

Water Rights Division - DENR

Conversation or File Documentation

File No. **FU 1262-3**Address: **210 N Dakota Street, Canton SD 57013** County: **Lincoln**Date: **March 8, 2004****RE: Reserves left in FU 1262-3**

Comments:

Permit No. 4312-3 authorized 0.43 cfs from FU 1262-3. An inspection of 4312-3 found an additional 0.10 cfs of water use which needs an application. It is possible that this application will be made using reserves from FU 1262-3. Canton also holds FU 5219-3.

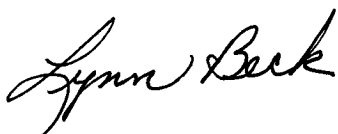
Permit No. 5216-3 authorizes 0.52 cfs from FU 1262-3. An inspection of 5216-3 found 0.52 cfs being used under FU 1262-3.

Permit No. 5217-3 authorized 0.50 cfs from FU 1262-3. An inspection of 5217-3 found 0.42 cfs being used under FU 1262-3.

Current total use from FU 1262-3 is:	4312-3	0.43 cfs
	5216-3	0.52 cfs
	5217-3	<u>0.42 cfs</u>
	TOTAL	1.37 cfs

4312-3 needs an application for an additional 0.11 cfs.

The December 2, 1998 review of FU 1262-3 left 674 acre-feet annually in reserve for future use.



Lynn Beck
Natural Resources Engineer

City of Canton's Water Rights

May 5, 2004

	Amount	Priority date	Permit where Priority date comes from	Licensed Under
Well # 1	0.12 cfs	3-16-66	4312A-3	6499-3
	0.15 cfs	1-1-36	4312B-3	
	<u>0.01 cfs</u>	3-16-66	6499-3	
	0.28 cfs = 126 gpm			
Well # 6	0.30 cfs = 134 gpm	3-16-66	1262A-3	1262A-3
Well # 7 standby well	0.22 cfs = 100 gpm capable of 250 gpm – throttled to 0.22 cfs	1-1-18	1262B-3	1262B-3
Well # 8	0.31 cfs	3-16-66	4312A-3	6499-3
	<u>0.09 cfs</u>	3-16-66	6499-3	
	0.40 cfs = 180 gpm			
Well # 9	0.15 cfs	1-1-37	1262B-3	5216-3
	<u>0.52 cfs</u>	3-16-66	1262C-3	
	0.67 cfs = 300 gpm			
Well # 10	0.72 cfs = 325 gpm	8-25-88	5218-3	5218-3
Well # 11	0.11 cfs	1-1-50	1262B-3	5217-3
	<u>0.42 cfs</u>	3-16-66	1262C-3	
	0.53 cfs = 240 gpm			

SOUTH DAKOTA
REISSUED FUTURE USE WATER PERMIT NO. 1262C-3
DIVISION OF NO. 1262-3 INTO NOS. 1262A-3, 1262B-3 & 1262C-3

Date of first receipt of application March 16, 1966.

The Water Management Board approved Future Use Water Permit No. 1262C-3 on May 18, 1966 for the City of Canton, 210 N Dakota St, Canton SD 57013 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 1262C-3 – reserves 3.0 cubic feet of water per second (cfs) (Dakota Formation) located in the N ½ Section 23 and NW ¼ Section 24; all in T98N-R49W.

Permit Nos. 4312-3 (0.43 cfs), 5216-3 (0.52 cfs) and 5217-3 (0.50 cfs) withdrew from this future use permit.

The Water Management Board allowed the permit to remain in effect for 674 acre-feet annually on December 2, 1998.

2. The water appropriated shall be used for the purpose of supplying future municipal supplies to the City of Canton and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is March 16, 1966.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Specific application for all or any portion of this appropriation must be submitted at such time as the works are constructed.
2. Permit No. 1262-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. This permit is approved for groundwater from the Dakota Formation.
4. Permit No. 1262-3 reserves for future use a total of 674 acre-feet annually. The diversion rate of 1.55 cfs is deleted from Permit No. 1262-3.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 23 2005

date





JUN 23 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

Enclosed are the following: Reissued Water License Nos. 1262A-3, 1262B-3 and 1262C-3, Water License Nos. 5216-3, 5217-3, 5218-3 and Water Permit and License No. 6499-3. These are the final water right documents completing the city's process of obtaining Water Rights.

Also enclosed for your records is a map showing the location of each of the wells and an information sheet listing the applicable information for each well. All the required fees have been paid. Enclosed are three receipts for license fees submitted earlier.

As long as the city uses the water beneficially, as stated in the Water Licenses, State Water Laws provides that the city has a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



1262C-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 19, 2005

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

I am writing in regard to the seven year review of Future Use Water Permit No. 1262C-3 from groundwater (Dakota Formation) which is held by the city. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 674 acre-feet remain in reserve under this future use permit that was issued in 1966 and last reviewed in 1998.

Please respond in writing by October 15, 2005, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 1262C-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

City of Canton

210 N. Dakota
Canton, SD 57013
www.cityofcantonsd.com
September 20, 2005

"Gateway to South Dakota"

(605) 987-2881
FAX (605) 987-2972
E-Mail: cantonsd@lw.net

Karen Schlaak
Environmental Scientist – Water Rights Program
SD Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RECEIVED
SEP 26 2005
WATER RIGHTS
PROGRAM

RE: Future Use Water Permit #1262C-3

Dear Ms. Schlaak:

I am responding to your letter of September 19, 2005 regarding review of the City's future use permit #1262C-3 from the Dakota Formation. The City requests that our future use permit to be reissued at the present reserve of 674 acre-feet. I believe that the reserve is necessary to adapt to future growth and use in Canton.

According to City records, the following table displays the total water pumped by the City from 1988 through 2005:

TOTAL WATER PUMPED CITY OF CANTON 1988-2005

2005	135 MG (Estimated)
2004	133.7 MG
2003	125 MG
2002	114.6 MG
2001	108.00 MG
2000	120.6 MG
1999	125.03 MG
1998	128.62 MG
1997	139 MG
1996	128.5 MG
1995	129.4 MG
1994	124.7 MG
1993	114.45 MG
1992	112.55 MG
1991	127.43 MG
1990	131.37 MG
1989	131.16 MG
1988	131.02 MG

Part of the apparent decrease in water used displayed in the table, especially from 1998 through 2002, has been a series of water rate increases and watering restrictions placed on the City's water customers each year. A listing of the water restrictions is presented below:

- 1998 City enacted large water and sewer rate increase in August to both meet SD DENR guidelines for rates and to place funds in reserve for future replacement projects.
- 1999 Watering restriction (Odd-Even outside watering ban) due to repairs to 500,000 Ground Store Reservoir during April through June.
- 2000 Watering restriction (Odd-Even outside watering ban) due to complete failure of coating placed inside Ground Storage Reservoir during August through October.
- 2001 Watering restriction (Total ban on outside watering) due to repairs and repainting of City's Elevated Water Tower from June to August.
- 2002 Watering restriction (Odd-Even outside watering ban) due to warranty repairs on coating inside Ground Storage Reservoir from August to October. City increased water rates in December to meet future debt service from upcoming replacement projects.

Another reason for the need to keep our future use water permit is the solid growth in the Canton area. The City of Canton's population grew steadily through the 1990's, with an increase of 11.4% population from the 1990 Census (2,886) to the 2000 Census (3,110). Lincoln County has grown by 9.1 from the April 1, 2000 Census of 24,131 to an estimated population of 26,322, which according the US Census Bureau, ranked Lincoln County as the 14th fastest growing county in the United States. With growth in residential and industrial developments both in Lincoln County and in Canton, the need for the City of Canton to preserve our future water rights is evident.

The growth in population in and around Canton coming from the metro Sioux Falls area is evident in the number of houses and apartments being constructed in Canton. From January 1, 1992 to September 20, 2005, building permits were issued for 151 new homes, 18 apartments buildings with a total of 78 one and two-bedroom apartments, and 60 new commercial buildings and commercial additions in Canton.

With the additional housing development in Canton that has grown greatly from 1996 through today, the number of lots available for single-family and apartment structures is estimated between 20 and 30 throughout Canton. To continue the housing growth in Canton since 1996, many undeveloped areas inside Canton are prime locations ready for housing development.

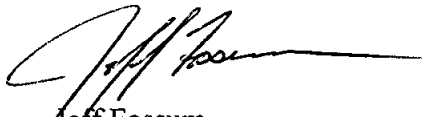
Ms. Karen Schlaak
September 20, 2005
Page 3

Along with the growth in housing, a new industrial park next to the present Canton Industrial Park is slated for development. The 71.5 acres of property purchased by the Canton Development Corporation in November 2002 will greatly assist and promote Canton as a home for industrial and commercial development. The City anticipates the businesses who will locate in the new Industrial Park will be very large water users, drawing from the City's resources. I strongly believe that with expected future growth in Canton, our water needs shall continue to grow accordingly.

In closing, with steady growth in Canton and increased usage of water from our residents, I believe it is in the best interest of the City of Canton to retain all of the water reserved in the Future Use Permit #1262C-3. I believe the level in reserve will provide a constant supply of water to our growing community.

We therefore respectfully request the Water Management Board's favorable consideration of the City of Canton's request and ask that our current rights be reserved as they exist under Future Use Permit #1262C-3. If you feel it is advisable for the City to provide additional information or to send a representative to the December 2005 meeting, please advise.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff Fossum", with a long horizontal flourish extending to the right.

Jeff Fossum
Water Superintendent
City of Canton, South Dakota

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1262C-3, City of Canton SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1262C-3, City of Canton, 210 N Dakota, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1262C-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1262C-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1262C-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 26, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 26, 2005

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

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

Future Use Permit No. 1262C-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Sioux Valley News printed at Canton SD (Phone #605 764-2000). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 26, 2005

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

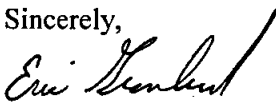
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1262C-3 to be published twice. Please publish the first notice on November 3, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Canton, 210 N Dakota, Canton SD 57013.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 26, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 1262C-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 3, 2005 with 2nd publication 7 days later. The City of Canton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 currently reserves 674 acre feet from groundwater (Dakota Formation) located in the N ½ Section 23 and NW ¼ Section 24; all in T98N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am on December 7, 2005 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 25, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

NOV 14 2005

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

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

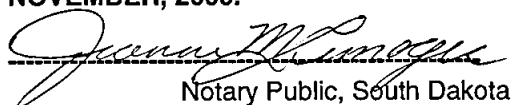
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT #1262C-3

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

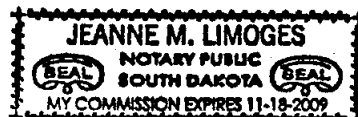
NOVEMBER 3, 2005
NOVEMBER 10, 2005

that the full amount of the fees charged for publishing the same to-wit: the sum of \$56.16 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 10th day of
NOVEMBER, 2005.


Notary Public, South Dakota

(Seal)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 currently reserves 674 acre feet from groundwater (Dakota Formation) located in the N 1/2 Section 23 and NW 1/4 Section 24; all in T98N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am on December 7, 2005 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38. 1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 9, 2005

NOTICE

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on December 7, 2005 to review Future Use Permit No. 1262C-3. The Board allowed the permit to remain in effect for 674 acre-feet of water annually. Future Use Permit No. 1262C-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1262C-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 9, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 9, 2005 regarding Notice of Action taken on Future Use Permit Nos. 1262C-3 & 512-2 addressed as stated below:

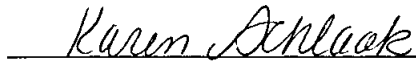
1262C-3
City of Canton
Jeff Fossum Water Superintendent
210 N Dakota St
Canton SD 57013

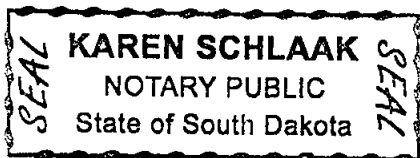
512-2
John Scheltens City Engineer
City of Hot Springs
303 N Rive St
Hot Springs SD 57747


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of December, 2005.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2006

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

On December 9, 2005 we requested the fee for maintaining the effectiveness of Future Use Permit No. 1262C-3. To date, we have not received this payment.

Please submit the \$32.50 fee as soon as possible to avoid jeopardizing the city's future use permit. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

cc: Dan Amert, Finance Officer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 27, 2006

RECEIVED OF Home Federal Bank, PO Box 5000, Sioux Falls SD 57117 (City of Canton)

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	32	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1262C03</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	32.50

No.

02331

By

Darland Elbe

Chief Engineer

gpr

File Nos. 5216-3, 5217-3, 5218-3, 5219-3, 6499-3,
1262A-3, 1262B-3, 1262C-3, 6743-3, 4401-3,
4982-3, 5647-3, 6490-3, 6311-3, 6300-3,
6435-3, 6456-3, 6727-3

Water Rights Program File Documentation

DATE: 04/02/2008

The table below represents the water use reported from the Dakota Formation from Lincoln County by the major water users (City of Canton, Town of Worthing, Town of Fairview and South Lincoln Rural Water Sytem).

	Canton	Worthing	Fairview	SLRWS
	Acre-feet per year*			
2006	406	110	10	863
2005	403	34	8	769
2004	411	37	5	904
2003	384	48	9.2	725
2002	352	NA	NA	786
2001	331	NA	NA	877
2000	370	NA	NA	843
1999	384	4	9.4	781
1998	395	33	12	693
1997	427	36	9	663
1996	394	34	13	689
1995	397	30	11	707
1994	383	25	13	766
1993	351	24	12	630
1992	345	26	8	680
1991	391	28	10	696
1990	401	26	9	669
1989	402	31	NA	650
1988	388	26	20	660
1987	430	32	14	453
1986	330	25	22	370
1985	334	27	22	370
1984	346	27	24	368
1983	330	27	NA	341

* Numbers shown in black originated from Non Irrigation Questioner Data Base

Numbers in blue originated from 4/2/2008 personal correspondence with John Sievers (SLRWS manager)

Numbers shown in red originated from Jim Goodman's report on Application Nos. 5155-3 and 5156-3 (with permit files)

NA= not available

Ken Buhler
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 30, 2013

City of Canton
Jeff Fossum, Water Superintendent
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

I am writing in regard to the seven year review of Future Use Water Permit No. 1262C-3 from groundwater (Dakota Formation) held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 674 acre-feet remain in reserve under this future use permit that was issued in 1966 and last reviewed in 2005.

Please respond in writing by August 30, 2013, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 1262C-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 674 acre-feet remain in reserve, the fee will be \$115.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



RECEIVED

AUG 14 2013

WATER RIGHTS
PROGRAM

August 12, 2013

Ms. Karen Schlaak
SD DENR, Water Rights Program
PMB 2020, Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

**RE: Future Use Water Permit NO. 1262C-3
City of Canton, South Dakota**

Dear Ms. Schlaak:

JSA Engineers/Land Surveyors are the designated City Engineer for the City of Canton. Please consider this letter as the request from the City of Canton to maintain their current reserve of 674 acre-ft for future water supply needs as permitted (Future Use Water Permit No. 1262C-3).

In 2011 the City of Canton contracted with JSA Engineers and HDR to provide a facilities plan for the City's water supply facilities. The facilities plan is substantially completed but has not been finalized to date. The facilities plan indicates that the current total water usage in 2011 was approximately 384 acre-feet. The facilities plan also projects a future water usage of 583 acre-feet in year 2035. The projections of future water use were based upon historic population growth and water use patterns as well as land use and industrial growth assumptions.

Over the past two years the City's industrial park has increased by over seventy acres. Two industries have already located within the new industrial park. New industries coming into the park have the potential to be high water users placing increased demands on the City's supply.

Given the above information we feel it necessary the City of Canton maintain their current reserve of 674 acre-ft for future water supply needs. If you have any questions, please contact me.

Respectfully Submitted,

JSA Engineers/Land Surveyors

Myron Adam, PE/LS
City Engineer, City of Canton



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1262C-3, City of Canton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1262C-3, City of Canton, 210 N Dakota St, Canton SD 57013

The Chief Engineer is recommending that Future Use Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1262C-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1262C-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1262C-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
September 3, 2013



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

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

City of Canton
Jeff Fossum, Water Supt.
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

Future Use Permit No. 1262C-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Argus Leader (605 331-2200) and the Sioux Valley News (605 764-2000). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

**BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE
PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT.** Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on September 12, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1262C-3 to be published on September 12, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Canton, 210 N Dakota St, Canton SD 57013 (605 987-2881).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 3, 2013

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1262C-3 to be published on September 12, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Canton, 210 N Dakota St, Canton SD 57013 (605 987-2881).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on September 12, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, 210 N Dakota St, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 currently reserves 674 acre feet from groundwater (Dakota Formation) located in the N 1/2 Section 23 and the NW 1/4 Section 24; all in T98N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am on October 3, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

RECEIVED

SEP 13 2013

WATER RIGHTS
PROGRAM

ANDY WILCOX

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

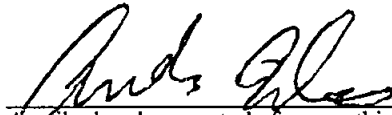
City of Canton

Notice of Hearing Permit No. 1262C-3

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

September 12, 2013

that the full amount of the fees charged for publishing the same to-wit: the sum of \$38.27 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 12th day of
September, 2013.



Notary Public, South Dakota

(Seal)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, 210 N Dakota St, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 currently reserves 674 acre feet from groundwater (Dakota Formation) located in the N 1/2 Section 23 and the NW 1/4 Section 24; all in T98N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am on October 3, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according

to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due

process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on September 12, 2013 at the total approximate cost of \$38.27.

My Commission Expires
12/9/2014

RECEIVED

SEP 13 2013

WATER RIGHTS
PROGRAM

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1424825		
	9/12, 2013		\$94.87

City of Canton
210 N Dakota St
Canton, SD 57013

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1424825

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; 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 hereto attached, was published in said newspaper upon

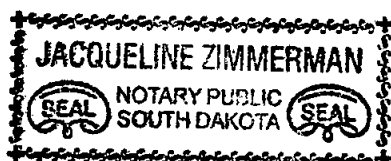
Thursday the 12 day of September 2013 ,
 _____ the _____ day of _____ 2013 ,
 _____, the _____ day of _____ 2013
 _____, the _____ day of _____ 2013 ,
 _____, the _____ day of _____ 2013 ,
 _____, the _____ day of _____ 2013 ,
 _____, the _____ day of _____ 2013 ,

and that \$94.87 was charged for publishing the same

Linda Schulte
 Subscribed and sworn to before me 9/12/2013

J. Zimmerman
 Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 1262C-3
 Notice is given that the Water
 Management Board will review
 Future Use Permit No. 1262C-3
 held by the City of Canton,
 210 N Dakota St, Canton SD
 57013 for progress made in the
 development of the water re-
 served by the Permit and fu-
 ture plans for development of

the water reserved by Permit
 No. 1262C-3. This permit was
 approved in 1966 currently re-
 serves 674 acre feet from
 groundwater (Dakota Forma-
 tion) located in the N 1/2 Sec-
 tion 23 and the NW 1/4 Section
 24, all in T98N-R49W for mu-
 nicipal use.

Pursuant to SDCL 46-2A-2
 the Chief Engineer of the Wa-
 ter Rights Program recom-
 mends that Permit No. 1262C-3
 REMAIN IN EFFECT for 674
 acre-feet annually because 1)
 the reserved water may be de-
 veloped, 2) there is need for
 the reserved water 3) the pro-
 posed use will be a beneficial
 use and 4) it is in the public in-
 terest.

The Water Management
 Board will conduct the hearing
 to review Future Use Permit
 No. 1262C-3 at 10:00 am on
 October 3, 2013 at Floyd
 Mathew Training Center, Joe
 Foss Bldg, 523 E Capitol,
 Pierre SD.

The recommendation of the
 Chief Engineer is not final or
 binding upon the Board and
 the Board is authorized to 1)
 allow the permit to remain in
 effect, 2) amend the permit by
 adding qualifications, 3) cancel
 the permit for no development
 or no planned future develop-
 ment, or 4) take no action after
 it reaches a conclusion based
 upon facts presented at the
 public hearing. Any interested
 person who may be affected by
 a Board decision and who in-
 tends to participate in the hear-
 ing before the Board and pres-
 ent evidence or cross-examine
 witnesses according to SDCL
 1-26, must file a written petition
 with BOTH the permit owner
 and the Chief Engineer by
 September 23, 2013. The Chief
 Engineer's address is "Water
 Rights Program", Joe Foss
 Building, 523 E Capitol Ave,
 Pierre SD 57501 (605 773-
 3352) and the permit holders

mailing address is given
 above. The petition may be in-
 formal, but it must include a
 statement describing the
 petitioner's interest in the future
 use permit, the reasons for pe-
 titioner's opposition to or sup-
 port of continuing the future
 use permit, and the signature
 and mailing address of the pe-
 titioner or his legal counsel if
 legal counsel is obtained. The
 permit owner need not file a
 petition.

The hearing to review Future
 Use Permit No. 1262C-3 will be
 conducted pursuant to the pro-
 visions of SDCL 46-1-14, 46-2-
 5, 46-2-9, 46-2-11, 46-5-38.1;
 Board Rules ARSD
 74:02:01:25.01 thru
 74:02:01:25.03 and contested
 case procedures contained in
 SDCL 1-26.

This hearing is an adversary
 proceeding. The permit owner
 or any person, after filing a pe-
 tition, has the right to be pres-
 ent or to be represented by a
 lawyer. These and other due
 process rights will be forfeited
 if they are not exercised. Deci-
 sions of the Board may be ap-
 pealed to the Circuit Court and
 State Supreme Court as pro-
 vided by law.

Any person wishing a copy of
 the Chief Engineer's recom-
 mendation, further information
 on this permit, to assure ac-
 cess to the hearing by the
 handicapped or obtain an inter-
 preter for the hearing impaired
 may contact Eric Gronlund,
 Water Rights Program, (605
 773-3352) by September 23,
 2013. The time of the hearing
 will be automatically delayed
 for at least 20 days upon writ-
 ten request of the permit owner
 or any person who has filed a
 petition to oppose or support
 continuance of the Future Use
 Permit. The request for a de-
 lay must be filed with the Chief
 Engineer by September 23,
 2013. Steven M. Pirner, Secre-
 tary, Department of Environ-
 ment and Natural Resources.

Published once at the approxi-
 mate cost of \$94.87.

1424825 Sept. 12, 2013



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 4, 2013

NOTICE

City of Canton
Jeff Fossum, Water Supt.
210 N Dakota St
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on October 3, 2013 to review Future Use Permit No. 1262C-3. The Board allowed the permit to remain in effect for 674 acre-feet of water annually. Future Use Permit No. 1262C-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1262C-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on October 4, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 4, 2013 regarding Future Use Permits addressed as stated below:

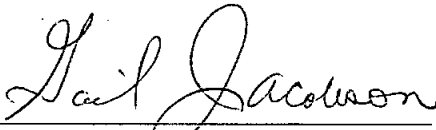
Lake Andes-Wagner Irrigation Dist., Chuck Eitmiller, PO Box 818, Wagner SD 57380 **1688A-3**

Town of Florence, Pat Callan, PO Box 137, Florence SD 57235 **4051-3**

City of Canton, Jeff Fossum, 210 N Dakota St, Canton SD 57013 **1262C-3**

City of Madison, Fred Snoderly, PO Box 308, Madison SD 57042 **747-3**

City of Belle Fourche, Ryan C Kavan, 511 6th Ave, Belle Fourche SD 57717 **369-1**



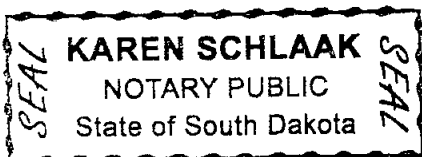
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of October, 2013.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/21, 20 13

RECEIVED OF City of Canton 210 N Dakota Ave Canton SD 57013

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	115	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1262C-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	115	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **06464**

By Jeanne Goodman
Chief Engineer



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 10, 2020

Steve Erickson, Utilities Supt.
City of Canton
210 N Dakota St.
Canton SD 57013

Dear Mr. Erickson:

I am writing in regard to the seven year review of Future Use Water Permit No. 1262C-3 from the Dakota Aquifer held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 674 acre-feet remain in reserve under this future use permit that was issued in 1966 and last reviewed in 2013.

Please respond in writing by October 10, 2020 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 1262C-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 674 acre-feet remain in reserve, the fee will be \$115.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

September 21, 2020

TO: KAREN SCHLAAK, WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3182

RECEIVED

SEP 23 2020

WATER RIGHTS
PROGRAM

FROM: STEVE ERICKSON, UTILITIES SUPT.
CITY OF CANTON
210 N. DAKOTA ST.
CANTON, SD 57013

The City of Canton respectfully requests to renew Future Use Water Permit No. 1262C-3 at the current 674 acre-feet.

The City has seen an increasing demand for water as the summer of 2020 has been our first "dry" year in several years. Average daily consumption reached a new peak of 600,000/day.

The most current population projection study conservatively estimates Canton's population increasing by 1100 persons by 2027.

Given the average daily consumption of 88 gallons/day, this would be an increase of 35,232,000 gallons/year.

If there is any other information required, please contact me.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Steve Erickson". The signature is written in a cursive, flowing style.

Steve Erickson



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1262C-3, City of Canton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1262C-3, City of Canton, 210 N Dakota St, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1262C-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1262C-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1262C-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
October 27, 2020



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 27, 2020

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

City of Canton
Steve Erickson, Utilities Supt
210 N Dakota St
Canton SD 57013

Dear Mr. Erickson:

Future Use Permit No. 1262C-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used and the nearest daily paper. Notice of this review has been sent to the Sioux Valley News (605 764-2000) and the Argus Leader (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on November 5, 2020. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on November 5, 2020. The City of Canton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, Steve Erickson, Utilities Supt, 210 N Dakota St, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 and currently reserves 674 acre-feet from the Dakota Aquifer located in N 1/2 Section 23 and the NW 1/4 Section 24; all in T98N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am, December 2, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 23, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by November 23, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 23, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 16, 2020. Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 27, 2020 4:07 PM
To: 'legals@argusleader.com'
Subject: 1262C-3, City of Canton
Attachments: 1262C-3notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 5, 2020.

City of Canton, c/o Steve Erickson, Utilities Supt, 210 N Dakota St, Canton SD 57013 (605 987-2881) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 27, 2020 4:06 PM
To: svn@siouxvalleynewsonline.com
Subject: 1262C-3, City of Canton
Attachments: 1262C-3notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 5, 2020.

City of Canton, c/o Steve Erickson, Utilities Supt, 210 N Dakota St, Canton SD 57013 (605 987-2881) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
(605) 773-3352



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

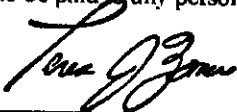
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

City of Canton
Notice of Hearing

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

November 5, 2020

(that the full amount of the fees charged for publishing the same to-wit: the sum of \$42.82 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 5th day of
November, 2020



Notary Public, South Dakota

(Seal)



My Commission Expires
January 12, 2024

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, Steve Erickson, Utilities Supt, 210 N Dakota St, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 and currently reserves 674 acre-feet from the Dakota Aquifer located in N 1/2 Section 23 and the NW 1/4 Section 24; all in T96N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am, December 2, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 23, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in

the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by November 23, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 23, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 16, 2020.

Published in the Sioux Valley News on November 5, 2020 at the total approximate cost of \$42.82.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No.: SFA-050399

Ad No.: 0004443348

PO #: AD# 4443348

Lines : 164

Ad Total: \$102.89

This is not an invoice

of Affidavits 1

CANTON CITY OF
210 N DAKOTA ST
CANTON, SD 57013

Account No.: SFA-050399

Ad No.: 0004443348

Argus Leader AFFIDAVIT OF PUBLICATION

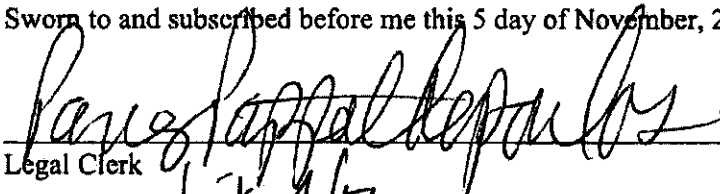
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; 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 hereto attached, was published in said newspaper upon

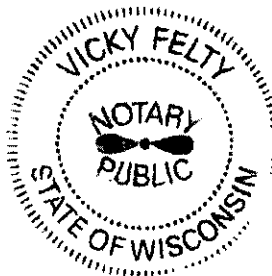
Thursday, November 5, 2020

Sworn to and subscribed before me this 5 day of November, 2020.


Legal Clerk


Notary Public, State of Wisconsin, County of Brown

9/19/21
My Commission expires



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.
1262C-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262C-3 held by the City of Canton, Steve Erickson, Utilities Supt, 210 N Dakota St, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262C-3. This permit was approved in 1966 and currently reserves 674 acre-feet from the Dakota Aquifer located in N 1/2 Section 23 and the NW 1/4 Section 24; all in T96N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262C-3 REMAIN IN EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262C-3 at 10:00 am, December 2, 2020. Floyd Matthew Training Center, Joe Fass Bldg. 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 23, 2020. The Chief Engineer's address is "Water Rights Program", Joe Fass Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's op-

position to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262C-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by November 23, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 23, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 16, 2020.

4443348

Nov. 5, 2020



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 7, 2020

NOTICE OF ENTRY OF ORDER

Steve Erickson, Utilities Supt.
City of Canton
210 N Dakota St.
Canton SD 57013

Dear Mr. Erickson:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 2020 to review Future Use Permit No. 1262C-3. The Board allowed the permit to remain in effect for 674 acre-feet of water annually. Future Use Permit No. 1262C-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1262C-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 7, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 7, 2020, regarding Notice of Entry of Order of Permit No. 1688A-3 and 1262C-3 addressed as stated below:

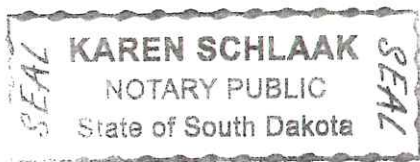
Chuck Eitemiller, Chairman, Lake Andes-Wagner Irrigation District, 28774 395th Ave., Armour, SD 57313
Steve Erickson, Utilities Supt., City of Canton, 210 N Dakota St., Canton SD 57013

Vickie Maberry
Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of December, 2020.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025



1262C-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date December 17, 2020RECEIVED OF Treasurer of the City of Canton 210 N Dakota St Canton SD 57013

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>1262C-3</u> after period of seven years.	\$115.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$115.00

By *Eric Gronlund*
 Chief Engineer
vm