



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 2, 2015

NOTICE OF HEARING

TO: Jeffrey R Connolly, Counsel for United Order of South Dakota
Gunderson, Palmer, Nelson & Ashmore
PO Box 8045
Rapid City SD 57709

Parties of Record (see attached list)

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice Scheduling Hearing and Revised Recommendation in the matter of Water Permit
Application No. 2730-2, United Order of South Dakota

Seth Jeffs, Water Operator for United Order of South Dakota made a formal request on February 18, 2015, to alter permit application number 2730-2 to reflect a total peak rate of 200 gallons per minute (gpm) instead of 300 gpm. This is an addition of 106 gpm to their current permitted amount of 94 gpm authorized by Water Permit No. 2610-2. In terms of cubic feet of water per second (cfs), this is a request to appropriate 0.236 cfs which is an increase in the peak diversion rate authority from 0.21 cfs to 0.446 cfs. The application continues to request to drill an additional well (well #3).

The Water Management Board will conduct the hearing to consider Application No. 2730-2 at 8:30 AM (Central Time) on Thursday, July 9, 2015, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate. Future notice will be provided to all parties if there is a change to the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer revised recommendation is for APPROVAL of Application No. 2730-2 for a volume of 60 acre feet of water annually with a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) evidence is not available to justify issuing this permit without a 20 year term limitation, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. The Chief Engineer's revised 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 after it reaches a conclusion based on the facts presented at the public hearing.

Applicable provisions of the notices published January 7, 2015, in the Custer County Chronicle, December 31, 2014 in the Rapid City Journal and the Notice of Hearing sent to parties of record dated January 21, 2015, still apply at this hearing.

Questions regarding the hearing process may be directed to Ann Mines-Bailey, Assistant Attorney General at (605) 773-3215 or Eric Gronlund, Water Rights Program at (605) 773-3352.

c: Ann Mines-Bailey, Assistant Attorney General

PARTIES OF RECORD LIST FOR WATER PERMIT 2730-2, United Order of South Dakota

APPLICANT:

Jeffrey R. Connolly, Counsel for United Order of South Dakota
Gunderson, Palmer, Nelson & Ashmore
PO Box 8045
Rapid City SD 57709

PETITIONERS:

Peter A Fahmy, Counsel for National Park Service
National Park Service, Water Rights Branch
1201 Oakridge Drive, Suite 250
Fort Collins CO 80525

Lois Witte, Counsel for United States Forest Service
740 Simm St, Suite 309
Golden CO 80401

Cheryl Schrempp DuPris, Assistant US Attorney
225 S Pierre St, Suite 337
Pierre SD 57501

Michael M Hickey, Counsel for Linda Van Dyke Kilcoin
Bangs McCullen Law Firm
PO Box 2670
Rapid City SD 57709-2670

Karl R and Suzanne K Von Rump
11560 Farmer Road
Custer SD 57730

Mr and Mrs. David Albrecht
High Lonesome Ranch
26541 Stagecoach Spgs Rd
Custer SD 57730-9109

Toni Martin
4141 Villa Ridge Ct #122
Rapid City SD 57701

Douglas L Leshner, Acting Manager
Stone Meadow Ranch
26699 Remington Rd
Custer SD 57730

Rick Fox
PO Box 35
Hermosa SD 57744

Dean and Delia Johnson
14585 East French Creek Road
Fairburn SD 57738