J. Stone

Notary Public

TAMMY J. STONE
NOTARY SEAL PUBLIC
STATE OF SOUTH DAKOTA

Exp: 07-27-2028

RECEIVED
NOV 13 2026
Water Rights
Program

PUBLIC NOTICES

DAKOTA MAINSTEM REGIONAL WATER SYSTEM

NOTICE OF HEARING TO APPROPRIATE AND RESERVE WATER

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at https://danr.sd.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2026.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 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 October 21, 2026, at the total approximate cost of $123.89 and may be viewed free of charge at www.sdpublicnotices.com

NOTICE OF HEARING FOR ADULT NAME CHANGE

STATE OF SOUTH DAKOTA)
COUNTY OF CHARLES MIX

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION OF:
MYRON LEE COURNOYER (CURRENT NAME)
FOR A CHANGE OF NAME TO:
MYRON LEE LINDMAN (PROPOSED NAME)

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by MYRON LEE COURNOYER the object and prayer of which is to change Petitioner's name from MYRON LEE COURNOYER to MYRON LEE LINDMAN. On the 30th day of November, 2026, at the hour of 2:00 p.m. said verified petition will be heard by this Court before the Honorable Bruce Anderson Presiding, at the Court Room in the Charles Mix County Courthouse, City of Lake Andes, Charles Mix County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 9th day of October, 2026 at Lake Andes, South Dakota
/s/ Jen Robertson, Clerk
Clerk of Court

Published October 21, 28, November 4, and 11, 2026, at the total approximate cost of $64.14 and may be viewed free of charge at www.sdpublicnotices.com

AFFP

#3735 Public Notice

Affidavit of Publication

STATE OF SOUTH DAKOTA SS
}
COUNTY OF BEADLE }

Shaun Sarvis, being duly sworn, says:

That he is Representative of the Huron Daily Plainsman, a weekly newspaper of general circulation, printed and published in Huron, Beadle County, South Dakota; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 21, 2026

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Representative

Subscribed to and sworn to me this 21st day of October 2026.

Shaun Sarvis, Publisher, Beadle County, South Dakota

My commission expires: April 26, 2028

22061845 01258576

521-Dakota Mainstem Regional Water System
1100 Heritage Drive
Madison, SD 57042

SHAUN SARVIS Notary SEAL Public South Dakota

FP 10-21-2026

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because I) there is reasonable probability that there is unappropriated water available for the applicant's proposed use. 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, agenda item is for the Board to present the application to the Legislature. NOT

The Platte Enterprise
Platte, SD 57369
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, is said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Legal Notice of Hearing

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise for one issue/s, the first publication being made on Thursday, the 22nd day of Oct.

A.D., 20 26 and succeeding publications were made severally on

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

and the last publication being made on Thursday, the _____ of _____ A.D., 20_____

That the publication fee for publishing said notice is the sum of $ 16.25

Sharon Huizenga

Subscribed and sworn to before me this 29th day of October, A.D., 20 26

Tonya Standy

Notary Public for Charles Mix County, SD

My Commission Expires on 7-20-29

TONYA STANDY
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA
My Commission Expires 7-20-29

EGAL NOTICE OF HEARING

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Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W.

Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W.

Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W.

Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W.

The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Carroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law (SDCL) 46-2A-4 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 B[illegible] 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 3, 2026.

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, 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.

The December 2, 2026, 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 November 3, 2026. 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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg. 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 consitutes disapproval by the Board and no further action need be taken by the Board.

PLEASE NOTE, the scheduled December 2, 2026, 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 2, 2026.

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

No[illegible]

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 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 that 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 and service is being provided by publication. Therefore the applicable date to give notice to the Chief Engineer is November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-15, 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, 46-5-26 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; 46-6-3 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.01 thru 74:02:01:35.01.

Published once at the approximate cost of $115.23 and may be viewed free of charge at www.sdpublicnotices.com.

October 22, 2026)

Affidavit of Publication

RECEIVED
NOV 05 2026
Water Rights
Program

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Being first duly sworn, deposes and says: that he/she is a Resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by Kristi Hine; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

And that the notice and advertisement headed

Notice of Hearing on Application No. 9064-3

A printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Wednesday, the 21 day of October, 2026; and that the succeeding publications were:
on Wednesday, the _____ day of _____, 20____
on Wednesday, the _____ day of _____, 20____
on Wednesday, the _____ day of _____, 20____

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 130 dollars and 68 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by law.

Signed: Kristi Hine

Subscribed and sworn to before me, this 2 day of November 2026

Delia Atkinson
Notary Public in and for
Jerauld County, South Dakota
My Commission Expires 8/10/2027

SEAL
DELIA ATKINSON
Notary Public
SOUTH DAKOTA

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32, all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W, Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because
I) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,
2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount
of 55,230 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest.

recommendation with qualifications, the application, and staff report are available at https://danr.sd.gov/public or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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 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 3, 2026.

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RECEIVED
NOV 05 2026
Water Rights Program

Published once at an approximate cost of $30.68 and may be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed

Application 9061-3

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for ....1..... successive weeks, the first publication being made on the ...22... day of ...Oct... 20..26

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

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

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

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

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

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in on office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is $ ...113.26... and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this ...30... day of ...Oct... 20..26

C R

My commission expires the ....10.... day of ...Oct... 20..31

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NOV 05 2026
Water Rights Program

HEATHER M. POULSON
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

Legal Notices • Legal Notices • Legal Notices • Legal Notices

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 28 thru 28 & 34 thru 36, all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19, all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24, all in T103N-R72W; Section 6-T104N-R70W. Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33, all in T104N-R71W. Sections 24, 25, 35 & 36, all in T104N-R72W; Sections 31 & 32, all in T105N-R70W; and Sections 35 & 36, all in T105N-R71W. Site three reserves Sections 5, 6 & 8, all in T95N-R65W; Section 1 thru 5, all in T95N-R66W. Sections 31 & 32, all in T96N-R65W. Sections 30 thru 36, all in T96N-R66W. Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36, all in T96N-R67W. Site four reserves Sections 5 thru 8, all in T93N-R63W; Section 1-T93N-R64W. Section 31-T94W-R63W. Sections 26 thru 28 & 34 thru 36, all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26, all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28, all in T93N-R48W. Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24, all in T89N-R49W. Sections 30 thru 33, all in T90N-R49W, and Section 24 & 25, all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because:

1. there is reasonable probability that there is unappropriated water available for the applicant's proposed use;
2. Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 acre-feet of water annually;
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The Chief Engineer's recommendation with qualifications, the application, and staff report are available at https://danr.sd.gov/public or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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2. approve with qualifications,
3. defer, or
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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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published once at the approximate total cost of $113.26 and can be viewed free of charge at www.sdpublicnotices.com.

(Oct 22, 2026)

UNAPPROVED
MINER COUNTY BOARD OF COMMISSIONERS SPECIAL SESSION
OCTOBER 15, 2026

The Miner County Board of Commissioners met in special session on October 15, 2026, in the Miner County Courthouse Commission room. Members present: Joe Bechen, Kathy Faber, Kari Jo Carlson, and Mike Clary. Absent: Tim Nerses.

Chairman Bechen called the meeting to order. The Pledge of Allegiance was recited. It was moved by Faber, seconded by Clary and carried to approve the agenda.

Carlson & Clary reported on their attendance at the Buckeye Swine open house, with many positive comments. Faber, Clary and Carlson reported on attending the 911 Agency meeting on Thursday, October 8th; progress is continuing as expected.

Motion by Carlson, second by Clary, and carried to approve the following resolution:

RESOLUTION 26-12

A RESOLUTION ADOPTING THE MINER COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN

WHEREAS, the South Dakota Department of Transportation Local Bridge and Improvement Grant Fund requires that, in order to be eligible to apply for Bridge Improvement Grant funds, Counties are required to develop a five-year Highway and Bridge Improvement Plan, hereinafter referred to as the Plan; and

WHEREAS, Miner County has utilized the South Dakota Department of Transportation, County Staff, the First District Association of Local Governments, Townships and the general public in developing the various components of the Plan; and

WHEREAS, the Plan includes maps and lists identifying an inventory of highways and bridges, project needs, and revenue sources; and

WHEREAS, Miner County held a public meeting on September 8, 2026, to solicit input into the Plan, and the citizens who attended expressed an interest in the Plan; and

WHEREAS, the County will be able to use the Plan as a tool to budget for transportation enhancements and better coordinate transportation issues with other entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MINER COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE MINER COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN IS HEREBY ADOPTED AND IS RECOGNIZED AS THE HIGHWAY AND BRIDGE IMPROVEMENT PLAN FOR MINER COUNTY.

Dated at Miner County, South Dakota, this 15th day of October, 2026.

Joe Bechen
County Commissioner Chair

Attest: Rebecca Mommaerts
Miner County Auditor

Having no further business, the meeting was declared adjourned. October [illegible], 2026, Pierre, until 9th day of October, 2026.

RECEIVED
NOV 06 2026
Water Rights Program

Joe Bechen, Chairman
Miner County Board of Commissioners

Attest: Rebecca Mommaerts
Miner County Auditor

Published once at the approximate total cost of $35.25 and can be viewed free of charge at www.sdpublicnotices.com.

(Oct 22, 2026)



RECEIVED

NOV 0 6 2026

OFFICE OF WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA, } SS.
County of Kingsbury.

Bill Aughenbaugh of said county being first duly sworn on oath, says that he is the publisher of the KINGSBURY JOURNAL, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of 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

No. 9061 to Appropriate and 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 once in

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

October 21 20 24 ____ 20 ____

____ 20 ____ ; ____ 20 ____

____ 20 ____ ; ____ 20 ____

____ 20 ____ ; ____ 20 ____

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

$ 131.23

Bill Aughenbaugh

Subscribed and sworn to before me this 2nd day of November A.D. 20 24

Connie Walter
Notary Public
Kingsbury County, South Dakota

My commission expires July 8, 20 31

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this applica-

tion does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 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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NOV 04 2026

OFFICE OF WATER

AFFIDAVIT OF PUBLICATION
The Miller Press

STATE OF SOUTH DAKOTA)
)SS
County of Hand)

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

Future water use requested from the Missouri River

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

Oct 24 26, _____ 20___

_____ 20___, _____ 20___

_____ 20___, _____ 20___

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

$ 116.35

Michael G. Caviness, Publisher

Subscribed and sworn to before me this 2nd day of November 26

Notary Public
My commission expires 2028

SUANNE R. MEYER
NOTARY
Seal
PUBLIC
STATE OF SOUTH DAKOTA

Future water use requested from the

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon

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The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

https://danr.sd.gov/public or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

I) there is reasonable probability that there is unappropriated water available for the applier 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 3, 2026.

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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.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 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 October 24, 2026, at a total approximate cost of $116.35 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

RECEIVED
NOV 03 2026
Water Rights
Program

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF CHARLES MIX)

Barbra Pechous of said County and State being first duly sworn on her oath says: That ***The Lake Andes Wave*** *is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Barbra Pechous, and has been such newspaper during the time herein mentioned; and that I, Barbra Pechous, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for* 1 *successive weeks.*

1st publication made on 21st day of October, 2026
2nd publication made on _____ day of _____, 2026
3rd publication made on _____ day of _____, 2026
4th publication made on _____ day of _____, 2026
5th publication made on _____ day of _____, 2026

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

$ 123.89

Barbra Pechous

Subscribed and sworn before me this 30 day of Oct, 2026.

SCOTT PECHOUS
NOTARY PUBLIC
SEAL
STATE OF SOUTH DAKOTA

Notary Public

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NOV 03 2026
Water Rights Program

PUBLIC NOTICES

DAKOTA MAINSTEM REGIONAL WATER SYSTEM

NOTICE OF HEARING TO APPROPRIATE AND RESERVE WATER

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published October 21, 2026, at the total approximate cost of $123.89 and may be viewed free of charge at www.sdpublicnotices.com

CHARLES MIX COUNTY

NOTICE OF ELECTION

NOTICE OF GENERAL ELECTION

A General Election will be held on Tuesday, November 3, 2026, at vote centers throughout Charles Mix County. Polls will be open from 7:00 a.m. to 7:00 p.m. central time on Election Day.

Charles Mix County voters may vote at any of the following vote centers:

Academy Fire Hall – 35514 SD Hwy 50 – Platte, SD 57369
Dante Church Center – 418 Haines St – Dante, SD 57329
Geddes Multi-Purpose Center – 409 Michigan Ave – Geddes, SD 57342
Lake Andes 4-H Center – 101 School St – Lake Andes, SD 57356
Pickstown Rainbow Room – 310 White Swan Dr – Pickstown, SD 57367
Platte Community Center – 310 S Main St – Platte, SD 57369
Wagner Armory – 610 E SD Hwy 46 – Wagner, SD 57380

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the County Auditor at 605-487-7131 before the election for information on polling place accessibility for people with disabilities.

Jason Gant
County Auditor
Charles Mix County

Published October 21 and 28, 2026, at the total approximate cost of $31.40 and may be viewed free of charge at www.sdpublicnotices.com

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OFFICE OF WATER

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

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:

10/22/2026

and that the fees charged are legal.
Sworn to and subscribed before on 10/22/2026

Legal Clerk

Notary, State of WI, County of Brown

8-21-30

My commission expires

Publication Cost:	$144.70	
Tax Amount:	$0.00	
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Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

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NOV 03 2026

OFFICE OF WATER

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties

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OFFICE OF WATER

(Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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

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OFFICE OF WATER

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 2, 2026.

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 November 3, 2026.

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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.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at https://danr.sd.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2026.

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Engineer is November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published once at the total approximate cost of $144.70 and may be viewed free of charge at www.sdpublicnotices.com.

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OFFICE OF WATER

CAPITAL JOURNAL

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Camden, ss:

Anjana Bhadoriya, 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 Application No. 9061-3 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. 22, 2026

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomesoever; that the fees charged for the publication thereof are: 111.00

Anjana Bhadoriya

(Signed)_____

VERIFICATION

State of New Jersey
County of Camden

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

Subscribed in my presence and sworn to before me on this: 10/26/2026

Sharonn E Thomas-Pope

Notary Public
Notarized remotely online using communication technology via Proof.

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NOV 02 2026
Water Rights Program

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osce-

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

I) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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Published at the total approximate cost of $111.00 and may be viewed for free of charge at www.sdpublicnotices.com

(Oct. 22, 2026)

RECEIVED
NOV U 2 2026
Water Rights Program

Madison DAILY LEADER

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Camden, ss:

Anjana Bhadoriya, 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

Application No. 9061-3

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: October 22, 2026

NOTICE ID: Z0obT1U9p4AEeaP3CZtJ
PUBLISHER ID: MDL001618
NOTICE NAME: Application No. 9061-3

That $111.00 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.

Anjana Bhadoriya

(Signed)_____

VERIFICATION

State of New Jersey
County of Camden

SHARONN E THOMAS-POPE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

Subscribed in my presence and sworn to before me on this: 10/26/2026

Notary Public
Notarized remotely online using communication technology via Proof.

RECEIVED
NOV 02 2026
Water Rights Program

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(Oct. 22, 2026)

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Water Rights Program

Forum Communications Company

SD Affidavit No. vVBhHAThAGJol4oVN6iB

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, 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 Mitchell Republic, a newspaper printed and published in the City of Mitchell, County of Davison, State of South Dakota.

1. I am the designated agent of The *Mitchell Republic*, a Daily newspaper published in the city of Mitchell, in said County Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: ***General Public Notice Notice***; *(1) time: Wednesday, October 21, 2026*, as required by law or ordinance.

3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher of 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 other person whomsoever, that the fees charged for the publication are: $111.33

Anjana Bhadoriya

(Signed)_____

VERIFICATION

State of Florida
County of Broward

SHERI SMITH
Notary Public - State of Florida
Commission # HH804448
Expires on May 31, 2030

Subscribed in my presence and sworn to before me on this: 10/21/2026

S Smith

Notary Public
Notarized remotely online using communication technology via Proof.

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Published 1 times at the total approximate cost of $111.33 and may be viewed for free of charge at www.sdpublicnotices.com.

(Oct. 21, 2026)

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NOV 02 2026
Water Rights Program

AFFIDAVIT OF PUBLICATION

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NOV 0 6 2026

OFFICE OF WATER

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

Julia Mechels

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that THE LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Hearing on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday the 22 day of October A.D., 20 26 and that the succeeding publication was severally

on Thursday the ____ day of _____ A.D., 20 _____
on Thursday the ____ day of _____ A.D., 20 _____
on Thursday the ____ day of _____ A.D., 20 _____
on Thursday the ____ day of _____ A.D., 20 _____
on Thursday the ____ day of _____ A.D., 20 _____
on Thursday the ____ day of _____ A.D., 20 _____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 114 Dollars and 03 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, 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.

Julia Mechels

Subscribed and sworn to before me this 2 day of NOV, 20 26.

Notary Public
Lincoln County, South Dakota

My Commission expires Oct 26, 20 30.

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Bue-

STATE OF SOUTH DAKOTA
County of Lincoln

IN THE CIRCUIT COURT
JUDICIAL CIRCUIT

_____

_____

vs.

_____

_____

Affidavit of Publication

The within Affidavit of Publication of

_____

_____

was filed in my office this _____

day of _____ , 20_____.

_____

Clerk of Circuit Court of the _____
Judicial Circuit of the State of South
Dakota within and for Lincoln County.

na Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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Published once at the total approximate cost of $114.03 and can be viewed free of charge at www.sdpublicnotices.com. (10-22)

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

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

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NOV 0 2 2026
Water Rights Program

#8490 NOTICE OF HEARING
was printed and published in said newspaper in 1 issue, to wit: The first publication made on October 21st, That One-Hundred & Sixteen and 51/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cindy Crook

Subscribed and sworn to before me this 21st, day of October, 2026

Kayla Jessen

Notary Public, South Dakota

KAYLA JESSEN NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

My commission expires 09/26/2030

NOTICE OF HEARING

#8490

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all In T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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Water Rights Program

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Published one time at the total approximate cost of $116.51 and may be viewed free of charge at www.sdpublicnotices.com Oct 21)

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NOV 02 2026
Water Rights Program

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Shannon L. Jost,
the publisher of the Dakota Dunes / North Sioux City Times,
deposes and says that

The Dakota Dunes / North Sioux City Times

is a legal weekly newspaper of a general circulation, printed and published in North Sioux City, 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

Application No. 9061-3

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 North Sioux City, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 23 day of October, 2026

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

$131.43, 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 23 day of October, 2026

Notary Public

MONTE R JOST
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires Aug 28 2028

RECEIVED
NOV 02 2026
OFFICE OF WATER

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas,

Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Publish October 23, 2026
Published once at the total approximate cost of $131.43 and may be viewed free of charge at www.sdpublicnotices.com
T43-1-356

RECEIVED
NOV 02 2026
OFFICE OF
WATER

Potter County News

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER, ss.

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

Application for future water use permit

Water Rights Program

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

1- Potter County News: 10/22/2026

That the full amount of the fees for the publication of the annexed notice is $117.04

James Brown

Subscribed and sworn to before me on 10/23/2026

Lori Cox

Lori Cox, Notary Public
State of South Dakota
My commission expires January 2, 2031

Lori Cox
Notary Public
South Dakota
SEAL SEAL

RECEIVED
NOV 02 2026
OFFICE OF WATER

Application for future use water permit

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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OFFICE OF WATER

The DAKOTA SCOUT

114 S Main Ave Suite B-4 | Sioux Falls, SD 57104 | 605-271-4586 | Legals@TheDakotaScout.com

Proof of Publication:

Water Rights Program
Attn: Rachel Rodriguez
523 E. Capitol Ave.
Pierre SD 57501

See image, Page 2

State of South Dakota, County of Minnehaha

The Dakota Scout, a weekly newspaper published in the city of Sioux Falls, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was published in said newspaper in the issue:

Vol. 3, No. 13, Oct. 23, 2026

And the fees charged are legal.
Sworn to and subscribed before on 10/23/2026

Sheri Levisay
Representative of The Dakota Scout

CHAD GARNES NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

Chad Garnes
Notary, State of SD, County of Minnehaha
11/03/2031
My Commission Expires

Publication Cost: $121.50
Shipping & Handling: $5.00
PP 313.19

THIS IS NOT AN INVOICE!!!
Please do not use this form for payment remittance

PUBLIC NOTICE

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Published once on Oct. 23, 2026, at the approximate cost of $126.50, and may be viewed free of charge at www.sdpublicnotices.com or TheDakotaScout.com.

AFFP
01259242 NOH App #9061-3

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Affidavit of Publication

STATE OF SOUTH DAKOTA SS
}
COUNTY OF BROOKINGS }

Catherine Poole, being duly sworn, says:

That she is Customer Service Representative of the Brookings Register, a weekly newspaper of general circulation, printed and published in Brookings, Brookings County, South Dakota; that the publication, a copy of which is attached hereto, was published in the said

October 23, 2026

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Catherine Poole

Customer Service

Subscribed to and sworn to me this 23rd day of October 2026.

Jodi Smith

Jodi Smith, , Brookings County, South Dakota

My commission expires: September 14, 2032

22061866 01259242

Michelle
501-Dakota Mainstem Regional Water System
1100 Heritage Dr.
Madison, SD 57042

JODI SMITH NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

01259242 1X
10/23
NOTICE OF HEARING
on Application No. 9061-3
to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,
2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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

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Any person who intends to participate in the hearing shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at https://danr.sd.gov/public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 3, 2026.

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OFFICE OF WATER

County of Day
State of South Dakota, } ss.

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

First Publication October 19, 2026
Second Publication
Third Publication
Fourth Publication
Fifth Publication ;

That the full amount of fees for publication of the annexed notice is $135.58 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Amanda M. Dulitz

Subscribed and sworn to before me this 27th day of October, 2026.

ROBERT DULITZ
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

Robert Dulitz
Notary Public, Day County, South Dakota

My Commission Expires
December 22, 2031

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

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Any person who intends to participate in the hearing

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County of Day
State of South Dakota, } ss.

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

First Publication October 19, 2026
Second Publication
Third Publication
Fourth Publication
Fifth Publication ;

That the full amount of fees for publication of the annexed notice is $135.58 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Amanda M. Dulitz

Subscribed and sworn to before me this 27th day of October, 2026.

ROBERT DULITZ
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL
My Commission Expires December 22, 2031

Robert Dulitz
Notary Public, Day County, South Dakota

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison, SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 through 28 & 34 through 36; all in T112N-R80W. Site two reserves Sections 5 through 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 through 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 through 4, 9 through 12, 14 through 17, 19 through 22 & 27 through 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 through 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 through 36; all in T96N-R66W; Sections 2 through 6, 9 through 11, 13 through 15, Sections 22 through 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 through 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 through 28 & 34 through 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 through 24; all in T89N-R49W; Sections 30 through 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles and

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South Dakota Codified Law (SDCL) 46-2A-4 provides that "if the applicant does not presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because:

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 a.m. (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg., 523 E. Capitol Ave., Pierre, SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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

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 3, 2026.

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 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 November 3, 2026.

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 1 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 November 3, 2026. 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.

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 10 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.

The December 2, 2026, 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 November 3, 2026. If an automatic delay is requested, the hearing will be rescheduled for a future

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

Published once at the total approximate cost of $135.58 and can be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

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County of Day
State of South Dakota, } ss

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

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Amanda M. Dulitz

Subscribed and sworn to before me this 27th day of October, 2026.

ROBERT DULITZ
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

Robert Dulitz
Notary Public, Day County, South Dakota

My Commission Expires
December 22, 2031

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison, SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 through 28 & 34 through 36; all in T112N-R80W. Site two reserves Sections 5 through 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 through 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 through 4, 9 through 12, 14 through 17, 19 through 22 & 27 through 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 through 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 through 36; all in T96N-R66W; Sections 2 through 6, 9 through 11, 13 through 15, Sections 22 through 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 through 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 through 28 & 34 through 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 through 24; all in T89N-R49W; Sections 30 through 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford and Corroll counties (Iowa). If approved contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because:

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 acre-feet of water annually,

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The Chief Engineer's recommendation with qualifications, the application and staff report are available at https://danr.sd.gov/public or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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Any person who intends to participate in the hearing

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Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

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

Notice of Hearing on Application No. 9061-3

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

10-21-26

RECEIVED

OCT 30 2026

OFFICE OF WATER

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

$ 127.42

M Lynn Headrick bookkeeper

Subscribed and sworn to before me this day

10-21, 2026

Kayla Charles
Notary Public, Moody County, South Dakota

KAYLA CHARLES
NOTARY PUBLIC SOUTH DAKOTA
SEAL SEAL

My commission expires **3-30-2029**

NOTICE OF HEARING ON APPLICATION NO. 9061-3
TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

(October 21, 2026)

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PLAIN TALK

DANR - ~~AIR QUALITY PROGRAM~~
~~LEANNE LOESCH~~
523 E CAPITOL, JOE FOSS BUILDI
PIERRE SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING ON APPL

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 23rd DAY OF October, 2026
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT $125.20 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 10/23/2026

FILED ON: 10/23/26

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF October, 2026

Brenda Lee R Williams

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029

Ad text :

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WATER

NOTICE OF HEARING
on Application No. 9061-3 to
Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, OBrien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Correll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because l)there is reasonable probability that there is unappropriated water available for the applicant's

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The Chief Engineer's recommendation with qualifications, the application, and staff report are available at
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74:02:01:35.01.

Published once at the total approximate cost of $125.20 and can be viewed free of charge at www.sdpublicnotices.com.

Published October 23, 2026.

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Affidavit Of Publication

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STATE OF SOUTH DAKOTA

County of Douglas

GERRI K. HART of said County and State, being first duly sworn, on her oath says: **THE CORSICA GLOBE** is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by **GERRI K. HART** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonefide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher 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

N. of Hearing App. No 9061-3

a printed copy of which is hereto attached, was printed and published in said newspaper for One successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 10-20, 20 26

the second publication being made on _____, 20____,

the third publication being made on _____, 20____,

the fourth publication being made on _____, 20____,

the fifth publication being made on _____, 20____,

the sixth publication being made on _____, 20____,

the seventh publication being made on _____, 20____,

the eighth publication being made on _____, 20____,

that $ 205.93 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division there of has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Gerri K. Hart

Subcribed and sworn to before me this 27 day of Oct. 2026

Wendy K Wilson

Notary Public, Douglas County, South Dakota

My Commission Expires Nov. 20, 2030

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Published once at the total approximate cost of $205.93 and can be viewed free of charge at www.sdpublicnotices.com.

263cL10/20c

PUBLIC NOTICE
NOTICE OF HEARING
on Application No. 9061-3
to Appropriate and
Reserve Water for
Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are

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NOV 10 2026

OFFICE OF
WATER

Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF McCOOK)
COUNTY OF HANSON)

TROY SCHWANS of said McCook County and South Dakota, being first duly sworn on his oath, says THE SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned, that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said Counties of McCook and Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication, and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit.

that the advertisement headed

Notice of Hearing
Dakota Mainstem Regional
Water System

a printed copy of which is hereto attached, was printed and published in the newspaper for 1 weeks, that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

10/22 ,20 26

the second publication on ,20

the third publication on ,20

the fourth publication on ,20

the fifth publication on ,20

the sixth publication on ,20

and the last publication on ,20

that $ 109.52 being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Troy Schwans

Subscribed and sworn to before me this 4th

day of November ,20 26

Luann McKillop

Notary Public McCook County

My commission expires 1-23-30

Luann McKillop
NOTARY PUBLIC
SOUTH DAKOTA
SEAL

located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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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 3, 2026.

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10-22

369534

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of McCook)

I, Troy Schwans

certify that the attached printed Notice was taken

from the The Special

printed and published in Salem

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 22, 2026

Cost of Printing $109.52

(Signature)

Managing Editor
(Title)

October 22, 2026
(Date Signed)

PUBLIC NOTICE
NOTICE OF HEARING
on Application No. 9061-3
to Appropriate and
Reserve Water for
Future Use

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RECEIVED
OCT 28 2026
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WATER

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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DANR
523 E CAPITOL AVE
PIERRE SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER 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 ON APPL

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 21st DAY OF October, 2026
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT $120.24 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 10/21/2026

FILED ON: 10/21/26

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF October, 2026

Brenda Lee R Willents
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029

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OCT 28 2026

OFFICE OF WATER

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, OBrien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law (SDCL) 46-2A-4 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 Engineers 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-3, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,
2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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

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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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

10/22/2026

and that the fees charged are legal.
Sworn to and subscribed before on 10/22/2026

Legal Clerk Denise Roberts

Notary, State of WI, County of Brown

4-6-27

My commission expires

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DENISE ROBERTS
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(Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 acre-feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest.

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The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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

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

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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:

10/22/2026

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 10/22/2026

Legal Clerk Denise Roberts

Notary, State of WI, County of Brown

4-6-27

My commission expires

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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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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

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OFFICE OF WATER

Engineer is November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published once at the total approximate cost of $139.70 and may be viewed free of charge at www.sdpublicnotices.com.

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OFFICE OF WATER

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Aurora)

I, J.P. Studeny, Jr.

certify that the attached printed Notice was taken from the South Dakota Mail

printed and published in Plankinton, SD

County of Aurora and

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

October 22, 2026

Cost of Printing

$145.16

(Signature)

Publisher

(Title)

October 22, 2026

(Date Signed)

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law

KYANNA HUFF
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

Kyanna Huff
06/26/2032

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OFFICE OF WATER

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at https://danr.sd.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2026.

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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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

(Published once at an approximate cost of $145.16.)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

Ken Reiste being first duly sworn, on oath says: That he is publisher of the Clear Lake Courier, a weekly newspaper published in the City of Clear Lake, Deuel County, South Dakota; that he has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Deuel and State of South Dakota, for at lease one year next prior to the first publication of the attached public notice

Notice Of Hearing
Dakota Mainstem Regional Water Application No.9063-3

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

October 21,2026

That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are **$123.48**

Ken Reiste

Ken Reiste

Subscribed and sworn to before me

this 21st day of October 2026

Notary Public, South Dakota
My commission expires: 09.27.2027

KELSEY MONNIER
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

Public notice

Notice of Hearing on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36, all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law (SDCL) 46-2A-4 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 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 3, 2026.

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.

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OFFICE OF WATER

by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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Published one time at the approximate cost of $123.48. (37/294). This notice may be viewed free of charge at sdpublicnotices.com maintained pursuant to § 17-2-1.

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT } ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Owner of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing on Application No. 9061-3 to Appropriate and Reserve Water, Dakota Mainstem 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 each week for One successive week(s), on the day of each week on which the said newspaper was regularly published, to-wit:

October 21	20 26		20
	20		20
	20		20

That $ 118.56, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 21st day of Oct 20 26

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027

ASHLIE SCHWEITZER
NOTARY PUBLIC
SEAL SOUTH DAKOTA SEAL

Publication Fee $ 118.56
Notarial Fee $
Total $ 118.56

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 through 28 and 34 through 36; all in T112N-R80W. Site two reserves Sections five through seven, 18 and 19; all in T103N-R71W; Sections one and two, 11 through 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 one through four, nine through 12, 14 through 17, 19 through 22 and 27 through 33; all in T104N-R71W; Sections 24, 25, 35 and 36; all in T104N-R72W; Sections 31 and 32; all in T105N-R70W; and Sections 35 and 36; all in T105N-R71W. Site three reserves Sections five, six and eight; all in T95N-R65W; Section one through five; all in T95N-R66W; Sections 31 and 32; all in T96N-R65W; Sections 30 through 36; all in T96N-R66W; Sections two through six, nine through 11, 13 through 15, Sections 22 through 26, and Section 36; all in T96N-R67W. Site four reserves Sections five through eight; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 through 28 and 34 through 36; all in T94N-R64W. Site five reserves Sections 13 and 14, 22 and 23, and 26; all in T93N-R56W. Site six reserves Sections 17 and 18, 20 and 21, and 28; all in T93N-R48W; Sections four and five, nine, 13, 15 and 16, and 22 through 24; all in T89N-R49W; Sections 30 through 33; all in T90N-R49W; and Section 24 and 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchin-

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OCT 26 2026
OFFICE OF WATER

son, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1.) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2.) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 a.m. (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published once at an approximate cost of $118.56 and can be viewed free of charge at www.sdpublicnotices.com.

– NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison, S.D. 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 A.M. (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg. 523 E. Capitol Ave., Pierre, S.D. to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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

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Affidavit of Publication

State of South Dakota

County of Clark

§ Water Rights Program

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

Water Rights Program

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

One

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

October 21, 2026

that the full amount of the fees for the publication of the annexed notice is **$124.76**

Karli Paulson

Subscribed and sworn to before me this

22nd day of October, 2026

Kimberly Paulson

KIMBERLY PAULSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public
Clark County, South Dakota

My Commission expires: 04/27/2029

APPROPRIATE AND RESERVE WATER FOR FUTURE USE — cation 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, S.D. 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 3, 2026.

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Published once at the approximate cost of $124.76 and can be viewed free of charge at www.sdpublicnotices.com

10-21-26

Vista, Ida, Sac, Crowford and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

South Dakota Codified Law (SDCL) 46-2A-4 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 hearing. No evidence or testimony will be accepted on December 2, 2026.

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OCT 26 2026

OFFICE OF WATER

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Lyn ....., Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Hearing
293 C .412

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

Oct. 21 20 26	20
20	20
20	20
20	20

That the full amount of the fee charged for the publication of said notice, $120.72, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Lyn Publisher

Subscribed and sworn to before me this 21st day of Oct 2026.

Peggy Hruska

Notary Public, South Dakota

My Commission expires: 10-24-2027

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water

to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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Published once at an approximate cost of $120.72 and can be viewed free of charge at www.sdpublicnotices.com

(October 21)

Affidavit of Publication

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

MARY ANN MORFORD

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

Notice of Hearing on Application

a printed copy of which is hereto attached, was printed and published in said newspaper for one (1) issue, the publication being made on October 22, 2026; and that $122.30 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 23rd day of October 2026

Mary E Hamlin
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2028

NOTICE OF HEARING ON APPLICATION NO. 9061-3 TO APPROPRIATE AND RESERVE WATER FOR FUTURE USE

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison, SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 and 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 and 19; all in T103N-R71W; Sections 1 and 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 and 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 and 36; all in T104N-R72W; Sections 31 and 32; all in T105N-R70W; and Sections 35 and 36; all in T105N-R71W. Site three reserves Sections 5, 6 and 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 and 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 and 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 and 14, 22 and 23, and 26; all in T93N-R56W. Site six reserves Sections 17 and 18, 20 and 21, and 28; all in T93N-R48W; Sections 4 and 5, 9, 13, 15 and 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 and 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union Counties (South Dakota); Knox County (Nebraska); Lacqui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock Counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll Counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230

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

The Water Management Board will consider this application at 10:35 a.m. (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 46-2A-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, Joie 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 3, 2026.

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.

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Published once at the total approximate cost of $117.60 and can be viewed free of charge at www.sdpublicnotices.com.

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OFFICE OF WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Brule)

I. Deb. Kourt

certify that the attached printed Notice was taken

from the Central Dakota Times

printed and published in

County of Brule and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 21, 2026

Cost of Printing

$ 106.94

Deb. Kourt
(Signature)

Owner / Publisher
(Title)

10-23-2026
(Date Signed)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 a.m. (Central Time) on Dec. 2, 2026, in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD to present Application No. 9061-3 to the legislature for consideration during the 2026 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 Dec. 2, 2026, 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 Dec. 2, 2026.

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(Published one week, October 21, 2026, at a total approximate cost of $106.94 and may be viewed free of charge at www.sdpublicnotices.com.)

(October 21)

Form 8

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OCT 26 2026

OFFICE OF WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Hamlin)

I, LeeAnne Dutek

certify that the attached printed Notice was taken from the Hamlin County Herald Enterprise

printed and published in Hayti

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

Oct. 21, 2026

Cost of Printing $117.39

LeeAnne Dutek
(Signature)

Owner
(Title)

10-22-2026
(Date Signed)

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The Chief Engineer's recommendation with qualifications, the application, and staff report are available at https://danr.sd.gov/public or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 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 2, 2026, 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 2, 2026.

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 En-

counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water

gineer'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 3, 2026.

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.

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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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

Published Oct. 21, 2026, at total cost of $117.39 and may be viewed online at www.sdpublicnotices.com

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:
N1022-14 Notice of Hearing
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 22nd day of October, 2026

That $111.96 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.

Amber D Miller



Subscribed and sworn to before me this 23rd day of October, 2026

Renae Hansen

Notary Public, State of South Dakota
My Commission Expires June 6, 2031

Publication Fee...$111.96
Notary Fee...$
Total $111.96

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon Osceola, Dickinson, Emmet, Sioux O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Carroll counties (Iowa). If approved this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because

1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use,

2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount

of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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Published once at the total approximate cost of $111.96 and may be viewed free of charge at www.sdpublicnotices.com.

N1022-14

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:
B1022-4 Notice of Hearing
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 22nd day of October, 2026

That $111.30 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.

Amber D Miller

RENAE HANSEN NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

Subscribed and sworn to before me this 23rd day of October, 2026

Renae Hansen
Notary Public, State of South Dakota
My Commission Expires June 6, 2031

Publication Fee...$111.30
Notary Fee...$
Total...$111.30

NOTICE OF HEARING on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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Published once at the total approximate cost of $111.30 and may be viewed free of charge at www.sdpublicnotices.com.

(B1022-4)

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Sanborn)

I, Carrie Howard

certify that the attached printed Notice was taken from the Sanborn Weekly Journal

printed and published in Woonsocket

County of Sanborn and

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

Oct. 22, 2026

Cost of Printing $116.90

(Signature)

Editor
(Title)

10/21/2026
(Date Signed)

NOTICE OF HEARING

on Application No. 9061-3 to Appropriate and Reserve Water for Future Use

Notice is given that Dakota Mainstem Regional Water System, 1100 Heritage Drive, Madison, SD 57042, has filed an application for a future use water permit to appropriate and reserve 55,230 acre-feet of water annually from natural flows of the Missouri River. The six proposed areas to be reserved for future use development are located in Hughes, Brule, Charles Mix, Yankton, and Union counties, generally following the Missouri River between the Oahe Dam and Sioux City. Site one reserves Sections 25 thru 28 & 34 thru 36; all in T112N-R80W. Site two reserves Sections 5 thru 7, 18 & 19; all in T103N-R71W; Sections 1 & 2, 11 thru 14, and 24; all in T103N-R72W; Section 6-T104N-R70W; Sections 1 thru 4, 9 thru 12, 14 thru 17, 19 thru 22 & 27 thru 33; all in T104N-R71W; Sections 24, 25, 35 & 36; all in T104N-R72W; Sections 31 & 32; all in T105N-R70W; and Sections 35 & 36; all in T105N-R71W. Site three reserves Sections 5, 6 & 8; all in T95N-R65W; Section 1 thru 5; all in T95N-R66W; Sections 31 & 32; all in T96N-R65W; Sections 30 thru 36; all in T96N-R66W; Sections 2 thru 6, 9 thru 11, 13 thru 15, Sections 22 thru 26, and Section 36; all in T96N-R67W. Site four reserves Sections 5 thru 8; all in T93N-R63W; Section 1-T93N-R64W; Section 31-T94W-R63W; Sections 26 thru 28 & 34 thru 36; all in T94N-R64W. Site five reserves Sections 13 & 14, 22 & 23, and 26; all in T93N-R56W. Site six reserves Sections 17 & 18, 20 & 21, and 28; all in T93N-R48W; Sections 4 & 5, 9, 13, 15 & 16, and 22 thru 24; all in T89N-R49W; Sections 30 thru 33; all in T90N-R49W; and Section 24 & 25; all in T90N-R50W. The water is to be reserved as a future water supply, serving municipal and rural water system needs in Roberts, Day, Grant, Codington, Deuel, Hamlin, Clark, Spink, Faulk, Potter, Sully, Hughes, Hyde, Hand, Beadle, Kingsbury, Brookings, Moody, Lake, Miner, Sanborn, Jerauld, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union counties (South Dakota); Knox County (Nebraska); Lac-qui Parle, Chippewa, Renville, Yellow Medicine, Lincoln, Lyon, Redwood, Brown, Pipestone, Murray, Cottonwood, Watonwon, Martin, Jackson, Nobles, and Rock counties (Minnesota); and Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Buena Vista, Ida, Sac, Crowford, and Corroll counties (Iowa). If approved, this application does not authorize construction of works or application of water to beneficial use.

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

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 9061-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Dakota Mainstem Regional Water System has demonstrated a reasonable need to reserve water in the amount of 55,230 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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OCT 23 2026
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The Water Management Board will consider this application at 10:35 AM (Central Time) on December 2, 2026, in the Matthew Training Center, Joe Foss Bldg. 523 E. Capitol Ave., Pierre, SD to present Application No. 9061-3 to the Legislature for consideration during the 2026 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20. I, 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 2, 2026, 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 2, 2026.

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 November 3, 2026.

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.

The December 2, 2026, 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 November 3, 2026. 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 November 3, 2026.

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 November 3, 2026. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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

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From: DANRnoreply
To: Duvall, Ron; Dewell, Amanda
Subject: [EXT] Comment on No. 9061-3, Dakota Mainstem Regional Water System, Ryan Johnson
Date: Tuesday, November 3, 2026 10:49:44 AM

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This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:
No. 9061-3, Dakota Mainstem Regional Water System, Ryan Johnson

Comment Deadline Date:
11/03/2026

Date Comment Filed:
11/03/2026 10:49:33

Commenter Info:
James Sheehan
254 Firethorn Trail
Dakota Dunes SD, 57049

Comment:
Public Comment — Water Right Application 9061-3 I support responsible development of dependable municipal and rural water supplies. After reviewing Dakota Mainstem Regional Water System's January 2026 Appraisal Study and October 6, 2026 correspondence, I ask the Water Management Board to clarify the accounting supporting this reservation. The original application narrative identified 235,386 acre-feet annually and a diversion rate of 324.9 cubic feet per second. The October 6 correspondence requested reducing the annual reservation to 55,230 acre-feet following preliminary discussions concerning possible use or transfer of existing water rights. Those discussions indicate potential cooperation, but do not establish completed transfers or the quantities available. The Appraisal Study projects 193.9 million gallons per day in member requests by 2070. On pages 34–35, it acknowledges that some municipal demands were not deducted from the requests of rural-water suppliers already serving those municipalities. I respectfully ask the Board to place a reconciled accounting in the public record identifying: 1. Additional demand after accounting for overlapping customers and existing supply commitments. 2. Existing water rights proposed for use or transfer, their current obligations, and the quantities actually available. 3. How the reduced 55,230-acre-foot annual reservation was calculated, and whether the original 324.9-cfs diversion rate remains proposed. 4. How the reservation and subsequent development would protect existing rights and address low-flow conditions. These questions do not diminish the need for reliable water. They concern whether the amount being reserved is supported by a clear, verifiable accounting. South Dakota should develop its water resources with confidence in both the engineering and the obligations being undertaken.

Attachment:

SD EForm - 0499LD V5

FORM 2: Application for irrigation in South Dakota (type or print)

FILE COPY

RECEIVED
MAY 04 2026
OFFICE OF WATER

PAID
MAY 04 2026
Ck# 36776
Rec'l#

Mail to:	(office use only)
DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. 2052-1 Hydrologic Unit 10120202 Basin Lower Belle Fourche Newspaper Faith Independent Spearfish Black Hills Pioneer

Application For Permit To Appropriate Water For Irrigation

Type of Application: [X] **New** [ ] **Vested Right** (Use predates Mar 2, 1955) [ ] **Amendment/Correction to Permit No.** _____

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

1. Name to Appear on Irrigation Permit Peter Sobotka

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 12575 Eden Rd (Address) Whitewood (City) SD (State) 57793 (Zip Code)

Phone 605 490-2233 Mobile 605 490-2233 Email pmsobotka@gmail.com

2. Amount of water claimed 0.40 *CFS or 180 **GPM 75 ***AF Total Acreage 75
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Groundwater from Alluvial aquifer along Spring Cr.

4. Location of point of diversion SW1/4 NE1/4 NW1/4 of Sec. 29 T6N R5E
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used April-October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
See attached Sheet	75		
E1/2 NW1/4 } Sec 29-T6N-R5E			
W1/2 NE1/4 }			
NE1/4 NE1/4 }			

8. Give a description of the project. (Attach sheet if more space is needed)

The project is planned to boost agricultural production on lands with favorable soils. The primary purpose is to enhance forage (alfalfa and hay) production for a cow-calf ranching operation. Select row crops may be grown on a few acres. Water will be drawn from the alluvium along Spring Cr, which according to Redden and DeWitt (2008), is up to 33 feet thick in the area. Irrigation is planned intermittently to augment precipitation, with pump lifting water from alluvial gallery to a sprinkler system.

I, Peter Sobotka Peter Sobotka (Name of Person) Landowner (Title if applicable), the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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

2.5 ac stays

44.45139/-103.53961

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

RECOMMENDATION OF THE CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 2052-1, Peter Sobotka

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 Water Permit Application No. 2052-1, Peter Sobotka, 12575 Eden Road, Whitewood SD 57793.

The Chief Engineer is recommending APPROVAL of Application No. 2052-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use of water and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Water Permit No. 2052-1 does not authorize the diversion of water after July 1st of each calendar year, nor at any time when the flow is low in Spring Creek. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.

3. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by this water permit for the purpose of inspecting works.

4. Water Permit No. 2052-1 is subject to shut-off orders issued by the Chief Engineer if a holder of a downstream senior water right or domestic user makes a call of impairment and the Chief Engineer determines under current flow conditions, pumping from the infiltration gallery diminishes the flow available downstream.

5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Adam Mathiowetz, PE
Chief Engineer
DANR-Water Rights Program
September 30, 2026

NOTE Before work begins on this project, the DANR-Water Quality Program should be contacted regarding potential permitting or other requirements for sediment and site runoff control for trenching in the laterals.

The July 1 cutoff date is based on the historic streamflow data. During the licensing of this permit, any new stream flow data and other information regarding water availability in Spring Creek will be considered as to whether this qualification can be removed.

Report to the Chief Engineer

Water Permit Application No. 2052-1

Peter Sobotka

September 28th, 2026

Water Permit Application No. 2052-1 proposes to appropriate 0.40 cubic feet of water per second (cfs) from an infiltration gallery to be completed into the Quaternary Aged Alluvium aquifer (approximately 30 feet deep) located in the NE ¼ NW ¼ Section 29 for irrigation of 80 acres located in the E ½ NW ¼, W ½ NE ¼, NE ¼ NE ¼ Section 29; all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

AQUIFER: Quaternary Aged Alluvium (ALQ)

Aquifer Characteristics

The Geologic Map of the Sturgis Quadrangle (Fagnan & Lisenbee, 2017), lithologic logs (SDGS, 2026), and nearby well completion reports (Water Rights, 2026c) show that the infiltration gallery will be completed into to the Quaternary Aged Alluvium aquifer based on location and the infiltration gallery depth as shown in Figure 1. The Quaternary Aged Alluvium aquifer is a general name for aquifers that occur in the material deposited by streams, alluvium, that is not part of a larger contiguous aquifer (Water Rights, 2026a and 2026b). Furthermore, the various deposits of the Quaternary Aged Alluvium aquifer may not be hydrologically connected to each other depending primarily on geographic location and geologic discontinuities. The alluvium that comprises this aquifer underlies and is adjacent to Spring Creek and the tributaries to Spring Creek (Fagnan & Lisenbee, 2017). The Geologic Map of the Sturgis Quadrangle (Fagnan & Lisenbee, 2017) describes the alluvium adjacent terrace deposit 1 (Qt_1) as deposits of clay and gravel occurring up to 5 feet above stream level. This description indicates that while portions of the terrace deposit might not be saturated year-round the terrace deposit is contributing to the precipitation recharge area for the alluvium. Figure 1 shows the portion of the alluvium and terrace deposit (Qt_1) from which the infiltration gallery can obtain water and is not considered a portion of another aquifer. The areal extent is based on the mapped alluvium and terrace deposit (Qt_1) in Geologic Map of the Sturgis Quadrangle (Fagnan & Lisenbee, 2017).

Hedges and others (1982 and 1985) mapped major aquifers in eastern South Dakota and also subdivided aquifers into management units (for the purposes of managing water) based on six general criteria. The six criteria from Hedges et al. (1982) are (1) thinning and/or constriction of the aquifer or management unit, (2) facies change from high to low permeability of aquifer material, (3) change from water-table to artesian conditions and vice versa, (4) ground-water divide, (5) ground-water discharge point such as stream or lake, and (6) presence of a streamflow gaging station. The main criteria used to determine the extent of the aquifer for the purposes of this review was criterion 1. The mapped alluvium and terrace deposit that is considered a portion of this Quaternary Aged Alluvium aquifer follows Spring Creek, until a deposit constriction within a quarter mile downgradient of the infiltration gallery location (Fagnan & Lisenbee, 2017). There are two constrictions (based on Hedges and others, 1982 criterion 1) for this portion

of the Quaternary Aged Alluvium aquifer. One constriction has a change of surface topography from the interstate, causing a change in surface drainage direction, is located in the SW ¼ SE ¼ of Section 25-T6N-R4E of Lawrence County (Figure 1). The other constriction narrows in alluvium material and is located downstream in the NW ¼ NE ¼ of Section 29-T6N-R6E of Meade County (Figure 1).

The areal extent of the Quaternary Aged Alluvium aquifer shown in Figure 1 is approximately 233 acres (modified from: Fagnan & Lisenbee, 2017). The Quaternary-aged alluvium is primarily comprised of clay and silt with some sand and gravel. In general, the direction of water movement in alluvium is the same as Spring Creek. The geology of a water well completion report near the infiltration gallery location for Application No. 2052-1 (half a mile southwest) is described as a 10-20 foot thick layer of sand and clay (Water Rights, 2026c). However, the local domestic wells are typically completed into much deeper aquifer material so accurate description of alluvium geology is scares along this alluvium (Water Rights, 2026c). Alluvium extent downgradient of the infiltration gallery location does not contribute much water compared to upgradient extent due to the direction of groundwater flow. Quaternary Aged Alluvium aquifers are generally under unconfined conditions (SDGS, 2026; Water Rights, 2026c).

The proposed infiltration gallery for Water Permit Application No. 2052-1 is located in the Quaternary Aged Alluvium aquifer which partially underlies a terrace deposit 1 (Qt_1). However, groundwater can flow from the terrace deposit 1 (Qt_1) to the underlying alluvium.

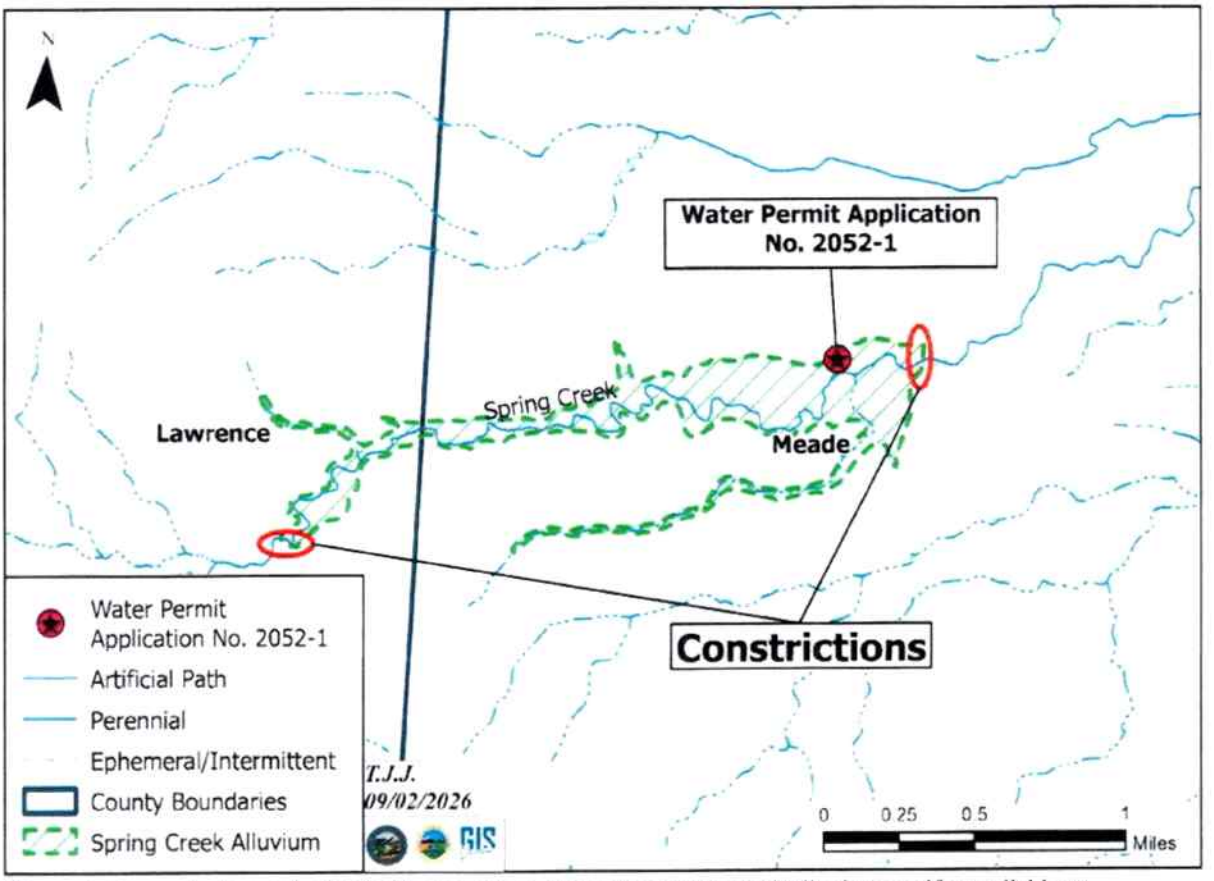

Figure 1. Approximate areal extent with constraints of the Quaternary aged Alluvium aquifer available to Application No. 2052-1 along Spring Creek (Water Rights, 2026b; modified from: Fagnan & Lisenbee, 2017)

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9:

Pursuant to SDCL 46-2A-9,

> *"A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11."*

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Quaternary Aged Alluvium aquifer.

WATER AVAILABLITY

Water Permit Application No. 2052-1 proposes to appropriate water from the Quaternary Aged Alluvium aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

> *"No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."*

The Quaternary Aged Alluvium aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach & others, 2010), and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Quaternary Aged Alluvium aquifer must be considered.

HYDROLOGIC BUDGET

Surface Water Contribution to the Quaternary Alluvium

One use of infiltration galleries are in thin aquifers (like thin alluvial deposits overlying bedrock) to boost well yield over what a vertical well would be expected to provide. Infiltration galleries typically consist of one or more horizontally laid screens either beneath or adjacent to a water body that connect to a vertical sump, which also serves as the pump chamber, at the end of the screens (Driscoll, 1986). The gravel pack placed around the horizontal screens will often be sized to encourage infiltration from the water body into the gallery and aquifer (Driscoll, 1986), so when considering water availability for infiltration galleries, a review of the creek above the proposed diversion point is also included.

Spring Creek headwaters on the northeastern edge of the Black Hills and flows in a generally northeasterly direction before exiting the Black Hills and flowing out onto the prairie. Once on the prairie, the creek flows in a generally easterly direction to a confluence with Bear Butte Creek approximately 12 miles east-northeast of Sturgis. Bear Butte Creek generally flows eastward; eventually flowing into the Belle Fourche River. Spring Creek is classified as an intermittent stream near its headwaters area where the creek and its associated alluvium overly the Minnelusa Formation and Minnekahta Limestone (USGS. 2025a). Intermittent streams are streams that flow only when they receive water from rainfall, snowmelt, or springs, or inflow from another surface water source (USGS, 2013).

The watershed area above the diversion point was estimated to be 4,787 acres or approximately 7.48 square miles based using the USGS StreamStats application (USGS, 2025b). This drainage area is shown in Figure 2. The average annual runoff estimate for this watershed from Gebert et al, (1987) is two inches per year, which when applied over the watershed area, estimates average annual runoff at approximately 798 acre-feet per year. There are no water rights/permit on Spring Creek both upstream and downstream of the division point for this application. There is not a history of unlawful impairment complaints on Spring Creek in Lawrence or Meade Counties (Water Rights, 2026d).

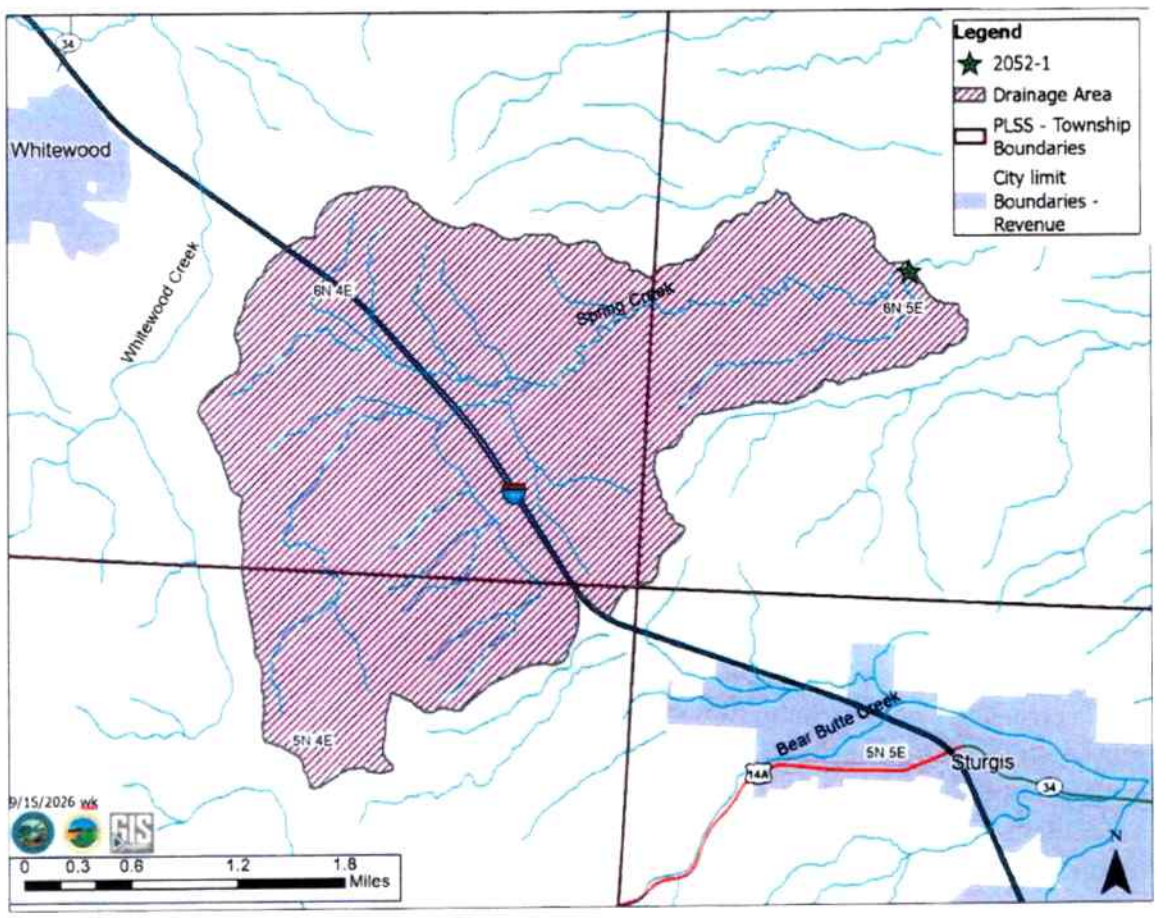

Figure 2: Spring Creek drainage area upstream of the diversion point for this application (USGS, 2025b)

While the USGS did operate a gaging station on Bear Butte Creek approximately one stream miles below the confluence of Spring Creek and Bear Butte Creek from 1945 to 1972 (USGS, 2026); there is no current USGS (United States Geologic Survey) stream gaging data is available for Spring Creek in Meade or Lawrence Counties (USGS, 2026).

However, there is historic 1945 to 1972 data available. The daily percentile flows hydrographs for the gage at the 70, 50, and 20 percentiles are shown in Figure 3. The median or 50 percentile flow hydrograph for this stream gage shows the daily flow values that occur at or below this flow 50% of the time (on average one out of every two years) during the period of record. While creek alluvium in the Black Hills tends to remain saturated even after the associated creek stops flowing, Figure 3 indicated the most like months to see increased yield from the infiltration gallery through infiltration of creek flow are in April, May, and June.

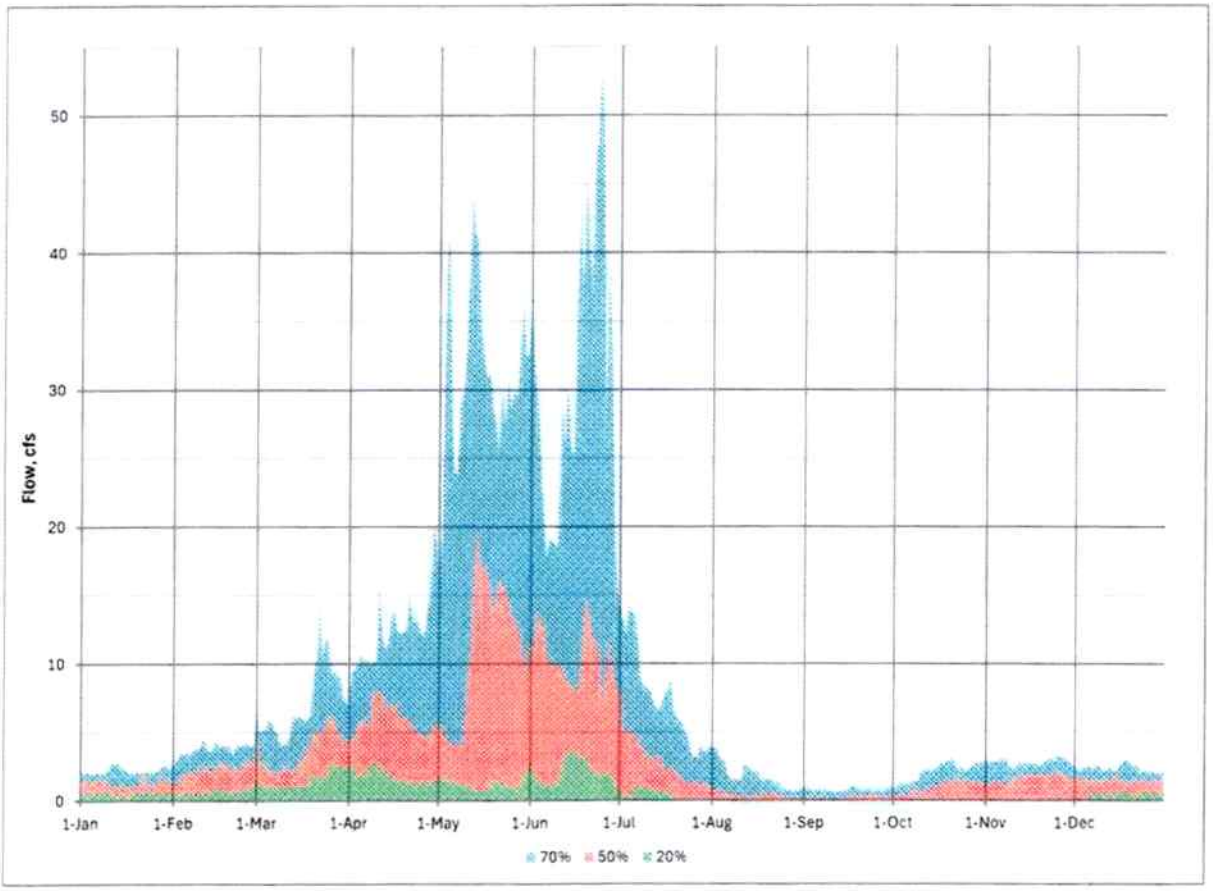

Figure 3: Daily Percentile Flow Hydrograph for the USGS Stream Gaging Station No. 06437500 Bear Butte Creek near Sturgis for water years 1945 to 1972 (USGS, 2026)

Discharge

Discharge from this portion of the Quaternary Aged Alluvium aquifer is likely through outflow to downgradient alluvium, baseflow to Spring Creek when the creek water levels are lower relative to the head of the aquifer, evapotranspiration where the aquifer is at or near land surface, and domestic well withdrawals (Water Rights, 2026d). There is no water rights currently listed as withdrawing from this portion of the Quaternary Aged Alluvium aquifer (Water Rights, 2026b). This application, if approved, proposes to irrigate 80 acres. Generally, irrigators in South Dakota apply less than one foot of water per acre per year. However, to account for the fluctuation in wet and dry cycles from year to year, the one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate. Therefore, the estimated annual withdrawal rate for this application, if approved, is approximately 80 acre-feet per year.

There are five domestic wells on file with DANR Water Rights Program that appear to be completed into the portion of the Quaternary aged Alluvium aquifer the applicant intends to use (Water Rights 2026b). Carter & Neitzert (2008) estimated water use in South Dakota for 2005. The average self-supplied water use per capita for the State of South Dakota was 70 gallons per day (Carter & Neitzert, 2008). Assuming a population of 2.5 people per residence for the

domestic wells on file, the domestic wells are estimated to pump 0.98 acre-feet per year. There may be other domestic wells completed into this portion of the Quaternary Aged Alluvium aquifer near the proposed location that are not on file with the DANR-Water Rights Program.

Recharge

Recharge to the Quaternary Aged Alluvium aquifer along Spring Creek is primarily through the infiltration of precipitation falling directly on the aquifer where it is at or near the ground surface, seepage from Spring Creek, and some inflow from exchanges with adjacent aquifers along the boundaries of the alluvial aquifer (Eldridge and Anderson, 2020).

Eldridge and Anderson (2020) estimated a recharge rate of 5.1 inches per year using a soil-water balance model over the year 2019 for unconsolidated (including alluvial) deposits along the Stagebarn Canyon drainage near Summerset, SD, approximately 20 miles southeast of the applicant's proposed site. It should be noted the applicant's proposed site is slightly less arid than Eldridge and Anderson's (2020) site, receiving approximately three more inches of precipitation annually (Driscoll and Carter, 2001). Utilizing the estimated recharge rate of 5.1 inches per year (Eldridge and Anderson, 2020), the average annual recharge rate is approximately 99 acre-feet per year to the Quaternary Aged Alluvium aquifer along this portion of Spring Creek.

The required recharge rate needed to satisfy the domestic wells to appropriate water from the Quaternary Aged Alluvium aquifer along Spring Creek, plus the estimated annual use for Water Permit Application No. 2052-1, is approximately 81 acre-feet per year. A recharge rate of 4.2 inches per year over the surface area of the alluvium (Figure 1) extending from the western constriction to the infiltration gallery (approximately 233 acres) would result in an estimated average annual recharge rate of approximately 81.6 acre-feet per year. A recharge rate of 4.2 inches per year is considered an underestimation for this hydrologic setting when compared to recharge rates of similar alluvium aquifers.

Balance of Hydrologic Budget

The best information available indicates the recharge rate to this portion of the Quaternary Aged Alluvium aquifer is likely at least 5.1 inches/year for an estimated average annual recharge of at least 99 acre-feet per year. This application, if approved, is expected to withdraw 80 acre-feet per year. The domestic wells on file are assumed to pump 0.98 acre-feet per year. That is a total estimated annual withdrawal of approximately 81 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

OBSEVATION WELL DATA

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer. However, there are no observation wells completed into this portion of the Quaternary Aged Alluvium aquifer (Water Rights, 2026a).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There are no water rights/permits listed as authorized to withdraw water from this portion of the Quaternary Aged Alluvium aquifer (Water Rights, 2026b). The nearest domestic well on file completed into this portion of the Quaternary Aged Alluvium aquifer is located approximately 0.5 miles southwest, upgradient, of this application's proposed location (Water Rights, 2026c). The location of domestic well is based on the location provided on the well completion report by the well driller at the time of well completion.

In general, the Quaternary Aged Alluvium aquifer is under unconfined conditions and drawdown from pumping does not extend far from pumped wells in unconfined aquifers. Therefore, the infiltration gallery would have negligible effects on existing surficial groundwater water rights or domestic wells.

The Water Management Board has recognized in the past to place water to maximum beneficial use, a certain amount of drawdown may occur. In order to balance interests between appropriative use and non-appropriative use, the Water Management Board defined an "adversely impacted domestic well" in Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) as:

> *"A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs."*

While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of the aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions, an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. While there are no nearby senior water rights/permits held by people other than the applicants, there may be nearby adequate domestic wells. With that in mind, some existing well owners may need to lower pumps depending on the specific characteristics of the Quaternary aged Alluvium aquifer at their location. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), and no history of any complaints concerning well interference in Meade County (Water Rights, 2026d), any drawdown created from the diversions is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriations will not impose unlawful impairments on existing users with adequate wells.

However, during drier climatic conditions when streamflow and overall recharge to the Quaternary aged Alluvium is limited, there will be times when sufficient water may not be available from this source to provide the full diversion requested by this application.

CONCLUSIONS

1. Water Permit Application No. 2052-1 proposes to appropriate 0.40 cfs from an infiltration gallery to be completed into the Quaternary Aged Alluvium aquifer (approximately 30 feet deep) located in the NE ¼ NW ¼ Section 29 for irrigation of 80 acres located in the E ½ NW ¼, W ½ NE ¼, NE ¼ NE ¼ Section 29; all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

2. There is a reasonable probability unappropriated water is available from the Quaternary Aged Alluvium aquifer for this proposed appropriation.

3. There is a reasonable probability that diversion of water from the infiltration gallery proposed by Water Permit Application No. 2052-1 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Tyler Jensen
Natural Resources Engineer II
SD DANR, Water Rights Program

Whitney Kilts (surface water section)
Natural Resources Engineer III
SD DANR, Water Rights Program

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Water Rights, 2026d. County Files, SD DANR Water Rights Program, Joe Foss Building, Pierre, SD.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Meade)

I, Kris Stocklin-Johnsn

certify that the attached printed Notice was taken from the Faith Independent

printed and published in Faith

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

09/30/26

Cost of Printing $90.86

Kris Stocklin-Johnson

(Signature)

Owner
(Title)

10/26/26
(Date Signed)

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Members elect directors Continued from previous page

service, we look back with gratitude, and we look forward with confidence," said Rogness, with the organization first offering telephone service in 1916. "The need for strong connections will only continue to grow, and Golden West is ready to meet that need because of the foundation we have built together."

Four directors elected

Four of Golden West's 15 board seats were up for election to four-year terms this year. Directors elected include Angela Simons of Enning for District I, Lincoln Smith of Philip for District II, Penny Svenkeson of Hot Springs for District V, and Randy Koerner of Freeman for District VIII.

Proposed articles and bylaws changes pass

The membership approved proposed amendments to the Golden West Articles of Incorporation and Bylaws. The changes improve readability and clarify how entity members are eligible to serve on the Board of Directors in alignment with South Dakota Codified Law.

Voting increases with continued easy access

Once again, cooperative members had options to vote online or by mail in advance. Each year, votes cast in advance are combined with in-person votes from the annual meeting to determine outcomes.

Prizes given to attendees

Dozens of door prizes were given away including gift cards, beef certificates, and cash. David or Arla Olson of Wall won the $500 grand prize. Members enjoyed a complimentary lunch at restaurants in Wall following the meeting.

Golden West will hold its 75th annual meeting on Sept. 25, 2027.

Since 1916, Golden West has been providing telecommunications services across the state of South Dakota. A member-owned cooperative, Golden West provides business and residential customers with advanced broadband internet, phone, and cable TV solutions. The cooperative strives to exceed the expectations of our members so they can live, work, and play in the place they choose to call home. Golden West is proud to be an equal opportunity provider and employer. Learn more at www.goldenwest.com.



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NOTICE OF APPLICATION NO. 2052-1 to Appropriate Water

Notice is given that Peter Sobotka, 12575 Eden Road, Whitewood SD 57793, has filed an application for a water permit to appropriate 0.40 cubic feet of water per second from an infiltration gallery to be completed into the Quaternary Aged Alluvium (approximately 30 feet deep) located in NE 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 29, all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2052-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use of water and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation 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 October 19, 2026.

The petition 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.

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 October 19, 2026.

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

Published October 7, 2026 at the approximate cost of $43.50 and may be viewed free of charge at www.sdpublicnotices.com

MEADE SCHOOL DISTRICT 46-1 MEETING MINUTES, Monday, September 28, 2026 5:00 PM Dinner 5:30 PM Special Board Meeting - Gavel Training Board Room, Williams Administration Building

Board Member Present: Brian Voight, Justin Jutting, Megan Snyder, Tim Amdahl

Board Members Absent: Terry Koontz, Aaron Odegaard, Scottie Bruch, Lee Spring, Tami Hannan

Others Present: Wade Pogany, Wayne Wormstadt, Tanya Ludwick

Dinner with School Board members and ASBSD presenter, Wade Pogany at 5:00 pm

Dinner took place in the training room with present school board members, Wayne Wormstadt, Tanya Ludwick and ASBSD presenter, Wade Pogany from 5:00 pm - 5:30 pm.

Call meeting to order/roll call at 5:30 pm

Board Members Present: Brian Voight, Justin Jutting, Megan Snyder, Tim Amdahl, Lee Spring, Tami Hannan arrived 5:40 pm.

Board Members Absent: Terry Koontz, Aaron Odegaard, Scottie Bruch

Others Present: Wade Pogany, Wayne Wormstadt, Tanya Ludwick

Pledge of Allegiance

Agenda

MOTION by Snyder, seconded by Spring, and Carried to approve the Agenda as presented. Amdahl: Yea, Jutting: Yea, Snyder: Yea, Spring: Yea, Voight: Yea, Hannan: Absent

Open Forum

Open Forum was held with no one signed up to speak.

Discussion

Board members exited the board room at 5:33 pm and entered the training room to start Discussion (Item 6a) Gavel Training.

Gavel Training Presented by ASBSD

ASBSD member services director, Wade Pogany provided training on the foundations of school board governance and the purpose and scope of school boards.

Adjournment

MOTION by Voight, seconded by Amdahl, and Carried to adjourn at 7:39 pm.

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Justin Jutting, President

Wayne Wormstadt, Superintendent

Tanya Ludwick, Recorder

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NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the General Election to be held on November 3, 2026, will close on October 19, 2026, at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the Meade County Auditor at (605) 347-2360.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, Secretary of State's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at www.sdsos.gov or www.meadecounty.org/auditor-forms.

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Dawn Christenson,
Auditor Meade County, SD

Published September 30 & October 7, 2026 at the approximate cost of $29.11 and may be viewed free of charge at www.sdpublicnotices.com

Email us at:
faithind@faithsd.com

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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:

Notice of Application No. 2052-1
to Appropriate Water

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 7th day of Oct., 2026, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of $43.38, 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.

Subscribed and sworn to before me this 12th day of Oct., 2026

Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2031



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tute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and

WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore,

BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line highway right of way be vacated:

LEGAL DESCRIPTION FOR THE VACATION SECTION LINE RIGHT OF WAY VACATION LOCATED IN LOT 3 OF TRACT 4 AND TRACT 3 OF NONNAST SUBDIVISION #2, LOCATED IN THE SW1/4NW1/4, NW1/4NW1/4 OF SECTION 27 & NE1/4NE1/4, SE1/4NE1/4 OF SECTION 28, T6N, R4E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA

AFFECTING THE LANDOWNERS DAVID K AND BARBARA D HALE TRUST

Dated this 22nd day of September, 2026

Eric Jennings,
Chairman
Lawrence County
Commission

ATTEST:
Brenda McGruder,
Lawrence County
Auditor

I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held September 22nd, 2026

Dated at Deadwood, South Dakota, the 22nd day of September, 2026

Brenda McGruder,
Lawrence County
Auditor

PREPARED BY
BRENDA MCGRUDER
LAWRENCE COUNTY AUDITOR
PO BOX F
DEADWOOD SD 57732
605-578-1941

Published twice at the total approximate cost of $70.81 and can be viewed free of charge at www.sdpublicnotices.com

#555
Sept 30, Oct 7

LAWRENCE COUNTY Public Notices 56

NOTICE OF FILING EXPLORATION NOTICE OF INTENT DTRC LLC

Notice is hereby given that the South Dakota Department of Agriculture and Natural Resources has received a Notice of Intent to conduct exploration for gold from DTRC LLC, 106 Glendale Drive, Suite A, Lead, SD 57754. The resident agent is Amy Koenig, 106 Glendale Drive, Suite A, Lead, SD 57754.

The exploration area is generally located four miles northwest of Lead, South Dakota, within portions of Sections 15, 22, and 23, T5N-R2E, Lawrence County, SD.

Operations are anticipated to begin upon the department's issuance of written restrictions pertaining to the Notice of Intent. The exploration project will consist of developing 50 new drill pads with up to 500 new holes (10 holes per pad) drilled to a maximum vertical depth of 5,000 feet. Pads will measure approximately 200 feet by 200 feet. DTRC will access the sites utilizing approximately 171,300 feet of existing roads, trails, or previously approved roads or trails from prior EXNIs and developing approximately 14,760 feet of new roads and trails.

The Exploration Notice of Intent is available for review at the Minerals, Mining, and Superfund Program, 523 East Capitol Avenue, Pierre, South Dakota, or on the Minerals, Mining, and Superfund web page at https://danr.sd.gov/Environment/MineralsMining/Exploration/NewEXNIS.aspx. Persons desiring further information may contact Roberta Hudson, Minerals, Mining, and Superfund Program, at (605) 773-4201.

Hunter Roberts
Secretary
Department of Agriculture and Natural Resources

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#588
Oct 7

NOTICE OF APPLICATION NO. 2052-1 to Appropriate Water

Notice is given that Peter Sobotka, 12575 Eden Road, Whitewood SD 57793, has filed an application for a water permit to appropriate 0.40 cubic feet of water per second from an infiltration gallery to be completed into the Quaternary Aged Alluvium (approximately 30 feet deep) located in NE 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 29, all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2052-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use of water and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation 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 October 19, 2026.

The petition shall include a statement describing the unique injury upon

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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

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 October 19, 2026.

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

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#591
Oct 7

BUTTE COUNTY
Bids 60

Call for Proposals.

The Board of Butte County Commissioners is accepting proposals for gravel hauling.

Sealed Proposals will be accepted until 11:00 MST on Wednesday October 14, 2026. Proposals can be dropped off at 117 5th Avenue, Belle Fourche SD.

Proposals will be opened 9:35 AM MST on Thursday October 15, 2026 at the commission meeting, located at City Hall 511 6th Ave Belle Fourche SD.

Scope of gravel hauling:
6156 tons of gravel.
Dump spread over 6 miles of road.

Loader will be provided to load at pit.

From Stark Pit, ½ mile north on Bait Rd in Belle Fourche, to East of Newell on Hwy 212 turn North on Twilight Rd 3.8 miles, then dump gravel the next 6 miles.

63 miles round trip.

Work to be completed by December 15, 2026.

The board of Butte County Commissioners reserves the right to accept or reject any or all Proposals. To waive any informalities in the Proposal received and to accept the Proposal that to the advantage of, and in the best interest of Butte County.

For more information, contact the Butte County Highway Department at 117 5th Ave. Belle Fourche SD or by calling 605-892-4414.

Published twice at the total approximate cost of $29.05 and can be viewed free of charge at www.sdpublicnotices.com

#556
Sept 30, Oct 7

Call for Bids

Butte County Highway Department declared this item surplus.

The Board of Butte County Commissioners, Belle Fourche, South Dakota will receive sealed BIDS until 11:00 A.M. MST on Wednesday October 14, 2026 For a 2007 Peterbilt truck.

Bids will be opened 9:35 AM on Thursday October 15, 2026 in the commission meeting at City Hall, 511 6th Ave, Belle Fourche SD.

Open for sealed bids
2007 Peterbilt truck
Vin 1XP-5DB9X-8-7D674176
Cat C-15
18 speed
70" Unibilt sleeper
669,768 miles

Truck does have a SD salvage title, it has been repaired and is in good running condition.

The Board of Butte County Commissioners reserves the right to accept or reject any or all Bids. To waive any informalities in the Bid received and to accept the Bid that is the the advantage of and in the best interest of Butte County.

Truck can be seen at 11163 Valley 1 road, Belle Fourche SD. For more information call 605-892-4414.

Published twice at the total approximate cost of $27.24 and can be viewed free of charge at www.sdpublicnotices.com

#557
Sept 30, Oct 7

BUTTE COUNTY
Public Notices 66

PUBLIC NOTICE

On the 13th day of October 2026 at 7:00 pm, the Butte County Planning Commission will hold a public hearing in the Butte County Courtroom, located on the top level of the Butte County Courthouse, 839 5th Avenue, Belle Fourche, South Dakota. The Butte County Planning Commission will accept public comment on the following:

OWNER: BEVERLY RAE PALMER
LOT 1 AND 2 OF PALMER SUBDIVISION (FORMERLY THE W2NE4 OF SECTION 32) ALL IN SECTION 32, T8N, R6E, B.H.M., BUTTE COUNTY, SOUTH DAKOTA

You have a right to appear personally or by attorney, or to submit written comments to the Butte County Planning Commission. A copy of the Preliminary Plan is available for your review in the Butte County Equalization & Planning Office located at 117 5th Avenue, Belle Fourche, South Dakota.

Respectfully Submitted:
Corey Somervold
Director of Equalization and Planning

Published twice at the total approximate cost of $26.33 and can be viewed free of charge at www.sdpublicnotices.com

#558
Sept 30, Oct 7

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the Butte County General Election to be held on November 3rd, 2026, will close on October 19, 2026, at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the County Auditor at 605-892-4485.

Registration may be completed during regular business hours at the County Auditor's office, Municipal Finance Office, Secretary of State's office, and those locations that provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the County Auditor to request a mail-in registration form or access a mail-in form at (www.sdsos.gov)

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the County Auditor for information and special assistance in voter registration.

Annie Capp,
Butte County Auditor

Published twice at the total approximate cost of $27.24 and can be viewed free of charge at www.sdpublicnotices.com

#561
Sept 30, Oct 7

NOTICE OF APPLICATION NO. 2053-1 to Appropriate Water

Notice is given that Randy Orbeck, 12241 Vallery Road, Nisland SD 57762, has filed an application for a water permit to appropriate an additional 0.445 cubic feet of water per second (cfs) to what is already authorized by Water Right No. 962B-1, with no increase to the number of acres authorized for irrigation. Water Right No. 962B-1 authorizes diversion of 1.56 cfs from the Belle Fourche River, at a pump site located in the NW 1/4 NW 1/4 Section 14 for irrigation of 114 acres located in the NW 1/4 Section 14, all in T8N-R4E. This application, if approved, and Water Right No. 962B-1, combined, will authorize a total diversion of 2.00 cfs, for irrigation of 114 acres, which will result in a diversion greater than the statutory limit for 1 cfs per 70 acres. This site is located in Butte County, approximately two and one-half miles southwest of Nisland SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2053-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of 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 Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation 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 October 19, 2026.

The petition 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.

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 October 19, 2026.

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

Published once at the total approximate cost of $47.92 and can be viewed free of charge at www.sdpublicnotices.com

#590
Oct 7

MEADE COUNTY
Estates 71

STATE OF SOUTH DAKOTA
SS.
COUNTY OF MEADE

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT

46PRO26-36

ESTATE OF
DIANA VIVIAN BOLAND,
DECEASED

Notice to Creditors and Notice of Informal Probate and Appointment of Personal Representative

Notice is given that on September 17, 2026, ZACHERY BOLAND, whose address is 1707 Meadowlark Dr., Sturgis, SD 57785 was appointed as Personal Representative of the Estate of DIANA VIVIAN BOLAND.

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

Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative.

Dated
September 18, 2026

-s- Zachery Boland
ZACHERY BOLAND
1707 Meadowlark Dr.
Sturgis, SD 57785
(701) 300-3540

Linda Keszler
Meade County
Clerk of Courts
PO Box 939
Sturgis, SD 57785

KAREN PAIGE HUNT, PROF. LLC
2202 Main Street
PO Box 459
Sturgis, SD 57785
Telephone: (605) 720-6274
Email: karen@paigehuntlaw.com

Published three times at the total approximate cost of $53.76 and can be viewed free of charge at www.sdpublicnotices.com

#527
Sept 23, 30, Oct 7

MEADE COUNTY
Public Notices 76

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the General Election to be held on November 3, 2026, will close on October 19, 2026, at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the Meade County Auditor at (605) 347-2360.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, Secretary of State's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at www.sdsos.gov or www.meadecounty.org/auditor-forms.

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Dawn Christenson,
Auditor
Meade County, SD

Published twice at the total approximate cost of $28.15 and can be viewed free of charge at www.sdpublicnotices.com

#559
Sept 30, Oct 7

YOUR RIGHT TO KNOW

The Public Notices section of this newspaper is your source for information on your local government meetings, proposed ordinances, bids, foreclosures, abandoned vehicle sales and many other legal matters of which you need to be informed.

This newspaper urges every citizen to read and study these notices. We strongly advise those citizens seeking further information, to exercise their right of access to public records and meetings.

DEADLINE FOR LEGAL ADVERTISING

Up to two legal-sized typewritten pages, the deadline is 2 p.m. FOUR DAYS in advance of publication date; more than two legal-sized typewritten pages will require up to SIX DAYS for publication.

Search statewide legal notices at **sdpublicnotices.com**



RECEIVED
OCT 19 2026
OFFICE OF
WATER

RECEIVED

OCT 19 2026

Water Rights Program

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Applicant's Petition

Opposing Chief Engineer's Recommendation on Water Permit Application

According to South Dakota Codified Law sections 46-2A-3, 46-2A-4(6) and 46-2A-23, the applicant needs to file a petition if opposing the Chief Engineer's recommended action on the applicant's water permit application.

Application No. __2052-1_____ **Name of Applicant** _Peter Sobotka _____

The Application No. can be found in the public notice mailed to you or at https://danr.sd.gov/public.

Filing Deadlines. If you are opposing a recommendation by the Chief Engineer to DENY your application, you need to submit this completed petition opposing the recommendation within twenty days of the date the recommendation was mailed to you. If you are opposing any other recommendation, this petition needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above and should be sent to "Attention - Water Rights Program" or personally served upon Water Rights.

List the reasons for opposing the Chief Engineer's recommendation on this application:

Thank you for the approval and granting Water Right #2052-1 for the Sobotka Ranch in Meade County. As presently stated, the irrigation season and the right to withdraw water will conclude on July 1st of each year. By this petition, I am requesting this date be changed to Aug.15th. For these reasons,

1. The capital expense of installing this irrigation system will make it difficult to justify without the additional forage production later in the season.
2. Spring Creek is perennial through my property and water will be drawn from the alluvium at a depth considerably lower than the surface elevation of the stream.
3. We have plans to monitor streamflow with a calibrated staff gage. So, we will be the first to know if water conditions do not support irrigation.
4. It seems that this hard annual cut off of irrigation on July 1 should be unnecessary given that other provisions of the right state that DANR can order a shut down anytime if water isn't available.

Please consider amending right # 2052-1 for an irrigation season to extend to Aug. 15th. All other provisions of the water right remain unchanged.

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 28, 2026

NOTICE OF HEARING

TO: Peter Sobotka
12575 Eden Rd
Whitewood SD 57793

Emily Grecco, Assistant Attorney General
1302 E Highway 14, Suite 1
Pierre SD 57501

FROM: Amanda Dewell, Permitting Administrator
SD DANR, Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 2052-1, Peter Sobotka

A petition was filed in the matter of Water Permit Application No. 2052-1 in response to the Notice of Application published in the Faith Independent and Black Hills Pioneer on September 30, 2026, and October 7, 2026, respectively. This notice schedules a hearing on Application No. 2052-1 before the South Dakota Water Management Board.

Water Permit Application No. 2052-1 proposes to appropriate 0.40 cubic feet of water per second from an infiltration gallery to be completed into the Quaternary Aged Alluvium (approximately 30 feet deep) located in NE 1/4 NW 1/4 Section 29 for irrigation of 80 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 29; all in T6N-R5E. This site is located in Meade County, approximately four and one-half miles east of Whitewood SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2052-1 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will conduct a hearing to consider Application No. 2052-1 at **10:35 AM (Central Time), on Wednesday, December 2, 2026,** at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda. Notice will be provided to parties if there is a change in the time or date of the hearing. 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 the application after it reaches a conclusion based on the facts presented at the public hearing.

The December 2, 2026, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by **November 9, 2026**. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting, and personal notice will be provided to all petitioners regarding the time, date, and location.

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

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

State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information provided to you is also being sent to the Board members in advance of the hearing. Notices, orders and other pleadings filed in this matter are posted on DANR's contested case page at https://danr.sd.gov/public/ContestedCase.aspx.

Enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds $2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is **November 9, 2026**. However, since this particular matter is a water permit application and not a monetary controversy in excess of $2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Amanda Dewell, Water Rights Program at (605) 773-3352 or amanda.dewell@state.sd.us.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct Notice of Hearing dated October 28, 2026, "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules" into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following on October 28, 2026.

Peter Sobotka
12575 Eden Rd
Whitewood SD 57793

Also sent via inter-office mail to:

Emily Grecco, Assistant Attorney General
1302 E Highway 14, Suite 1
Pierre SD 57501

Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of October, 2026.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

RACHEL RODRIGUEZ NOTARY Seal PUBLIC STATE OF SOUTH DAKOTA

DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 20, 2026

NOTICE

TO:

Brian Gilbert
1808 E Edgemont Rd
Sioux Falls SD 57103

Joseph Dylla
Paul Tschetter
Brock Brown
Counsel for Brian Gilbert
300 S Main Ave
PO Box 5015
Sioux Falls SD 57117

Cathy Jessen
Lynail Larson
Daren Binger
18250 377th Ave
Tulare SD 57475

Benjamin Titus, Assistant Attorney General
Counsel for Water Management Board
1302 E SD Highway 1889, Ste 1
Pierre SD 57501

Emily Greco, Assistant Attorney General
Counsel for Chief Engineer
1302 E SD Hwy 1889, Ste 1
Pierre SD 57501

FROM: Amanda Dewell, Permitting Administrator
SD DANR Water Rights Program

SUBJECT: Consider Finding of Fact, Conclusions of Law, and Final Decision on Water Permit Application No. 9008-3, Brian Gilbert

On October 7, 2026, the Water Management Board conducted a hearing to consider Application No. 9008-3, for Brian Gilbert. The application proposed to appropriate 3.56 cubic feet of water per second from two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer, located in the approximate centers of the NE ¼ and SE ¼ Section 28 for irrigation of 300 acres located in the E ½ Section 28; all in T115N-R65W. The Board heard testimony from all parties and unanimously approved the permit.

Proposed Findings of Fact, Conclusion of Law, and Final Decision were prepared by counsel for the Chief Engineer and Objections were filed by counsel for Mr. Gilbert. No additional objections were received.

Final Findings of Fact, Conclusions of Law, and Final Decision will be reviewed by the Water Management Board on December 2, 2026, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information provided to you is also being sent to the Board members in advance of the hearing. Notices, orders and other pleadings filed in this matter are posted on DANR's contested case page at https://danr.sd.gov/public/ContestedCase.aspx.

Questions regarding the process may be directed to Amanda Dewell, Water Rights Program at (605) 773-3352 or amanda.dewell@state.sd.us.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE dated November 20, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following on November 20, 2026.

Brian Gilbert
1808 E Edgemont Rd
Sioux Falls SD 57103

Joseph Dylla
Paul Tschetter
Brock Brown
Counsel for Brian Gilbert
300 S Main Ave
PO Box 5015
Sioux Falls SD 57117

Cathy Jessen
Lynail Larson
Daren Binger
18250 377th Ave
Tulare SD 57475

Benjamin Titus, Assistant Attorney General
Counsel for Water Management Board
1302 E SD Highway 1889, Ste 1
Pierre SD 57501

Emily Greco, Assistant Attorney General
Counsel for Chief Engineer
1302 E SD Hwy 1889, Ste 1
Pierre SD 57501

Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of Nov, 2026.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

