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STATE OF SOUTH DAKOTA  
BEFORE THE WATER MANAGEMENT BOARD

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IN THE MATTER OF WATER PERMIT  
APPLICATION NO. 8152-3

PETITION OPPOSING WATER  
PERMIT APPLICATION NO. 8152-3

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The Yankton Sioux Tribe, by and through Fredericks Peebles & Morgan, LLP (Thomasina Real Bird), hereby files this petition opposing water permit application no. 8152-3.

Interest

The Yankton Sioux Tribe holds aboriginal title to the lakebed of Lake Andes. *See Yankton Sioux Tribe v. United States*, 224 Ct. Cl. 62, 623 F.2d 159, 183 (1980). Despite being the title holder to this lakebed, the Tribe was neither notified nor consulted regarding the actions described in the Application which appear to have direct consequences on the lakebed. Furthermore, the Tribe holds water rights in the State of South Dakota that it is entitled to protect and the State is bound to respect. Neither the State nor the Applicant consulted with the Tribe regarding this proposed use of water. In addition, the area at issue is ancestral territory of the Tribe and has spiritual and cultural significance.

Reasons

The Yankton Sioux Tribe submits this Petition for the reasons asserted above. As owner of the Lake Andes lakebed and as a holder of tribal water rights, the Tribe's interests will likely be affected by the issuance of the requested permit. Furthermore, the intended use by the City of Lake Andes as represented in the Application is neither a permissible domestic use nor an acceptable municipal use under SDCL 46-1-6(7) or 46-1-6(14).

Dated this 10<sup>th</sup> day of August, 2015.

/s/ Thomasina Real Bird

Thomasina Real Bird, SD Bar No. 4415  
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*Attorney for Yankton Sioux Tribe*

**CERTIFICATE OF SERVICE**

I certify that on this 10<sup>th</sup> day of August, 2015, a true and correct copy of PETITION OPPOSING WATER PERMIT APPLICATION NO. 8152-3 was filed with the Chief Engineer and served upon the City of Lake Andes via U.S. Certified Mail as addressed below:

City of Lake Andes  
Debra Houseman  
Finance Officer  
PO Box 783  
Lake Andes SD 57356

Chief Engineer  
Water Rights Program  
Foss Building  
523 E Capitol  
Pierre SD 57501

*/s/Ashley KlingleSmith* \_\_\_\_\_  
Ashley KlingleSmith  
Legal Assistant



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**FREDERICKS PEBBLES & MORGAN LLP**

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