Proof Of Publication

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

Legal Notice Number: 2517

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Lenny Peterson – Notice of Hearing was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 04/3/2024. That the full amount of the fee charged for the \$78.48 of Public Hearings to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this date 4/24/24

Notary Public, South Dakota

My Term Expires <u>12/27/2024</u>



MAY 03 2024 OFFICE OF WATER NOTICE OF HEARING on Application No. 8825-3 to... Appropriate Water

Lenny D. Peterson, party has the right to be 1911 Maple Avenue, present at the hearing Hitchcock SD 57348 and to be represented by has filed an application a lawyer. These and other for a water permit to due process rights will be appropriate 1,33 cubic forfeited if they are not feet of water per second exercised at the hearing from Turtle Creek located and decisions of the in the SW 1/4 NE 1/4 Board may be appealed Section 11 for irrigation to the Circuit Court and of 230 acres located in State Supreme Court as the E 1/2 Section 11; all in T115N-R66W. This site The May 8, 2024, is located approximately hearing date will be six and one-half miles six and one-hair mines southwest of Redfield at least 20 days upon **SD.**

South Codified Law (SDCL) applicant or any person 46-2A-4(10) provides that "If the applicant oppose the application. does not contest the The request for an recommendation of automatic delay must be the Chief Engineer filed by April 15, 2024. and no petition to if an automatic delay is oppose the application requested, the hearing is received, the Chief will be rescheduled for a Engineer shall act on future Board meeting and the application pursuant personal notice will be to the Chief Engineer's provided to the applicant recommendation and and all petitioners no hearing may be held regarding the time, date, before the board, unless and location. the Chief Engineer Any Interested person makes a finding that may file a comment on an application, even if the application with the important issues of public comment shall be filed pelloy or public interest on a form provided by the board." In this case, is available online at presents Board.

46-2A-2, the Chief participant in any hearing Engineer recommends that may be held. Any Approval of Application comment must be filed No. 8825-3 with by April 15, 2024. qualifications because 1) unappropriated water individuals with disabilities is available, 2) existing that the meeting is being domestic water uses held in a physically and water rights will not accessible be unlawfully impaired, individuals 3) it is a beneficial use assistive technology or of water, and 4) it is in other services in order the public interest as to participate in the it pertains to matters meeting or materials in an within the regulatory alternate format should authority of the Water contact Brian Walsh. Management Board. Nondiscrimination The Chief Engineer's Coordinator, by calling recommendation with (605) 773-5559 or by qualifications, application, and staff state.sd.us as soon as report are available at possible but no later than https://damr.sd.gov/ two business days prior public or contact Ron to the meeting in order to Duvell for this information,

address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary Notice is given that proceeding and any provided by law.

automatically delayed for Dakota Chief Engineer from the who has filed a petition to

uncontected, presents Chief Engineer. The that should be heard by the Chief, Engineer and the Chief Engineer finds https://danr.sd.gov/ that this application public or by calling (605) important 773-3352 or writing the issues of public interest. Chief Engineer at the that should be heard by address provided above. the Water Management Filing a comment does not make the commercer Pursuant to SDCL a party of record or a

Notice is given to location. requiring the email at Brian. Walshe ensure accommodations or other information, at are available.
the Wester Rights Program Under SDCL 1-28-17(7)

Board will consider this exceeds \$2,500.00 or if application at 10:45 AM a property right may be (Central Time) on May terminated, any party to 8, 2024, in the Matthew the contested case may Capitol Ave., Pierre SD. Examiners by giving The Chief Engineer's notice of the request to recommendation not final or binding ten days after service of a Board is authorized to 1) pursuant to SDCL 1-26approve, 2) approve with 17." This is a Notice of based on the facts and the applicable date presented at the public to give notice to the Chief hearing.

jnjury 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 jurisdiction under which application within the the hearing will be held regulatory authority of and the particular statutes the board to act upon as and rules pertaining to defined by SDCL 46-2- this application: SDCL 9 and 48-2-11, or both. 1-26-16 thru 1-26-28; Any person meeting the SDCL 46-1-1 thru 46-1petitioner requirements 9, 46-1-13 thru 46-1-16; and wishing to be a party 48-2-3.1, 46-2-9, 46-2of record in a contested 11, 48-2-17; 48-2A-1 thru case hearing shall file a 46-2A-12, 46-2A-14, 46written petition to oppose 2A-15, 46-2A-20, 46-2Athe application with 21, 46-2A-23; 46-5-1.1, BOTH the applicant and 46-5-2 thru 46-5-26, 46-Chief Engineer. A petition 5-30.2 thru 46-5-30.4, opposing the application 46-5-31, 46-5-32 thru shell be filed on a form 46-5-34.1, 46-5-38 thru provided by the Chief 46-5-39, 46-5-46, 46-5-Engineer. The petition 47, 46-5-49; 46-6-1 thru form is available online 46-6-3.1, 46-6-6.1, 46-6at https://danr.ed.gov/ 10, 46-6-13, 46-6-14, 46public or by contacting 6-21, 46-6-26; and Board the Chief Engineer. Rules ARSD 74:02:01:91
The Chief Engineer's thru 74:02:01:25.42; address is "Water Rights 74:02:01:35.01. Program, Foss Building, 57501" or call (605) 773the Chief Engineer's com. recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 15, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing

address provided below. notices must state that "if The Water Management . the amount in controversy Training Center, Joe require the agency to Foss Bidg, 523 E. use the Office of Hearing is the agency no later than upon the Board. The notice of hearing issued qualifications, 3) defer, or Hearing, service is being 4) deny this application provided by publication, Engineer is April 15, Any person who intends 2024. However, since to participate in the this particular matter is a hearing shall allege that water permit application the application, upon and not a monetary approval, will cause controversy in excess of injury to the person \$2,500.00 or termination that is unique from any of a property right the injury suffered by the Chief Engineer disputes public in general. The 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

No. 2517 (adv.) 523 E Capitol, Pierre SD Published one time at the total approximate ogst 3352. The applicant's of \$78.48 and may be mailing address is given viewed free of charge at above. If contesting www.sdpublicnotices.

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

Legal Notice Number: 2518

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Lenny Peterson — Notice of Hearing was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on _04/3/2024. That the full amount of the fee charged for the \$101.93 of Public Hearings to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this date $\frac{4/24/24}{2}$.

Notary Public, South Dakota

My Term Expires <u>12/27/2024</u>



MAY 0 3 2024 OFFICE OF WATER

NOTICE OF HEARING on Application No. 8268A-3 to Amend Water Permit No. 8268-3

Notice is given that Lenny D. Peterson, 19111 Maple Ayenue Hitchcock SD 57348 has filed an application for a water permit to amend Water Right No. 8268-3 to remove this permit qualification: "Water Permit No. 8268-3 does not authorize diversion of water from Turtle Creek after June 1st of eachcalendar year, unless written orders have been issued by the Chief Engineer." Water Right No. 8268-3 appropriates 2.67 cubic feet of water per second from Turtle Creek in the SW 1/4 NE 1/4 Section 11 to irrigate 270 acres in the W 1/2, W 1/2 NE 1/4, W 1/2 SE 1/4 Section 11; all in T115N-R65W. This site is located approximately 6 miles northwest of Tulere SD

"South Dakota Codified Law (SDCL) 48-2A-4(10) provides that "if the applicant does not contest the magnetical control the Chief Engineer the 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 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 that the Water Management Board APPROVE removal of the June 1st shutoff qualification from Water Right No. 8268-3 and replace with the following amended qualifications because, 1) the proposed amendment does not appropriate any additional water or increase the number of irrigated acres, 2) the amendment can be completed without unlawful impairment of existing domestic water uses and water rights.

3) the permitted use is an 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, as amended, to be attached

to No. 8268-3 and this application, if approved:

 Diversion of water from Turtle Creek authorized by Water Right No. 8268-3 and this Permit is subject to all the following:

 a) Flow as needed for domestic use, including livestock water and prior rights must be bypassed.

b) Diversion of water under Water Right No. 8268-3 and this Permit is subject to senior water rights and any written orders, including shull-off orders, issued by the Chlef Engineer:

c) Water Right 8268-3 and this do not Permit authorize diversion of water from Turtle Creek When flow drops below 7.0 ofs measured at the SD streamflow DANH WQM-172 gage located in the NE 14 NE 14 of Section 36-T115N-R65W. unless written orders have been authorized by the Chief Engineer. d)Water Right No. 8268-3 and this authorize Permit diversion of water from Turtle Creek only when water is discharging across the entire length of the spillway weir at Redfield dam located in the NW1/4 NE1/4 9-T116N-Section R64W, Spink County when pumping is

occurring.

2. The Water Management Board retains jurisdiction of Water Right No. 8268-3 and this Permit in the event additional information shows attack to be made to protect domestic uses or senior water rights.

3. Pursuant to SDCL 46-2-19, the Chief Engineer, or designated representative, may enter upon the lands authorized by Water Right No. 8268-3

and this Permit for the purpose of inspecting works and determining if the insigation system is operating.

Water Right No. 8268-3 and this Permit are approved subject to the imigation water use questionnaire being submitted each year.

The Water Management Board will consider this amplication at 10:45 AM (Gentral Time) on May 8, 2024, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation 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 linery 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 filled 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, 528 5 Capitol, Pierre SD 57501" or call (605) 773-3362. The applicants maling address is given above. If contesting the Chief Engineer's recommendation. applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 15. 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a import. These and other ed liw stright encou forfelied if they are not 2A-15, 46-2A-20, 46-2A-

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 ensuré 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 diste Engineer is April 15, 2024. 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 iurisdiction 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, 48-2-11, 46-2-17; 46-2A-1 thru 48-2A-12, 46-2A-14, 46exercised at the hearing 21, 46-2A-23; 46-5-1.1, and decisions of the Books may be appealed to the Chronic Court and State Supreme Court as provided by law.

The May 8, 2024, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by April 15, 2024. 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 recarding 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. ad.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 15, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically location. accessible individuals requiring assistive technology or other services in order to participate in the meeting or materials

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 74:02:01:25.02; thru 74:02:01:35.01.

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