

No. 135-3Water Division No. 3Missouri River

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant City of Pierre
 Postoffice address Pierre, County Hughes, State So. Dakota

- I. If a corporation Yes
 (a) Name of same Municipal
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract

- (b) Cash on hand \$ 30,000.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Shallow Wells
 3. Amount of water claimed 15,000,000 42 cubic feet per second 208 (peak)
 4. Source of water supply Ground Water Along the East Bank of Missouri River
 5. Location of point of diversion Between a point near the NW corner Sec. 23, T110N, R 77W and
point near the SE Cor. Sec. 12, T110N, R 77W on east bank Missouri River, Hughes County.

6. Annual period or periods during which water is to be used Daily, Annually

7. To be used for: Municipal water supply for City of Pierre

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stock raising, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Fire Protection and Municipal Domestic Use

Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

Map No. 1083

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

(b) Pumping plant, \$-----

rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions when reductions in size are made.)

10. Time required for completion of work ----- years. for well No. 6 same as item 10

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of -----

I, Ed. E. Munnick, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this -----

day of

November

1955

Paul H. Hennrich
Notary Public (or other qualified officer.)

MAP OF PIERRE SOUTH DAKOTA

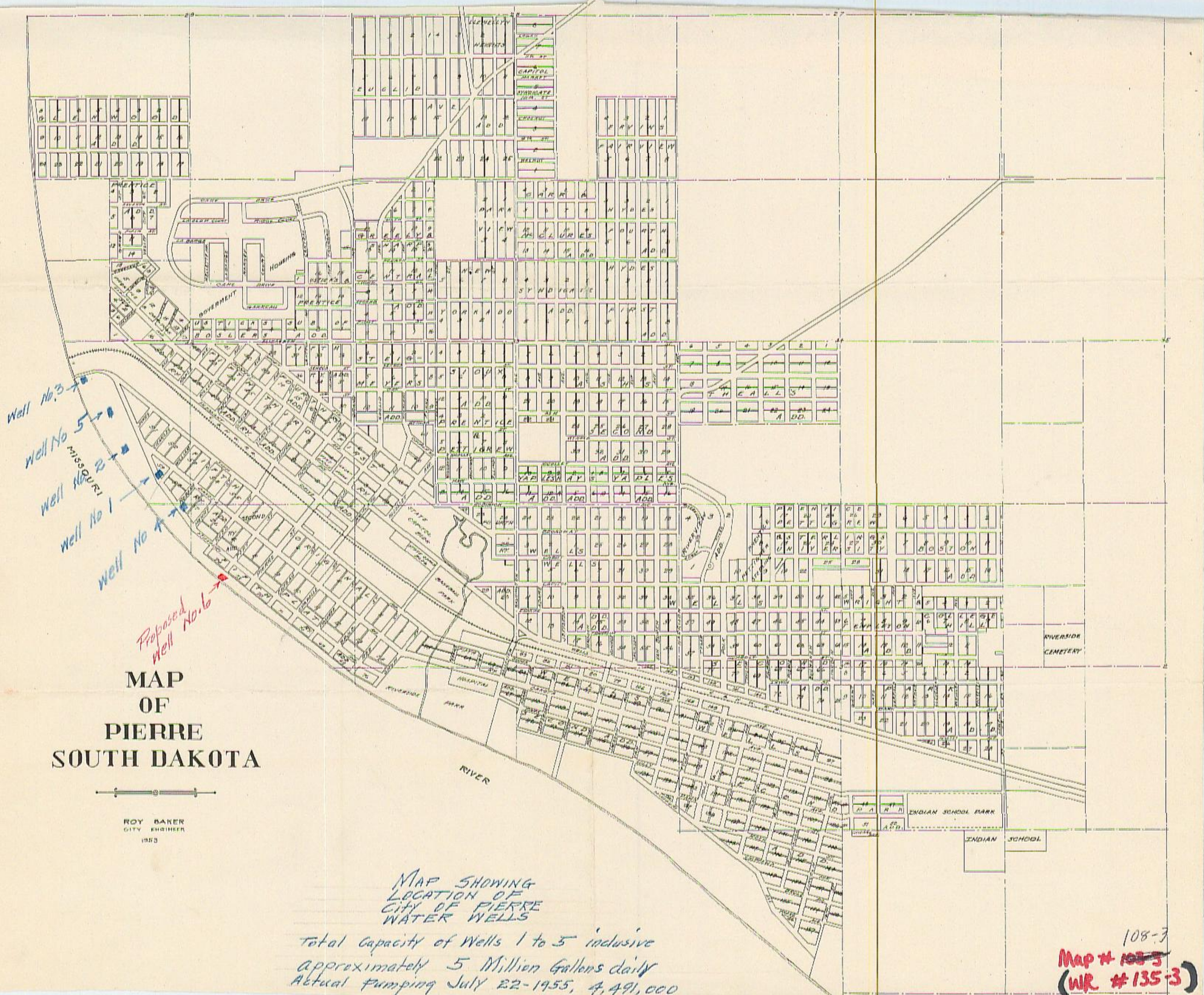


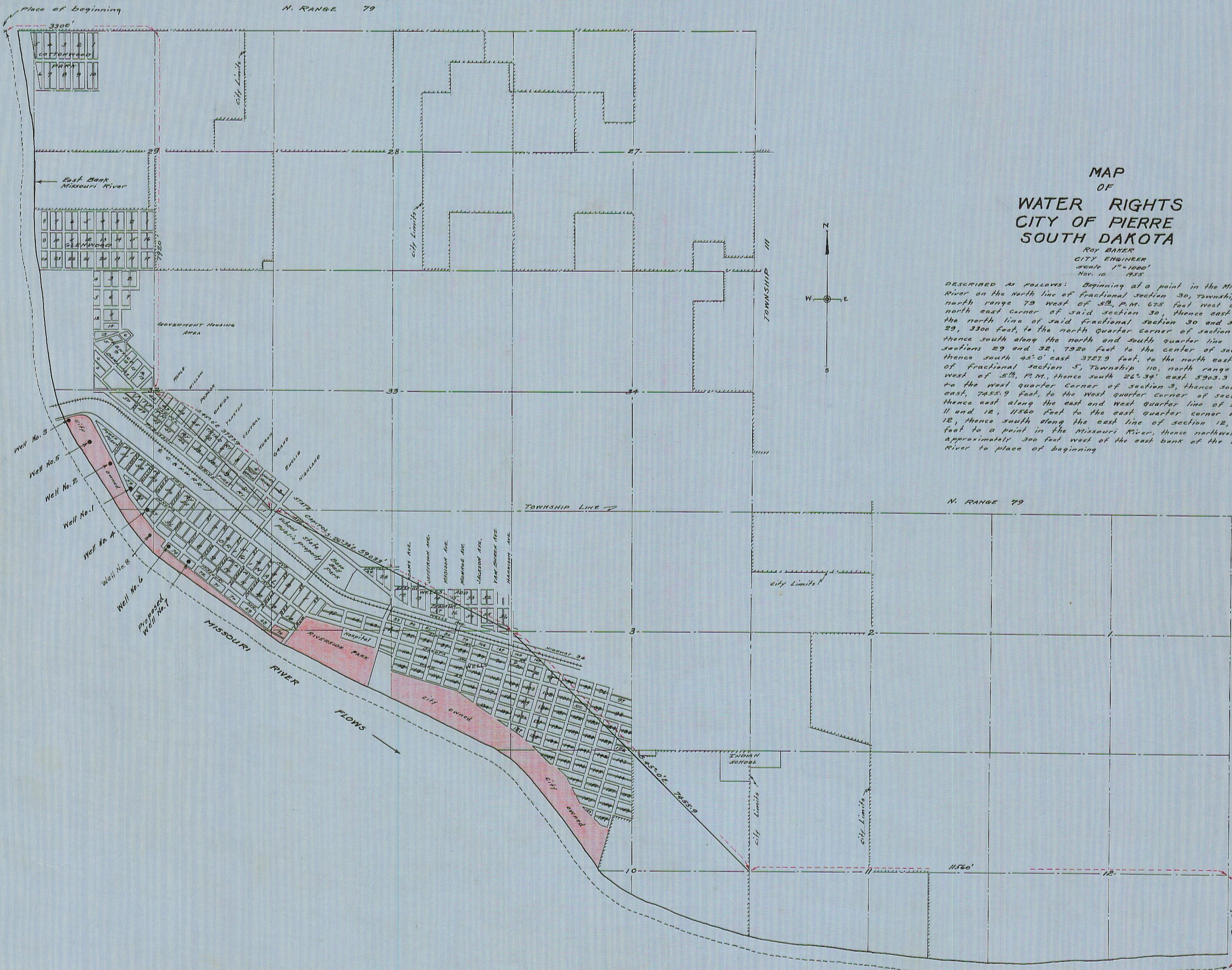
ROY BAKER
CITY ENGINEER
1953

MAP SHOWING
LOCATION OF
CITY OF PIERRE
WATER WELLS

Total Capacity of Wells 1 to 5 inclusive
approximately 5 Million Gallons daily
Actual Pumping July 22-1955, 4,491,000

108-3
Map # 108-3
(WR # 135-3)





MAP
OF
WATER RIGHTS
CITY OF PIERRE
SOUTH DAKOTA

ROY BAKER
CITY ENGINEER
Scale 1"=1000'
Nov. 10 1955

DESCRIBED AS FOLLOWS: Beginning at a point in the Missouri River on the north line of fractional section 30, Township 110, north range 79 west of 5th P.M. 675 feet west of the north east corner of said section 30, thence east along the north line of said fractional section 30 and section 29, 3300 feet, to the north quarter corner of section 29, thence south along the north and south quarter line of sections 29 and 32, 7920 feet to the center of section 32, thence south 45° 0' east 3727.9 feet, to the north east corner of fractional section 5, Township 110, north range 79 west of 5th P.M., thence south 26° 34' east 5903.3 feet, to the west quarter corner of section 3, thence south 45° 0' east, 7455.9 feet, to the west quarter corner of section 11, thence east along the east and west quarter line of sections 11 and 12, 11560 feet to the east quarter corner of section 12, thence south along the east line of section 12, 2100 feet to a point in the Missouri River, thence northwesterly approximately 300 feet west of the east bank of the Missouri River to place of beginning

Remarks by State Water Resources Commission:

"Vested Rights" recognized as follows with priority dates:
2 c.f.s. - 1881, 189 c.f.s. - 1930, 1.56 c.f.s. - 1935, 1.78 c.f.s. - 1948, 1.11 c.f.s. - 1954
This Permit as follows: 1.53 c.f.s. - Nov. 22, 1955
Permit for future use 12.83 c.f.s.

STATE OF SOUTH DAKOTA
County of Ingles } ss.

Pierre, South Dakota, Nov. 22, 1955

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock
A.m. upon the 22 day of Nov., 1955.

State Water Resources Commission

By:

J. W. Krueger
Chief Engineer, Executive Officer

Number of permit 135-3

Date of first receipt of application Nov. 22, 1955

Date of return to applicant for correction, amendments or changes required as follows: Dec. 27, 1955

Date of receipt of corrected application Jan. 5, 1956

Date from which applicant may claim right Nov. 22, 1955

Approved Mar. 5, 1956, Recorded in Book 3 Page 107

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Sept. 5, 1956 well No. 6 only

2nd. The whole of said work is to be completed on or before Mar. 5, 1957 well No. 6 only

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Mar. 5, 1957 Well No. 6 only

4th. The water appropriated shall be used for the purpose of municipal

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 22.5 cubic feet per second, neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before 1956; said water to be used during the following described annual period. continuously

of which 8.34 cubic feet per second is recognized as "vested rights" with priority date as stated above; 1.33 cubic feet per second is specifically appropriated by this action and 12.83 cubic feet per second is appropriated for future municipal use by the City of Pierre.
Witness my hand this 6 day of Mar., 1956

State Water Resources Commission

By:

J. W. Krueger
Chief Engineer, Executive Officer

Certificate of Construction issued 19

Water License issued 19

Scheduled for construction:

Well No.6

Well No.7 1958
Well No.8 1960

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 54",Depth 63 feetType of casing Steel
(wood, concrete, steel, etc.)Outside casing from surface to formation 48" X 21'Inner Size of casing 24", Thickness of casing 3/8"
Length of casing 48'. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Stainless SteelSize of perforated screen 24", 15'
(diameter) (length)Thickness of gravel pack 15", length of gravel
pack 6'.

(c) Water Bearing Materials

Distance to water 21'.Character of water bearing materials _____
Sand and gravelThickness of water bearing material 42'

(d) Pump and Motor

Type of pump Deep Well Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Layne, size 600 GPMKind of motor Electric, 3 phase, 440 V.
(gasoline, electric, diesel, etc.)Horsepower 75Name of motor General Electric

(e) Complete well

Capacity 600 GPM at drawdown of 25 feetEstimated cost \$28,500.00(f) Owner of land upon which well is located _____
NameCity of Pierre, S.D. Pierre, S.D.
Address

(g) Distance to nearest existing wells

On same Owner's property 52 rodsOn property owned by others None rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 135-3 . . .

WHEREAS, On the 22nd day of November A. D. 1955

the City of Pierre

of Pierre County of Hughes and State of
South Dakota duly made application (No. 135-3) to us for a permit to use 1.33
cubic feet per second of the waters of ground water
County of Hughes, State of South Dakota, for municipal
purposes, and

WHEREAS, On the 6th day of March A. D. 1956

Permit No. 135-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 5th day of
March A. D. 1957 and for the application to beneficial use of said
water on or before the 5th day of March A. D. 1957
and,

WHEREAS, On the 20th day of October A. D. 1956

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.2811
cubic feet per second of said waters, as evidenced by our Certificate No. 135-3
dated November 28, 1956, confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.2811 cubic feet per second of water, with date of
priority of November 22, 1955 ~~and~~ xx ~~and~~ xx,

WHEREAS, On the 30th day of October A. D. 1956

proof was duly made of the application to beneficial use of 1.2811 cubic feet per second of said water;
for municipal use in the City of Pierre.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the City of Pierre
of Pierre the holder and owner of said permit No. 135-3
a water right, dating from November 22, 1955, to the use of 1.2811
cubic feet per second of the waters of ground water
in the County of Hugbee and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted in Block 74, 5th Railway
Addition, City of Pierre
and conducted to ~~supply~~ the water distribution system in the City of Pierre.

for the purpose of furnishing municipal water

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 28th day of November A. D. Nineteen
Hundred and Fifty-six

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 135-3

Water Division No. 3-Missouri R. Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Pierre
of Pierre, County of Hughes, and State of South Dakota, the holder of Permit No. 135-3, issued upon Application No. 135-3, bearing date of priority of November 22, 1955, authorizing the diversion of 1.33 cu. ft. per second of the waters of ground water County of Hughes, State of South Dakota, ~~xx~~ in Block 74, 5th Railway Addition, City of Pierre, for municipal purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.2811 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: furnish municipal water for the residents of the City of Pierre.

Witness my hand this 28th day of November A. D. 19 56

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Location No. 135-3.

Water Division No. 3. MISSOURI Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. A. E. Munck, 300 W. Dakota, Pierre, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. City of Pierre, Pierre, South Dakota - Mayor

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Appropriation not obtained prior to present application; vested rights claimed.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wells as located on map

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Five wells have been constructed. Well No., capacity and date of construction are as follows: No. 1 - 900 gal/min. - 1881, No. 2 - 850 gal/min. - 1930, No. 3 - 700 gal/min. - 1935, No. 4 - 800 gal/min. - 1948, No. 5 - 500 gal/min. - 1954. Water is conveyed to place of use through the City's municipal water supply system.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Municipal water supply for City of Pierre.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Water is applied to municipal use for domestic, fire protection and related purposes.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 3750 gal/min. during peak period

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. does not apply

Ans. The capacity of each well has been used for municipal water
supplies continuously since it was constructed. Additional supplies
are now needed and application for water rights to cover the new
supplies have been requested by application dated November 22, 1955.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person who represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pierre, County of Hughes, State of South Dakota, on this 30th day of December, A. D. 1953.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____	c. f. s. _____
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

(First Publication January 12, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., December 31, 1955

Notice is hereby given that the City of Pierre whose postoffice address is Pierre S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use a total of 22.5 cubic feet of water per second of time from ground water through the municipal system of wells the point of diversion of which are located on the easterly bank of the Missouri River between a point near the Northwest corner of Sec. 29 T 11N, R 79W and a point near the Southeast Corner of Sec. 12, T 11N, R 79W Said water to be used for the purpose of providing municipal water for the City of Pierre. Vested rights are claimed for a total of 8.33 cubic feet per second which is the City's present supply. A sixth well of 1.33 cubic feet per second capacity is scheduled for immediate construction. The rest of the water requested is for future water supplies for the City.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 5th day of March, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Office.

cc: Mr. R. B. Hipple, Publisher
Capital Journal
Pierre, South Dakota

Affidavit of Publication

State of South Dakota } ss.

County of Hughes

L. H. Hipple
 of said County and State, being first duly sworn, on his oath says:
Daily Capital Journal is a
 newspaper of general circulation, printed and
 published in Pierre, South Dakota in said County
 and State by Hipple Printing Co. and has
 been such newspaper during the times hereinafter mentioned; that the
 said Daily Capital Journal

is a legal newspaper and has been in existence for more than one year
 immediately preceding the first publication herein mentioned; and has
 more than two hundred bona fide subscribers; that I, the undersigned,
 am Business Manager of said newspaper, in
 charge of the advertising department thereof, and have personal know-
 ledge of all the facts stated in this affidavit; and that the advertisement
 headed Appropriation of Water a printed copy
 of which is hereto attached, was printed and published in the said news-
 paper once each week for Four successive weeks; the first publica-
 tion being made on January 12 19 56 subsequent publications on
January 19

January 26 19 56; and last publication on February 2
 19 56 that \$ 15.30 being the full amount of the fee for publi-
 cation of the annexed notice inures solely to the benefit of the publishers
 of the said newspaper; that no arrangement or understanding for a
 division thereof has been made with any other person, and that no part
 thereof has been agreed to be paid to any other person whomsoever.

[Signature]
 Subscribed and sworn to before me
 this 9th day of March
 19 56 [Signature]

Notary Public Hughes County.

Attorney's Affidavit Ex Rel Fees

State of South Dakota } ss.

County of _____

_____ being first duly sworn,
 on his oath says: I am _____
 of the _____ that
 directed the publication of the annexed notice; that the full amount as
 appears by the foregoing affidavit of _____
 for the publication
 of such notice has been paid; that no agreement or understanding for any
 division thereof, has been made with any person whomsoever, and that
 no part thereof has been refunded by the party publishing said notice.

Subscribed and sworn to before me
 this _____ day of _____
 19 _____

Notary Public _____ County.

No. 7779 St. D. 1-15, 1-16, 1-26, 2-3
 APPROPRIATION OF WATER
 No. 17-3
 Office of State Water
 Resources Commission,
 Pierre, S. Dak.,
 December 31, 1955.

Notice is hereby given that the
 City of Pierre, whose postoffice ad-
 dress is Pierre, S. Dak., has made
 an application in accordance with
 the provisions of the water laws
 of South Dakota for a permit to
 appropriate for beneficial use a to-
 tal of 22.5 cubic feet of water per
 second of time from ground water
 through the municipal system of
 wells, the points of diversion of
 which are located on the easterly
 bank of the Missouri River between
 a point near the Northwest corner
 of Sec. 29, T. 11N., R. 79W. and a
 point near the Southeast corner of
 Sec. 12, T. 10N., R. 79W. Said water
 to be used for the purpose of pro-
 viding municipal water for the City
 of Pierre. Vested rights are claim-
 ed for a total of 8.33 cubic feet per
 second which is the City's present
 supply. A sixth well of 1.33 cubic
 feet per second capacity is sched-
 uled for immediate construction.
 The rest of the water requested
 is for future water supplies for the
 City.

This application will be taken up
 by the State Water Resources Com-
 mission at their office at Pierre for
 consideration upon the 5th day of
 March, 1956, at 2:00 P. M. All inter-
 ested persons may appear and be
 heard.

Appropriate action will be taken
 by the Water Resources Commission
 after suitable time has elapsed for
 the consideration of any or all in-
 formation presented.

State Water Resources
 Commission
 By: J. W. Grimes,
 Chief Engineer,
 Executive Officer

RECEIVED
 MAR 9 1956
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Publication Fees - \$ _____
 Notary Fees - - - _____
 Total - - - \$ _____
 Received payment, _____

LEGAL RATES
 65.0512 Rates: Publications in Legal
 Newspapers; Execution Sales, Plaintiff
 May Designate Paper. In all cases
 where any legal publication of any-
 thing is required or allowed by law,
 and no other fee is prescribed for
 such publication, the maximum fee
 which shall be as follows: Nine cents
 per counted line of six point type for
 the first insertion and seven cents per
 counted line of six point type for
 each subsequent insertion; seven
 cents per counted line of eight point
 type for the first insertion and six
 cents per counted line of eight point
 type for each subsequent insertion; a
 line within the meaning of this sec-
 tion being the standard column width
 of two inches, or the equivalent there-
 of. When matter is required to be
 set in tabular form, with two or
 more justifications, the rate shall
 be one and one-half times the rates
 named in this section.

In all cases of publications of no-
 tices in connection with sales upon
 execution, the plaintiff may design-
 ate the newspaper, published within
 the county, in which such notice shall
 be published.

Approved February 3, 1947.

Court,

LEGAL PUBLICATIONS

An Act Defining a Legal Newspaper for the Publication of Legal and other Official Notices in the State of South Dakota.

§ 7069. (Legal Newspaper Defined.) No daily or weekly newspaper shall be considered a legal newspaper for the publication of legal and other official notices unless the same, if a daily newspaper, be published six days or more each week and shall have a bonafide circulation of two hundred copies, daily, or, if a weekly newspaper, shall have a bonafide circulation of two hundred copies weekly, and shall have been published in the English language in the county for at least one year prior to the publication of such notices, and be printed either in whole or in part in an office maintained at the place of publication: Provided, that the consolidation or union of any two or more newspapers, any or all of which were before such consolidation legal newspapers as defined in this section, shall in no manner affect the legality of the newspaper formed by such consolidation, and the same shall be deemed to have complied with the requirements prescribed for a legal newspaper and to be a legal newspaper as above defined: Provided further that nothing in this section shall be so construed as to affect the validity of any publication published in a foreign language prior to the taking effect of this act.

§ 7070. (Affidavit Must State Fact of Legality.) All legal and other official notices shall be published in a legal newspaper as defined in the preceding section, and the affidavit of publication shall state that such newspaper is a legal newspaper, which affidavit shall be prima facie evidence of that fact.

§ 7071. (Provisions not Applicable When.) The provisions of the two preceding sections shall not apply in counties wherein but one newspaper is published, nor in counties where no newspaper has been published for a period of one year prior to the publication of such legal or other official notices, nor in counties where no newspaper is published having the circulation required in the second preceding section.

and ATTORNEY'S
DAVITS

ice of _____

on _____

y of _____

Permit No. 135-3Water Division No. 3 Water District 3
STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA**Notice of Application of Water to Beneficial Use**

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

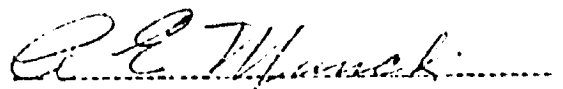
(P. O.) Pierre, S.D.(Date) March 27 1956

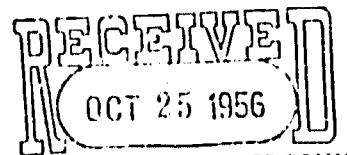
TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 22 day of November
1955, at Pierre County of Hughes State of South Dakota,
 before J.W. Grimes proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 22.5 cubic feet per second of the waters of the under ground flow of the
Missouri River In accordance with the terms and conditions of Permit No. 135-3
 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are
City of Pierre, South Dakota
- The use to which said water has been applied is Municipal
- The amount applied to beneficial use is 9.67 c.f.s. at present future 12.33 c.f.s.
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
- The name of the canal or ditch or other works by which said water is conducted to such place of use is
- The right to take the water from such works is based upon permit No. 135-3
- The source of supply from which such water is diverted is Missouri River
- The date of priority which said user is prepared to establish is 2.0 c.f.s. 1881, 1.89 c.f.s. 1930, 1.56 c.f.s. 1935, 1.78 c.f.s. 1948, 1.11 c.f.s. 1954,
14.16 c.f.s. November 22 1955

(Sign)


 A.E. Munch, Mayor.

Permit No. 135-3STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Pierre, South Dakota.(Date) October 24 1956

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of Ground
1.2811 cu. ft. per second of the waters of the state from Waters
through the Municipal Water Distribution System
for Municipal purposes
in accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

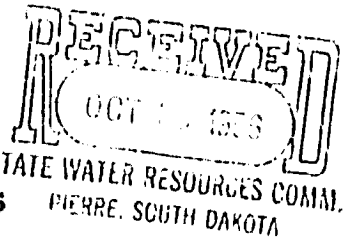
1. The name of the person or corporation holding said permit is City of Pierre
2. The postoffice address of such person or the place of business of such corporation is Pierre
County of Hughes State of South Dakota
3. The number of such permit is 135-3 and the date set for the completion of such work is
October 24 1956
4. Said water to be used for Municipal purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 1.2811 cubic feet per second.
6. The amount of land for which said water is available is _____ acres,
particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

ATTEST:

J. W. Thli, City Auditor

Permit No. 135-3Water Division No. 3 Mo. River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

I fear Sirs: I hereby certify that in accordance with your letter of authorization dated Oct. 25 1956, I have this day made a thorough examination of the diversion works constructed by City of Pierre, S.D. of Hughes County, South Dakota, holder of Permit No. 135-3, issued upon Application No. 135-3, bearing date of priority of Nov. 22, 1955, authorizing the diversion of 1.33 cu. ft. per second of the waters of Ground Water (well No. 6) for Municipal purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One gravel pack well 64 ft. in depth with 15 ft. stainless steel ^{screen} at bottom, 6 in. concrete on outside of casing from under side of pump room floor to water bearing formation. Approx. 21 ft. Deep well turbine pump, capacity 575 GPM, driven with 75 HP, 440 V. motor with starting equipment. Brick well house 16 foot square with steel tower on roof for removing and replacing pump in well. and the system is in the following condition:

Good condition, conforms to original application, dated Nov. 22, 1955.

The point of diversion is located in Block 74, 5th. Railway Add. Pierre, So. Dak.

The works are capable of diverting and conveying to the place of use 1.2811 cu. ft. per second of water, which is to be used for Municipal purposes

The legal subdivisions to be irrigated are:

comprising a total of _____ acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprise: _____

Witness my hand, this 29 day of October, A. D. 1956.

—SEAL—

Roy Baker
Roy Baker
City Engineer.

Examining Engineer.



Permit 745-3 is for the
development of 1.34 cfs
Through Well #7 which
is subtracted from the
original reservation of

$$\begin{array}{r}
 12.83 \text{ cfs} \\
 \underline{1.34 \text{ cfs}} \\
 11.49 \text{ cfs remaining}
 \end{array}$$

$$\begin{array}{r}
 1486-3 \quad 1.33 \text{ in reserve.} \\
 \underline{1016}
 \end{array}$$

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Grace Paterson, Mayor, City of Pierre
From : John Hatch, Chief Engineer, Water Rights Division *James M. Hatch*
Subject : Review of Future Use Water Permit No. 135-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 135-3, City of Pierre will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 135-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 135-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 135-3 was approved March 5, 1956, with a priority date of November 22, 1955, for 12.83 cubic feet per second (cfs) from the following areas: Between Sec. 29 and Sec. 12 both in T110N-R79W with no qualifications.

Our records show that permits to place 2.67 cfs of water reserved by Permit No. 135-3 to beneficial use have been approved with 10.16 cfs remaining. Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 135-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 135-3 with the following qualifications:
 - a) Permit No. 135-3 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.
 - b) At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.
 - c) This permit is approved for groundwater from the Missouri Aquifer.

* At the end of seven years, the permit will again be reviewed and if it is extended you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 135-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$211.00.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Carol Ruffcorn, Auditor

Department of Water & Natural Resources

Joe Foss Building
522 West Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

August 24, 1983

NOTICE

TO: Grace Peterson, Mayor, City of Pierre
FROM: John Hatch, Chief Engineer, Water Rights Division
SUBJECT: Change of Hearing Date for Review of Future Use Permit No. 135-3

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permit No. 135-3 are being changed because of a conflict with the Municipal League Meeting that starts October 5, 1983. The Water Management Board will now review Future Use Permit No. 135-3 at 1:30 pm, November 30, 1983, Joe Foss Building, Pierre, South Dakota. The hearing will be conducted pursuant to the notice dated August 8, 1983.

cc: Carol Ruffcorn, Auditor

The meeting will be in Room 310 of the Joe Foss Building.



Department of Water & Natural Resources

Joe Foss Building
223 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permit
No. 135-3

Grace Peterson, Mayor
City of Pierre
PO Box 1253
Pierre SD 57501

Dear Mayor Peterson:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Pierre's Future Use Water Permit No. 135-3. The Board continued Permit No. 135-3 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 135-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

cc: Carol Ruffcorn, Auditor
Dave Padgett

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 135-3

CITY OF PIERRE

Future Use Permit No. 135-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 135-3 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.
- b) At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.
- c) This permit is approved for groundwater from the Missouri Aquifer.

CERTIFICATION

I hereby certify that on December 10, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board at the hearing on December 5, 1990 addressed as stated below.

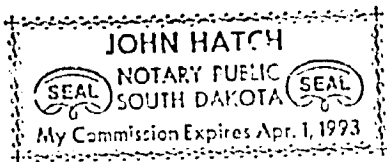
Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 300 Sixth Street, Rapid City SD 57701
Orrin P. Juel, Mayor, City of Brookings, Box 270, Brookings, SD 57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670, Lake Andes SD 57356-0670

Marie R. Arthur

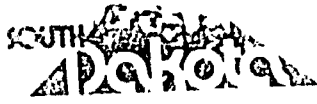
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 13th day of December, 1990.



John Hatch
Notary Public



Department of Water & Natural Resources

Joc Foss Building
523 East Capitol
Pierre, South Dakota 57501 3181

September 12, 1990

Gary Drewes, Mayor
PO Box 1253
Pierre SD 57501

Dear Mayor Drewes:

I am writing in regard to the seven year review of Future Use Water Permit No. 135-3 which is held by the City of Pierre. Currently, our records show that 10.16 cubic feet of water per second remain in reserve under this future use permit which was issued in 1956.

Permit No. 135-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 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 on Permit No. 135-3. The fee could be as much as \$170.00 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Dave Padgett, Public Works Director

EAST DAKOTA AVENUE
P.O. BOX 1253

GENERAL INVESTIGATIVE
DIVISION

October 1, 1990



Karen Schlaak
S.D. Dept. of Water & Nat. Resources
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181

Dear Ms. Schlaak:

In regard to your letter of September 12, 1990, the City of Pierre does intend to request that the 10.16 cubic feet per second of water remain in reserve for future use for the City of Pierre.

I am enclosing a water plan done in 1974 by Banner and Associates showing future needs of the City of Pierre. I have also enclosed a graph showing future needs of the City of Pierre, a graph of annual pumping, and pumping records for 1987, 1988, 1989 and 1990.

I would appreciate it if you would notify me if it is necessary to appear before the Water Management Board in December. If you need any additional information, please feel free to contact me.

Sincerely,

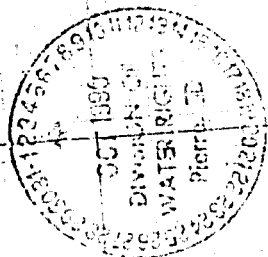
Dave Padgett

Dave Padgett
Dir. of Public Works

DP/mlg

enc.

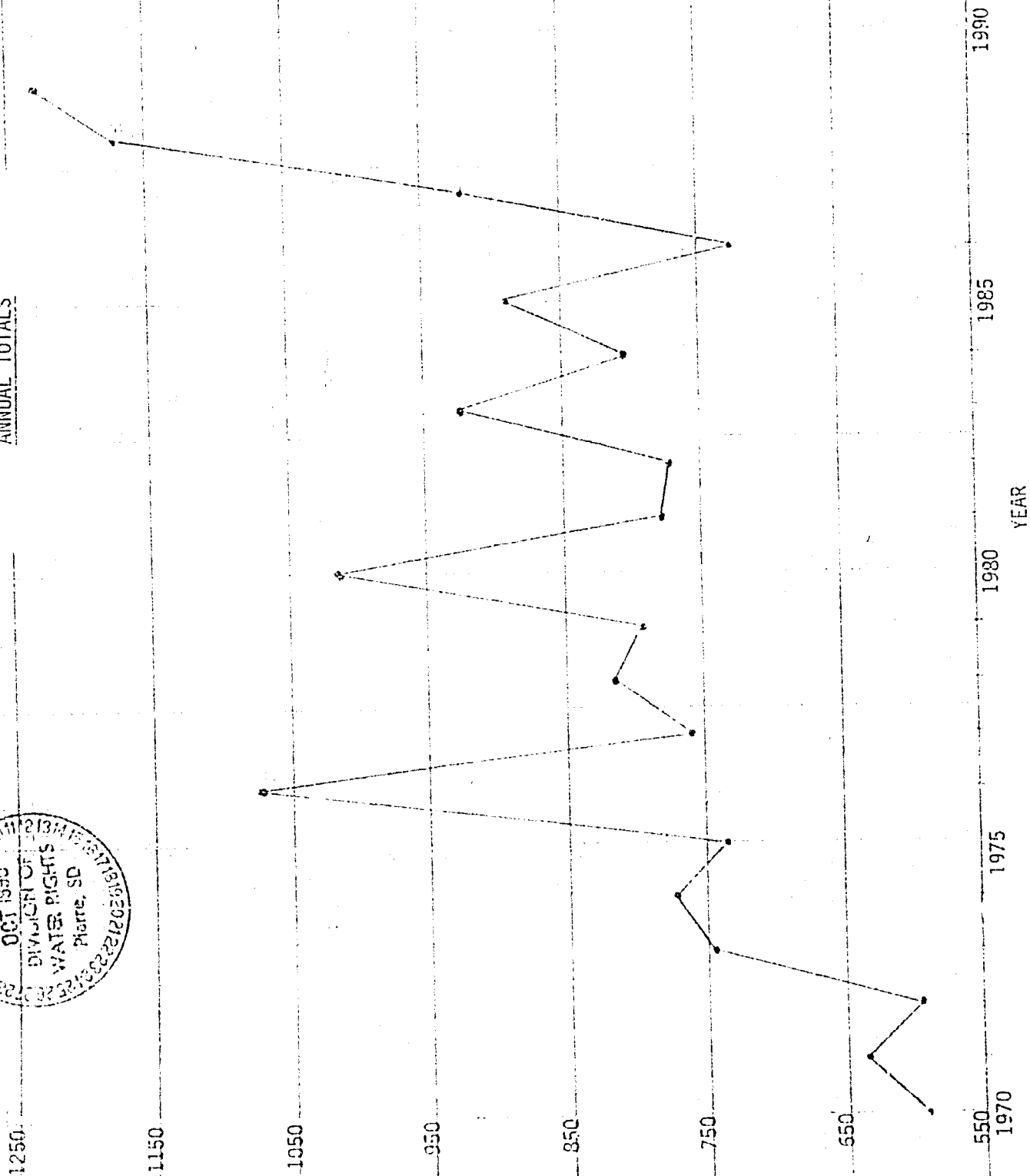
WATER PUMPING REPORT
CITY OF PIERRE, SOUTH DAKOTA
FUTURE WATER NEEDS



[The page contains faint, illegible markings and bleed-through from the reverse side.]

ANNUAL TOTALS

MILLIONS OF GALLONS



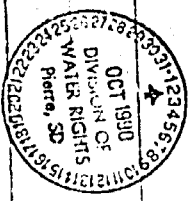
Defy of Pinau

[illegible]

4126 WATER COMPANY HERBERT - CALL AT DISTANCE 5000

10 - BUILDING FURNISHED	2,520,000	5,050,000	4,620,000	9,200,000	14,050,000	25,550,000	27,580,000	20,720,000	18,120,000	11,010,000	7,020,000	3,650,000	1,650,000	700,000	300,000	100,000	50,000	20,000	10,000	5,000	2,500	1,250	625	312	156	78	39	19	9	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-------------------------	-----------	-----------	-----------	-----------	------------	------------	------------	------------	------------	------------	-----------	-----------	-----------	---------	---------	---------	--------	--------	--------	-------	-------	-------	-----	-----	-----	----	----	----	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

City of Pierre

[illegible]

Instruction to Newspaper-Publish first publication of the notice on or before November 9, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 135-3

Notice is given that the Water Management Board will review Future Use Permit No. 135-3 held by City of Pierre, PO Box 1253, Pierre SD 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. 135-3. This permit was approved March 5, 1956 to reserve 12.83 cubic feet of water per second (cfs) from the Missouri Aquifer located between a point near the northwest corner of Section 29, T111N, R79W and a point near the southeast corner Section 12, T110N, R79W for municipal purposes. Water Right Nos. 745-3 and 1486-3 put a total of 2.67 cfs to beneficial use reserved by No. 135-3 leaving 10.16 cfs remaining in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 135-3 REMAIN in EFFECT for 4,414 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. 135-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

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 26, 1990. 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. 135-3 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 or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. 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 26, 1990.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County _____

I, _____
 certify that the attached printed Notice was
 from the _____

A newspaper which during the whole time of publica-
 said notice herein after stated, has been and is print-
 published in the _____

_____ of _____
 County of _____ and State of South
 that the said notice following two days

No. 4875 2dly 11/7, 11/14
**NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 135-3**
 Notice is given that the Water
 Management Board will review
 Future Use Permit No. 135-3 held
 by City of Pierre, PO Box 1253,
 Pierre SD 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. 135-3. This permit
 was approved March 5, 1956 to re-
 serve 12.83 cubic feet of water per
 second (cfs) from the Missouri
 Aquifer located between a point
 near the northwest corner of Sec-
 tion 29, T111N, R79W and a point
 near the southeast corner Section
 12, T110N, R79W for municipal
 purposes. Water Right Nos. 745-3
 and 1486-3 put a total of 2.67 cfs to
 beneficial use reserved by No. 135-
 3 leaving 10.16 cfs remaining in re-
 serve.

Pursuant to SDCL 46-2A-2 the
 Chief Engineer of the Water Rights
 Division recommends that Permit
 No. 135-3 REMAIN in EFFECT for
 4,414 acre-feet annually because 1)
 the reserved water may be devel-
 oped, 2) there is need for the re-
 served 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. 135-3 at the
 Hilton Inn, Deerfield Room, 445
 Mt. Rushmore Road, Rapid City,
 SD on December 5, 1990 at 8:45
 a.m.

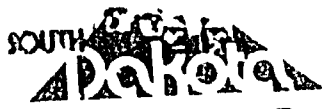
The recommendation of the
 Chief Engineer is not final or bind-
 ing upon the Board and the Board
 is authorized to 1) allow the permit
 to remain in effect, 2) amend the
 permit by adding qualifications, 3)
 cancel the permit for no develop-
 ment or no planned future develop-
 ment, or 4) take no action after it
 reaches a conclusion based upon
 facts presented at the public hear-
 ing. Any interested person who
 may be affected by a Board deci-
 sion 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 26,
 1990. The petition may be informal,
 but it must include a statement de-
 scribing the petitioner's interest in
 the future use permit, the reasons
 for petitioner's opposition to or sup-
 port of continuing the future use
 permit, and the signature and mail-
 ing address of the petitioner or his
 legal counsel if legal counsel is ob-
 tained. The permit owner need not
 file a petition.

The hearing to review Future
 Use Permit No. 135-3 will be con-
 ducted pursuant to the provision of
 SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-
 11, 46-5-36.1, Board Rules ARSD
 74:02:01:25.01 thru 74:02:01:25.03;
 and contested case procedures con-
 tained 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 for-
 feited if they are not exercised. De-
 cision of the Board may be ap-
 pealed to the Circuit Court and
 State Supreme Court as provided
 by law.

Any person wishing a copy of
 the Chief Engineer's recommenda-
 tion, further information on this
 permit or to assure access to the
 hearing by the handicapped can
 contact the Water Rights Division,
 DWNR, Joe Foss Building, Pierre,
 SD 604-773-3352 for assistance
 prior to the hearing date. 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 peti-
 tion to oppose or support continu-
 ance of the Future Use Permit. The
 request for a delay must be filed
 with the Chief Engineer by Novem-
 ber 26, 1990.

Cost of Printing _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 31, 1990

Daily Capital Journal
Box 878
Pierre SD 57501-0878

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 135-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

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 City of Pierre, Box 1253, Pierre SD 57501-1253.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

CUT HERE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____ ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501 3181

October 31, 1990

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

Dave Padgett, Dir. of Public Works
City of Pierre
Box 1253
Pierre SD 57501-1253

Dear Mr. Padgett:

Future Use Permit No. 135-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Daily Capitol Journal printed at Pierre SD. 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

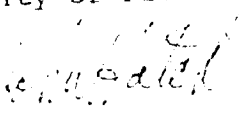
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 135-3, City of Pierre

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 135-3

The Chief Engineer is recommending that Future Use Permit No. 135-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 135-3, 2) the City of Pierre has demonstrated a reasonable need for the water reserved by Permit No. 135-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 135-3 reserves for future use 4,414 acre-feet annually. The diversion rate of 10.16 cfs is deleted from Permit No. 135-3.

And that maintaining the effectiveness of Future Use Permit No. 135-3 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Pierre.


JOHN HATCH, Chief Engineer
October 30 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 10.16 cubic feet of water per second (cfs) reserved by No. 135-3 is 7,356 acre-feet. Assuming that the total amount pumped annually would equal 60% of 7,356 acre-feet, then the expected developed pumping of water reserved under Permit No. 135-3 would be about 4,414 acre-feet per year.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____ 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 Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total _____

By _____
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

December 10, 1990

NOTICE

Gray Drewes, Mayor
PO Box 1253
Pierre SD 57501

Dear Mayor Drewes:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit No. 135-3. The Board allowed the permit to remain in effect and amended Permit No. 135-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 135-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 135-3 is \$110.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

cc: Dave Padgett, Public Works Director

AMENDMENT TO FUTURE USE PERMIT NO. 135-3

City of Pierre

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 135-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 135-3 reserves for future use 4,414 acre-feet annually. The diversion rate of 10.16 cfs is deleted from Permit No. 135-3.

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

April 26, 1991

135-3

Dave Padgett, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501

Dear Mr. Padgett:

The Water Management Board has validated the enclosed Vested Water Right No. 135-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 135-3

Date Claim Accepted For Filing November 22, 1955.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 135-3 for the City of Pierre, P O Box 1253, Pierre, South Dakota 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 135-3 appropriates 2.0 cubic feet of water per second (cfs) from Well No. 1, 1.89 cfs from Well No. 2, 1.56 cfs from Well No. 3, 1.78 cfs from Well No. 4 and 1.11 cfs from Well No. 5. Well Nos. 1 and 2 are located in the SE 1/4 SW 1/4, and Well Nos. 3 and 5 in the NW 1/4 SW 1/4, Section 32, T111N, R79W. Well No. 4 is located in the NE 1/4 NW 1/4, Section 5, T110N, R79W.

2. The appropriated water is used for supplying water for the City of Pierre and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority dates of the Vested Water Right are: Well No. 1 - 2.0 cfs - January 1, 1881; Well No. 2 - 1.89 cfs - January 1, 1930; Well No. 3 - 1.56 cfs - January 1, 1935; Well No. 4 - 1.78 cfs - January 1, 1948 and Well No. 5 - 1.11 cfs - January 1, 1954.

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

APR 29 1931

date



135-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 21, 1997

Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

I am writing in regard to the seven year review of Future Use Water Permit No. 135-3 from the Missouri Aquifer which is held by the City of Pierre. The permit reserves water for future water supply needs for the city. Currently, our records show that 4,414 acre-feet remain in reserve under this future use permit which was issued in 1956.

Please respond in writing by January 1, 1998, 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 and any annual pumping records for the past three years.

Permit No. 135-1 will then be 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

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



December 11, 1997

Karen Schlaak
SD DENR
Water Rights Program
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501

Dear Ms. Schlaak:

In regard to your letter of November 21, 1997, the City of Pierre does intend to request that the Future Use Water Permit No. 135-3 remain in effect for the City of Pierre for 4,414 acre-feet of water to remain in reserve for future use.

Enclosed is a water usage chart done in July 1996 by Banner and Associates and yearly pumping records for 1994, 1995, 1996 and 1997.

Please feel free to contact the Engineering staff at (606) 773-7341 for any additional information you may need.

Thank you.

Sincerely,

Bruce Pier
Public Works Director

BP/smm

cc: Mayor Gary L. Drewes
Geoff Simon, City Commissioner
Fred Snoderly, Water Superintendent



Future water use has been projected based on population projections and the calculated per capita use. The projected population for the year 2020 is 16,900 people. Monthly pumping records indicate a high water demand during the summer months which is due to sprinkling demands. In the event major water supply improvements are implemented, the mandated increases in water rates may result in a reduction of the demands attributed to lawn sprinkling and other irrigation uses, simply because of economic impact to the users. Therefore, projected water usage based upon the current per capita rate may be somewhat higher than that which may actually occur. However, current per capita usage is used in conjunction with projected population values to predict future water requirements and the resulting figures are summarized in Table 2-4 Water Usage - Present and Future Requirements.

TABLE 2-4
WATER USAGE - PRESENT AND FUTURE WATER REQUIREMENTS

Year	Projected Population	* Average Day Demand, MGD	** Peak Month Demand, MGD	*** Peak Day Demand, MGD
1989	12,813	3.38	6.61	9.25 ²
1995	13,600	2.92	5.48	7.55
2000	14,300	2.96	5.92	8.88
2005	15,000	3.11	6.21	9.32
2010	15,600	3.23	6.46	9.69
2015	16,300	3.37	6.75	10.12
2020	16,900	3.50	7.00	10.49
2025	17,600	3.64	7.29	10.93
2030	18,200	3.77	7.53	11.30
2035	18,900	3.91	7.82	11.74
2040	19,500	4.04	8.07	12.11
2045	20,200	4.18	8.36	12.54
2050	20,900	4.33	8.65	12.98

* Values for years after 1995 were calculated as projected population multiplied by average per capita demand (207 gpd) as calculated during years 1989-1995.

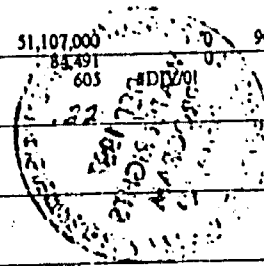
** Peak month demand after year 1995 was estimated as 2.0 x average day demand. This multiplier was determined by analyzing records from the years 1989-1995.

*** Peak day demand after year 1995 was estimated as 3.0 x average day demand. This multiplier is higher than the average multiplier for the years 1989-1995, but lower than the highest value for that period.

² 9.25 MGD is the second highest flow on record, the previous day flow was 8.19 MGD, the average of these days was 8.72 MGD. A flow of 9.83 MGD is the highest flow on record however, the previous day had a flow of 5.27 MGD, an average of these two days is 7.55 MGD. The 9.25 MGD flow was selected as the "worst case condition" for water demand.

1997 WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
#1 - GALLONS PUMPED	7,127,000	6,579,000	6,684,000	6,560,000	6,641,000	11,885,000	17,931,000	5,081,000	2,913,000	5,484,000	1,419,000		78,304,000
#1 - KWH'S USED	4,577	4,223	4,378	4,261	4,213	11,119	24,600	9,583	6,070	3,791	1,448		78,263
#1 - GALS/KWH	1,557	1,558	1,527	1,540	1,576	1,069	729	530	480	1,447	980	#DIV/0!	1,001
#2 - GALLONS PUMPED	7,639,000	7,057,000	6,165,000	6,177,000	8,277,000	12,799,000	19,940,000	12,622,000	14,499,000	10,645,000	0		105,827,000
#2 - KWH'S USED	11,141	10,339	9,494	9,451	11,916	19,224	70,114	17,956	11,051	15,913	0		186,649
#2 - GALS/KWH	686	679	649	654	695	666	284	703	1,312	669	#DIV/0!	#DIV/0!	567
#3 - GALLONS PUMPED	6,442,000	6,347,000	5,855,000	4,768,000	5,938,000	17,611,000	20,544,000	10,426,000	16,081,000	10,471,000	7,009,000		111,492,000
#3 - KWH'S USED	10,550	10,652	10,073	8,282	11,673	16,551	34,380	17,016	26,002	17,135	11,890		174,304
#3 - GALS/KWH	605	596	581	576	509	1,064	598	613	618	611	589	#DIV/0!	640
#4 - GALLONS PUMPED	4,186,000	4,128,000	3,159,000	3,294,000	4,779,000	5,256,000	7,969,000	8,244,000	6,514,000	4,626,000	2,577,000		54,672,000
#4 - KWH'S USED	7,540	7,842	6,696	6,841	8,282	10,369	16,143	14,135	11,510	8,836	4,792		103,386
#4 - GALS/KWH	527	526	472	482	569	507	494	583	567	524	538	#DIV/0!	529
#5 - GALLONS PUMPED	4,712,000	4,601,000	4,045,000	3,666,000	4,625,000	13,394,000	14,716,000	7,852,000	11,727,000	8,640,000	5,349,000		83,327,000
#5 - KWH'S USED	5,733	5,745	5,167	4,661	5,412	16,051	17,993	9,342	13,864	10,327	6,370		100,600
#5 - GALS/KWH	822	801	784	787	855	834	818	841	846	837	840	#DIV/0!	828
#6 - GALLONS PUMPED	4,748,400	4,176,000	4,218,000	4,065,600	7,618,800	7,929,600	8,515,800	10,119,600	9,215,400	5,885,000	7,720,000		74,213,200
#6 - KWH'S USED	8,517	7,513	7,533	7,383	14,221	14,160	15,361	17,935	16,488	10,771	8,602		128,704
#6 - GALS/KWH	555	556	560	551	536	560	547	564	559	546	897	#DIV/0!	577
#7 - GALLONS PUMPED	5,480,000	4,847,000	4,579,000	4,613,000	8,770,000	8,580,000	9,576,000	11,286,000	11,011,000	7,102,000	1,603,000		60,447,000
#7 - KWH'S USED	8,277	7,387	7,131	7,099	12,801	12,905	14,845	16,775	16,289	10,893	7,069		121,471
#7 - GALS/KWH	661	656	642	650	685	665	645	673	676	652	631	#DIV/0!	662
#8 - GALLONS PUMPED	6,510,000	6,459,000	6,514,000	6,551,000	6,892,000	8,794,000	13,501,000	12,619,000	10,571,000	8,152,000	6,149,000		92,712,000
#8 - KWH'S USED	14,703	13,452	13,167	10,976	11,907	13,733	21,209	19,315	16,202	13,278	12,146		160,040
#8 - GALS/KWH	443	480	495	597	579	640	637	653	652	616	506	#DIV/0!	579
#9 - GALLONS PUMPED			3,632,000	4,463,000	5,274,000	6,486,000	9,973,000	8,333,000	5,299,000	6,010,000	5,663,000		55,133,000
#9 - KWH'S USED			7,954	7,865	8,765	11,130	17,202	13,717	8,823	10,265	11,187		96,969
#9 - GALS/KWH	#DIV/0!	#DIV/0!	457	567	602	583	580	607	601	585	506	#DIV/0!	569
#10 - GALLONS PUMPED			3,302,000	4,987,000	7,019,000	8,729,000	13,456,000	10,254,000	6,976,000	8,113,000	7,700,000		70,336,000
#10 - KWH'S USED			7,525	8,932	11,722	14,921	23,006	18,534	11,657	14,028	14,447		124,772
#10 - GALS/KWH	#DIV/0!	#DIV/0!	439	558	599	585	585	553	598	578	533	#DIV/0!	565
#11 - GALLONS PUMPED	8,002,000	6,488,000	6,389,000	5,272,000	17,600,000	13,246,000	12,457,000	11,551,000	6,883,000	6,197,000	2,918,000		97,208,000
#11 - KWH'S USED	15,801	13,977	11,324	10,503	14,737	17,786	16,645	15,916	9,524	8,935	6,540		141,683
#11 - GALS/KWH	506	464	564	502	1,208	745	748	726	723	694	446	#DIV/0!	586
TOTAL - GALLONS PUMPED	54,845,400	50,682,000	54,542,000	54,416,600	83,563,800	114,709,600	148,578,800	108,394,600	101,704,400	81,326,000	51,107,000		903,871,200
TOTAL - KWH'S USED	87,381	81,180	90,437	86,255	115,649	157,949	271,698	170,224	147,480	124,122	84,491	#DIV/0!	1,316,846
TOTAL - GALS/KWH	628	624	603	631	723	726	547	637	690	655	605	#DIV/0!	638
	.23	.21	.22	.23	.35	.48	.63	.46	.43	.34	.22		



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
#1 - GALLONS PUMPED				3,667,000	6,280,000	14,738,000	11,690,000	19,461,000	12,116,000	8,087,000	7,051,000	14,307,000	97,397,000
#1 - KWH'S USED				2,846	3,896	9,326	7,925	13,268	8,141	5,246	4,367	8,123	63,138
#1 - GALS/KWH				1.288	1.612	1.580	1.475	1.467	1.488	1.542	1.515	1.761	1.543
#2 - GALLONS PUMPED	7,758,000	7,437,000	6,529,000	9,258,000	3,279,000	12,682,000	21,503,000	21,091,000	12,472,000	7,098,000	6,447,000	14,268,000	130,022,000
#2 - KWH'S USED	11,053	10,750	9,518	13,204	4,960	19,250	31,502	31,516	18,433	10,612	9,667	21,048	191,548
#2 - GALS/KWH	700	692	686	701	661	659	683	669	677	669	667	678	679
#3 - GALLONS PUMPED	6,283,000	7,247,000	5,382,000	8,070,000	2,245,000	10,144,000	18,519,000	17,875,000	8,946,000	5,288,000	4,517,000	11,055,000	105,571,000
#3 - KWH'S USED	10,018	11,778	8,884	13,512	3,909	17,515	31,668	31,686	15,404	9,101	8,167	19,141	179,983
#3 - GALS/KWH	627	615	605	597	574	579	589	575	581	581	553	578	587
#4 - GALLONS PUMPED	3,555,000	3,392,000	4,745,000	3,528,000	3,823,000	8,073,000	11,564,000	10,215,000	6,999,000	5,653,000	4,547,000	9,002,000	75,098,000
#4 - KWH'S USED	6,850	6,828	9,018	7,410	7,722	16,364	24,247	22,725	14,370	10,535	8,401	16,768	151,288
#4 - GALS/KWH	519	497	526	476	492	493	477	450	487	537	541	537	496
#5 - GALLONS PUMPED	3,907,000	4,486,000	3,304,000	5,462,000	1,426,000	6,234,000	12,257,000	11,858,000	6,038,000	3,662,000	3,666,000	8,223,000	70,461,000
#5 - KWH'S USED	4,955	5,768	4,324	6,829	1,953	8,476	15,942	15,782	7,900	4,704	4,562	10,214	91,416
#5 - GALS/KWH	788	776	764	791	730	735	769	751	764	778	804	805	771
#6 - GALLONS PUMPED	5,068,000	4,071,600	5,113,200	3,930,000	6,654,000	12,249,600	8,988,000	14,789,400	10,124,400	473,400		3,048,600	74,511,000
#6 - KWH'S USED	8,764	7,213	8,955	8,020	11,715	21,670	25,761	26,700	17,845	709		5,406	143,758
#6 - GALS/KWH	578	564	571	490	563	565	336	554	567	668	#DIV/0!	564	518
#7 - GALLONS PUMPED				3,909,000	7,712,000	13,791,000	1,624,000	16,463,000	7,510,000	6,684,000	1,877,000	10,054,000	72,624,000
#7 - KWH'S USED				5,644	10,921	19,903	24,860	24,077	10,995	14,209	7,259	14,095	131,963
#7 - GALS/KWH	#DIV/0!	#DIV/0!	#DIV/0!	693	706	693	65	684	683	470	672	713	550
#8 - GALLONS PUMPED	6,785,000	4,861,000	6,281,000	6,410,000	7,848,000	15,125,000	14,594,000	18,344,000	12,213,000	751,000		4,539,000	101,751,000
#8 - KWH'S USED	14,427	11,477	12,638	11,768	12,458	26,382	32,530	32,167	21,001	1,260		11,389	187,497
#8 - GALS/KWH	470	424	497	545	630	573	572	570	582	596	#DIV/0!	299	543
#9 - GALLONS PUMPED				2,117,000	6,741,000	13,424,000	17,180,000	17,180,000	9,298,000	7,429,000	4,675,000	6,372,000	84,416,000
#9 - KWH'S USED				8,395	11,480	25,105	31,962	32,314	17,261	14,209	11,487	15,523	206,070
#9 - GALS/KWH				252	587	535	538	532	539	523	407	410	410
#10 - GALLONS PUMPED	8,251,000	8,602,000	8,743,000	6,330,000	9,957,000	19,798,000	25,305,000	25,434,000	13,101,000	10,067,000	6,845,000	9,521,000	151,954,000
#10 - KWH'S USED	17,133	15,877	16,842	11,589	17,192	34,416	43,858	41,365	22,709	17,950	4,413	20,159	267,483
#10 - GALS/KWH	482	510	519	546	579	575	577	573	577	561	1,551	473	568
#11 - GALLONS PUMPED	9,980,000	7,592,000	7,298,000	4,794,000	11,450,000	21,605,000	25,453,000	23,928,000	15,758,000	10,607,000	7,047,000	15,632,000	161,204,000
#11 - KWH'S USED	17,653	13,198	12,363	7,447	16,293	30,216	35,211	33,228	22,060	15,603	13,334	29,739	245,645
#11 - GALS/KWH	565	535	500	644	703	715	717	720	716	680	528	526	654
TOTAL - GALLONS PUMPED	51,587,800	47,638,600	47,395,200	57,413,000	67,425,000	148,055,600	172,687,000	196,638,400	114,615,400	65,799,400	49,672,000	106,021,600	1,125,009,000
TOTAL - KWH'S USED	104,059	56,435	95,158	96,664	102,349	228,873	306,366	207,228	178,125	104,138	71,657	171,587	1,860,789
TOTAL - GALS/KWH	496	495	498	594	657	648	563	640	651	632	693	618	605

1995 WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
													114,241,609
01 - GALLONS PUMPED	6,037,000	6,379,000	7,174,000	8,375,000	10,450,000	13,003,000	18,906,000	18,495,000	14,255,000	7,580,000	3,179,000	ERR	114,241,609
01 - INH'S USED	8,910	8,305	9,148	8,745	9,508	17,074	18,126	25,180	19,870	8,310	2,178	ERR	114,241,609
01 - GALS./INH	673	768	784	592	1,121	762	1,043	742	740	891	1,460	ERR	849
02 - GALLONS PUMPED	6,951,000	7,174,000	7,875,000	7,053,000	7,411,000	14,760,000	20,410,000	19,126,000	13,428,000	8,078,000	6,504,000	6,065,000	125,165,000
02 - INH'S USED	9,565	10,116	11,039	9,953	10,941	29,307	29,989	23,746	19,849	13,274	9,292	8,815	210,865
02 - GALS./INH	698	709	713	707	677	180	681	677	676	670	769	688	320
03 - GALLONS PUMPED		2,558,000	6,320,000	6,225,000	5,202,000	11,515,000	17,810,000	18,430,000	1,402,000	10,434,000	7,106,000	6,896,000	94,736,000
03 - INH'S USED		4,327	10,367	10,351	19,138	19,603	28,605	30,277	23,053	16,481	11,102	10,804	175,168
03 - GALS./INH	ERR	591	610	601	572	589	625	615	61	635	649	635	511
04 - GALLONS PUMPED	3,689,000	3,528,000	3,290,000	3,515,000	4,073,000	5,194,000	8,164,000	8,821,000	5,518,000	2,265,000	3,547,000	4,290,000	56,483,000
04 - INH'S USED	7,710	6,777	6,295	6,913	8,452	17,518	18,126	19,630	12,470	6,712	6,935	11,854	125,742
04 - GALS./INH	105	521	523	508	482	449	450	449	447	414	511	355	458
05 - GALLONS PUMPED	3,514,000	2,225,000			2,192,000	6,985,000	10,755,000			6,001,000	4,220,000	3,225,000	39,113,000
05 - INH'S USED	4,925	3,043	ERR	ERR	3,102	9,513	14,524	ERR	ERR	7,822	5,353	4,174	52,461
05 - GALS./INH	714	731	ERR	ERR	707	734	710	ERR	ERR	767	788	772	716
06 - GALLONS PUMPED	4,006,800	4,165,200	4,017,600	4,330,800	1,769,800	11,937,600	10,516,800	11,808,000	8,366,200	2,698,200	3,933,000	4,576,200	72,175,200
06 - INH'S USED	11,000	3,240	6,959	7,410	3,178	10,518	10,991	21,292	15,295	5,041	6,884	7,998	117,798
06 - GALS./INH	364	1,266	577	578	557	1,135	355	555	552	535	571	572	613
07 - GALLONS PUMPED	4,493,000	3,673,000	4,492,000	4,279,000	6,076,000	9,251,000	12,516,000	12,127,000	8,345,000	3,810,000			69,352,000
07 - INH'S USED	6,822	5,388	7,024	6,788	9,134	14,231	19,345	18,977	23,089	6,999			116,184
07 - GALS./INH	659	657	668	660	665	652	647	645	362	633	ERR	ERR	594
08 - GALLONS PUMPED	4,852,000	5,146,000	4,407,000	4,121,000	7,317,000	11,179,000	14,964,000	14,937,000	11,070,000	5,019,000	5,488,000	5,355,000	54,375,000
08 - INH'S USED	12,497	12,248	10,427	7,447	12,623	89,762	26,402	26,294	19,355	9,797	12,257	11,854	241,963
08 - GALS./INH	388	429	423	553	580	138	568	568	572	512	448	494	390
09 - GALLONS PUMPED	4,547,000	3,268,700	3,561,850	2,455,200	5,834,200	8,149,900	14,234,800	13,132,100	9,740,300	6,289,700	3,913,400	5,655,400	79,763,500
09 - INH'S USED	12,611	8,818	8,399	5,884	11,445	16,255	28,178	26,691	17,355	12,700	6,353	12,785	169,872
09 - GALS./INH	361	371	422	419	570	591	503	503	504	495	418	442	470
10 - GALLONS PUMPED	7,160,000	5,209,000	5,598,000	3,912,000	9,192,000	12,891,000	22,357,000	29,717,000	13,736,000	9,874,000	5,977,000	9,760,000	125,423,000
10 - INH'S USED	15,760	11,769	11,716	7,637	15,738	77,623	38,530	35,761	23,783	15,372	11,854	11,854	281,189
10 - GALS./INH	454	457	489	599	584	166	550	579	578	642	511	511	445
11 - GALLONS PUMPED	5,698,000	5,768,000	5,268,000	3,757,000	8,892,000	10,817,000	19,294,000	16,445,000	10,480,000	3,845,000	3,800,000	7,741,000	137,631,300
11 - INH'S USED	12,872	11,865	10,749	5,648	11,699	15,410	17,140	23,839	15,045	5,741	5,701	13,328	193,167
11 - GALS./INH	443	486	488	643	760	704	1,128	715	710	678	570	557	480
TOTAL - GALLONS PUMPED	50,947,800	49,091,900	52,125,400	48,043,800	69,216,000	115,502,500	170,325,600	154,816,100	95,610,500	57,404,900	49,347,400	57,764,600	1,107,567,700
TOTAL - INH'S USED	102,770	45,736	91,815	76,362	165,950	351,641	258,058	255,387	188,261	107,719	85,816	98,456	1,807,443
TOTAL - GALS./INH	496	573	518	629	653	328	659	107	561	676	583	555	539

1994 WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
01 - GALLONS PUMPED	6,837,000	7,620,000	6,087,000	6,853,000	12,481,000	14,984,000	14,593,000	14,940,000	13,760,000	7,319,000	6,492,000	7,641,000	116,487,000
01 - KWH'S USED	11,229	8,619	7,421	8,171	16,524	19,178	19,362	17,650	9,660	5,939	8,262	9,752	141,217
01 - GALS./KWH	609	536	820	839	767	780	774	875	1,373	1,232	784	784	826
02 - GALLONS PUMPED	6,044,000	5,494,000	7,410,000	7,351,000	12,351,000	16,318,000	17,014,000	15,423,000	14,049,000	6,915,000	6,587,000	8,018,000	123,304,000
02 - KWH'S USED	8,780	8,117	10,558	10,655	18,689	23,729	24,277	22,473	19,744	12,674	9,283	11,444	180,393
02 - GALS./KWH	689	677	700	689	672	650	701	686	713	769	709	703	673
03 - GALLONS PUMPED	5,726,000	5,168,000	653,000	7,010,000	10,823,000	11,893,000	11,704,000	51,904,000	10,416,000	3,673,000			118,430,000
03 - KWH'S USED	9,348	9,543	11,791	12,501	20,143	21,513	21,347	23,737	19,146	5,632			134,503
03 - GALS./KWH	600	542	55	553	537	553	548	2,187	544	530	ERR	ERR	763
04 - GALLONS PUMPED	1,956,000	1,985,000	2,288,000	2,663,000	5,354,000	7,444,000	6,497,000	7,806,000	6,222,000	3,201,000	2,747,000	3,769,000	31,910,000
04 - KWH'S USED	5,472	5,513	6,155	6,857	12,517	13,084	13,630	17,395	13,237	6,313	7,610	7,443	119,530
04 - GALS./KWH	357	360	372	389	427	538	477	449	469	508	369	506	450
05 - GALLONS PUMPED	3,692,000	3,903,000	4,709,000	4,779,000	7,462,000	9,108,000	7,962,000	7,455,000	6,920,000	4,827,000	2,074,000	4,511,000	67,734,000
05 - KWH'S USED	5,434	5,505	6,649	6,780	11,442	13,281	11,709	10,016	10,190	6,663	3,220	6,719	100,608
05 - GALS./KWH	760	709	648	705	670	686	680	573	679	724	650	731	673
06 - GALLONS PUMPED	3,970,000	4,151,400	3,634,200	5,365,800	8,853,800	11,380,800	11,665,200	12,134,400	10,751,600	5,663,800	3,746,400	3,913,200	84,780,800
06 - KWH'S USED	10,000	3,150	6,410	9,160	15,800	19,720	20,200	21,160	18,760	9,840	10,800	6,840	132,640
06 - GALS./KWH	360	1,314	564	579	563	577	577	573	566	578	363	572	552
07 - GALLONS PUMPED	4,377,000	4,704,000	3,834,000	4,275,000	9,549,000	12,870,000	13,040,000	13,220,000	10,560,000	6,126,000	4,353,000	4,592,000	92,627,000
07 - KWH'S USED	6,763	6,578	5,693	9,559	15,574	18,575	19,665	20,245	13,379	9,190	6,612	6,774	140,977
07 - GALS./KWH	647	600	651	656	615	593	663	653	651	667	666	658	657
08 - GALLONS PUMPED	4,387,000	4,120,000	5,507,000	6,384,000	10,245,000	12,662,000	13,490,000	14,039,000	11,818,000	5,811,000	5,583,000	4,853,000	96,931,000
08 - KWH'S USED	12,349	11,066	9,814	11,163	18,259	22,217	23,531	24,551	20,666	10,053	10,721	12,502	165,933
08 - GALS./KWH	355	372	568	571	561	570	573	572	573	578	521	568	521
09 - GALLONS PUMPED	3,654,700	2,819,800	3,699,300	3,936,100	9,377,600	10,510,500	10,233,700	9,716,900	8,519,700	4,671,600	4,012,700	4,244,300	75,659,400
09 - KWH'S USED	11,286	9,355	9,474	8,765	18,914	20,775	20,226	19,373	17,033	9,070	9,268	11,421	169,462
09 - GALS./KWH	323	303	412	476	496	506	507	504	500	515	433	372	457
10 - GALLONS PUMPED	5,887,000	4,580,000	6,215,000	6,282,000	15,020,000	16,470,000	16,240,000	15,439,000	13,580,000	7,318,000	6,347,000	6,743,000	120,185,000
10 - KWH'S USED	13,859	7,332	11,835	10,831	25,986	28,094	26,672	27,525	23,357	12,366	12,187	14,678	214,520
10 - GALS./KWH	424	625	523	580	578	586	609	562	593	594	521	466	560
11 - GALLONS PUMPED	6,141,000	5,523,000	5,550,000	7,170,000	11,312,000	17,893,000	18,818,000	18,617,000	14,023,000	6,713,000	5,544,000	5,949,000	124,853,000
11 - KWH'S USED	13,683	12,173	8,368	10,224	21,520	25,167	26,517	23,395	19,870	8,691	9,823	12,434	191,319
11 - GALS./KWH	441	454	663	701	712	711	711	712	708	699	628	478	633
TOTAL - GALLONS PUMPED	32,812,900	46,487,200	47,386,700	64,039,900	117,418,100	161,568,300	161,708,900	178,716,900	119,169,300	63,263,700	47,074,100	54,665,500	1,676,451,200
TOTAL - KWH'S USED	109,501	86,983	93,428	104,197	193,329	226,134	227,136	229,950	186,982	56,665	86,252	100,601	1,742,501
TOTAL - GALS./KWH	482	537	507	615	601	626	624	616	637	633	516	517	617

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 AND 5003-3, City of Pierre

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 Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501-1253.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 4,414 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 135-3 and 5003-3, 2) the City of Pierre has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Pierre.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
January 20, 1998



January 20, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

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

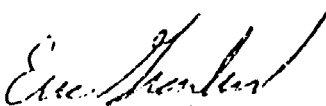
Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

Future Use Permit Nos. 135-3 and 5003-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Capital Journal (Phone 224-7301). For your information, a copy of the recommendation of the Chief Engineer 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**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 20, 1998

Capital Journal
PO Box 878
Pierre SD 57501-0870

Dear Sir:

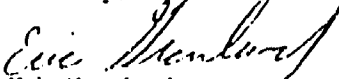
Enclosed is a Notice of Hearing to Review Future Use Water Permit to be published twice. Please publish the first notice on January 28, 1998 with the second publication 7 days later.

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 Pierre, Bruce Pier, Public Works Director, PO Box 1253, Pierre SD 57501-1253.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 135-3 & 5003-3

TO:

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

Date _____

We are in receipt of your letter of January 20, 1998 enclosing Notice of Hearing to Review Future Use Permit Nos. 135-2 and 5003-3 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 January 28, 1998 with 2nd publication 7 days later. The City of Pierre is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 & 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3. Permit No. 135-3 was approved March 5, 1956 to reserve 12.83 cubic feet of water per second (cfs) from the Missouri Aquifer located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 34, 35, and 36; all in T5N-R31E. A review of the Water Permits/Rights indicates 4,414 acre-feet remain in reserve by Permit Nos. 135-3 and 5003-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 135-3 and 5003-3 REMAIN in EFFECT for 4,414 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 Nos. 135-3 and 5003-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 at 10:00 am.

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 February 16, 1998. 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 Nos. 135-3 and 5003-3 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 AKSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

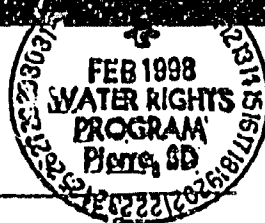
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and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

(continued)

Notice of Hearing

Page 2

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits, 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 February 16, 1998. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS1. Peggy Warner

certify that the attached printed Notice was taken

from the Capital Journalprinted and published in PierreCounty of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 28, 1998February 4, 1998Cost of Printing \$60.50
Peggy Warner
 (Signature)

Legal Rep. Representative
 (Title)

February 5, 1998
 (Date Signed)

REVIEW FUTURE USE WATER PERMIT NOS. 135-3 & 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1257, Pierre SD 57501 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3. Permit No. 135-3 was approved March 5, 1953, to reserve 12.83 cubic feet of water per second (cfs) from the Missouri Aquifer located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 34, 35, and 36; all in T5N-R31E. A review of the Water Permits/Rights indicates 4,414 acre-feet remain in reserve by Permit Nos. 135-3 and 5003-3.

Pursuant to SDCL 43-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 135-3 and 5003-3 REMAIN IN EFFECT for 4,414 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 Nos. 135-3 and 5003-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on February 25, 1998, at 10:00 am.

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 February 16, 1998. 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 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 Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-11, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:26.01 thru 74:02:01:26.03 and contested case procedures contained in SDCL 1-26.

ceeding. 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Graelund, Water Rights Program, (605-773-3352) by February 16, 1998.

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 Permits. The request for a delay must be filed with the Chief Engineer by February 18, 1998.

Nettie H. Myers, Secretary,
Department of Environment and
Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 27, 1998

NOTICE

Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 4,414 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$110.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch", is written over a horizontal line.

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on February 27, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 1998, regarding Action taken by the Water management Board at the hearing on February 25, 1998, to review the following Future Use Permits, addressed as stated below:

135-3, 5003-3: Bruce Pier, Public Works Director, City of Pierre, P.O. Box 1253, Pierre, SD 57501-1253.

192-3, 3427-3: Robin Bobzien, City Engineer, City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420.

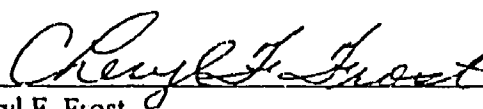
217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.

549-3: Denise Peschong, Finance Officer, City of Milbank, P.O. Box 472, Milbank, SD 57252-0472.

1218-3, 2107-3: Harlan Hoy, Water Superintendent, Municipal Utilities Department, 901 4th Ave. SW, Watertown, SD 57201-4107.

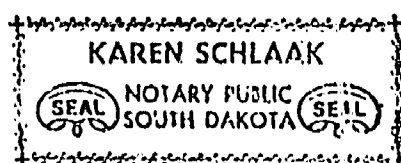
A copy of the Amendment to the Future Use Permit was sent with the following Notice:

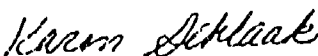
1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 1998




Karen Schlaak
Notary Public
KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

135-3
No 415672

Pierre, March 6, 1992

RECEIVED OF City of Pierre, P.O. Box 1253, Pierre, SD 57501
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. 135-3 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 Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

110 00

By _____
Chief Engineer

John A. Smith



135-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2004

Rod Liesinger, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Liesinger:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) which are held by the City of Pierre. 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 permits reserve water for future water supply needs for the city. Currently, our records show that 2,814 acre-feet remain in reserve under these future use permits which were last reviewed in 1998.

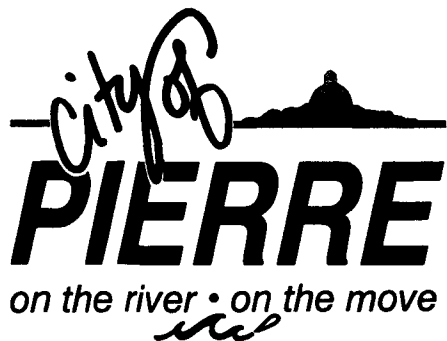
Please respond in writing by January 15, 2005, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit Nos. 135-3 and 5003-3 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 permits. A fee will be charged if the Board allows the permits 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



11 January 2005

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RECEIVED

JAN 12 2005

WATER RIGHTS
PROGRAM

Re: Future Water Use Permits

Dear Ms. Schlaak

This letter is to inform you that the City of Pierre would like to retain Future Use Water Permits No. 135-3 and 5003-3 for groundwater from the Missouri: Pierre Aquifer. Needs for the permits include future residential and commercial usage for the City of Pierre. Based on current use and potential future growth in Pierre, we anticipate an annual need of 1.5 billion gallons.

If you have any questions or require additional information, please call me.

Regards,

Bradley E. Palmer
Construction & Operations Manager



Water Rights Program - File Documentation

NAME: Steve Deitz

ADDRESS: City of Pierre

DATE: 1-6-05 COUNTY: HU TELEPHONE:

RE: Water Use for 2004

COMMENTS:

Steve Deitz indicated that the City of Pierre used 1,072,562,000 gallons of water in 2004.

Karen Schlaak

Karen Schlaak
Environmental Scientist

3,292 AF



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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
NOS. 135-3 and 5003-3, City of Pierre**

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 Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 3005-3 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 18, 2005

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marilynn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

January 26, 2005

February 2, 2005

Cost of Printing \$66.78

Marilynn Baker
(Signature)

Bookkeeping
(Title)

2-4-05
(Date Signed)

SNAXLP
No. 6623
2tdly 1/26, 2/2

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, P.O. Box 1253, Pierre, SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 135-3 was approved in 1956 and currently reserves 2,814 acre-feet from ground-water (Missouri-Pierre Aquifer) located between a point near the NW corner, Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 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 Nos. 135-3 and 5003-3 at 10:00 am, March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 18, 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 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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.

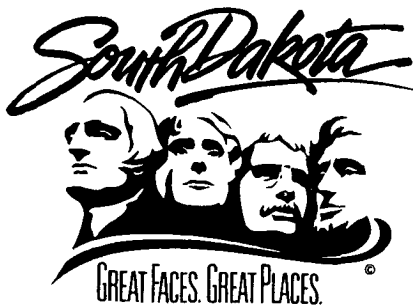
PROGRAM

The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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 recommendations, further information on the permits, 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 February 18, 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 Permits. The request for a delay must be filed with the Chief Engineer by February 18,

2005. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.



135-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2005

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

Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Palmer:

Future Use Permit Nos. 135-3 and 5003-3 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 Capitol Journal (Phone #605 224-7301). For your information, a copy of the recommendation of the Chief Engineer 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

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

January 18, 2006

Capital Journal
PO Box 878
Pierre SD 57501-0878

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 to be published twice. Please publish the first notice on January 26, 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 Pierre, c/o Bradley Palmer, PO Box 1253, Pierre SD 57501-1253.

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-----

Date _____

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

We are in receipt of your letter of January 18, 2005 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 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 January 26, 2005 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 135-3 was approved in 1956 and currently reserves 2,814 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 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 Nos. 135-3 and 5003-3 at 10:00 am, March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 18, 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 135-3 and 5003-3 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 recommendations, further information on the permits, 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 February 18, 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 Permits. The request for a delay must be filed with the Chief Engineer by February 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



March 3, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 2,814 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$75.00 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,

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

CERTIFICATION

I hereby certify that on March 3, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2005 regarding Notice of Review Future Use Permit Nos. 4927-3, 1780-2, 192-3 & 3427A-3, 135-3 & 5003-3, 217-3 & 1598-3, 448-3 & 2042-3, 524-3, 549-3, 1218-3 & 2107-3 addressed as stated below:

1218-3 & 2107-3
Jeff DeVille Water Superintendent
Watertown Municipal Utilities Dept
901 4th Ave SW
Watertown SD 57201

549-3
Denise Peschong Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

524-3
Gary Wolkow Mayor
City of DeSmet
PO Drawer 70
DeSmet SD 57231-0070

448-3 & 2042-3
Randy Janssen Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilites
PO Box 588
Brookings SD 57006

135-3 & 5003-3
Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501

192-3 & 3427A-3
Robin Bobzien City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

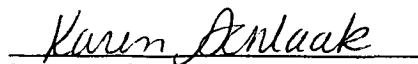
1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

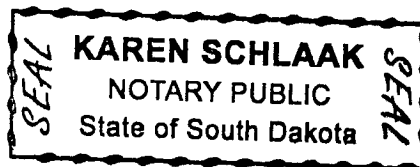
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 23, 20 05

RECEIVED OF City of Pierre, PO Box 1253, Pierre SD 57501

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>135-3, 5003-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	75.00

No.

001811

By

Darland Erbe

Chief Engineer

gsm



135-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2011

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer

I am writing in regard to the seven year review of Future Use Water Permit No. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) which are held by the City of Pierre. 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 permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits that were last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 135-3 and 5003-3 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 permits. A fee will be charged if the Board allows the permits 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 3,374 acre-feet remain in reserve, the fee will be \$345.00.

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

RECEIVED

JAN 11 2012

WATER RIGHTS
PROGRAM



29 December 2012

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Future Water Use Permits

Dear Ms. Schlaak

This letter is to inform you that the City of Pierre would like to retain Future Use Water Permits No. 135-3 and 5003-3 for groundwater from the Missouri: Pierre Aquifer. Needs for the permits include future residential and commercial usage for the City of Pierre. Based on current use and potential future growth in Pierre, we anticipate an annual need of 1.5 billion gallons.

If you have any questions or require additional information, please call me.

Regards,

Bradley E. Palmer
Utilities Director





**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. 135-3 and 5003-3, City of Pierre 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. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 19, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

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

City of Pierre
Bradley E Palmer, Utilities Director
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

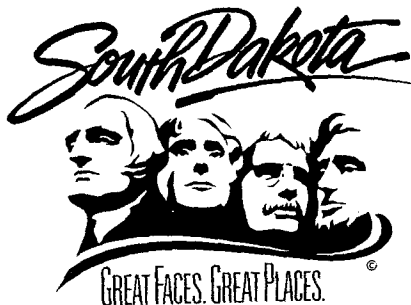
Future Use Permit Nos. 135-3 and 5003-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Capital Journal (Phone #605 224-7301). 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
denr.sd.gov

January 20, 2012

Capital Journal
PO Box 878
Pierre SD 57501

Dear Sir:

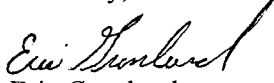
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

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 Pierre, Bradley E Palmer, Utilities Director, PO Box 1253, Pierre SD 57501.

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-----

Date _____

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

We are in receipt of your letter of January 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 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 February 1, 2012 with 2nd publication 7 days later. 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 NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, c/o Bradley E Palmer, Utilities Manager, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit No. 135-3 was approved in 1956 and currently reserves 3,374 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Nos. 135-3 and 5003-3 at 10:00 am on March 7, 2012 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 27, 2012. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 135-3 and 5003-3 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 these permits, 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 February 27, 2012. 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 February 27, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

RECEIVED

FEB 23 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

February 1, 2012

February 8, 2012

Cost of Printing \$90.62

Marylin Baker
(Signature)

Bookkeeper
(Title)

2-21-12
(Date Signed)

SDAY, FEBRUARY 8, 2012

Public Notice

reserves 3.374 acres from or support of groundwater (Mis-tuning the future use south Pierre Aquifer) permit, and the sig-located between a nature and mailing point near the NW address of the peti- corner Section The permit owner 12-711N-R79W, need not file a pet- Permit No. 5003-3 son, expanded the future The hearing to re- use area to include view Future Use LaFramboise Island Permit Nos. 135-3 located in Section and 5003-3 will be 27, 34, 35 and 36; all conducted pursuant in T&N-R31E. to the provisions of Pursuant to SDCL 48-1-14, 48-2A-2, the Chief 48-2-5, 48-2-9, Engineer of the Wa- 48-2-11, 46-5-38.1, ter Rights Program Board Rules ARSD recommends that 743220125.01 thru Permit Nos. 135-3 743220125.03 and and 5003-3 REMAIN contested case pro- in EFFECT for 3.374 acres contained in acre-feet, annually SDCL 1-26, because 1) the re- The hearing may be served water may be an adversarial pro- developed, 2) there ceasing. The permit is need for the re- owner or any per- served water 3) the act, after filing a pe- proposed use will be tion, has the right to a beneficial use and be present or to be 4) it is in the public represented by a interest. lawyer. These and The Water Manage- other due process ment Board will con- rights will be for- duct the hearing to failed if they are not review Future Use exercised. Decisions Permit Nos. 135-3 of the Board may be and 5003-3 at 10:00 appealed to the Cit- on March 7, out Court and State 2012 at Floyd Supreme Court as Mathew Training provided by law. Central, Joe Foss Any person wishing 516, 523 E Capitol a copy of the Chief Pierre SD. Engineer's recom- The recomme- mentation, further tion of the Chief En- information on these ginner is not final or permits, to assure binding upon the access to the hear- Board and the Board ing by the hand- is authorized to 1) al- capped or obtain an low the permits to re- interpreter for the main in effect, 2) hearing impaired amend the permits may contact Eric by adding qualifica- Gronlund, Water tions, 3) cancel the Rights Program, permits for no devel- (605 773-3352) by opment or no February 27, 2012, planned future de- The time of the hear- development, or 4) ing will be automati- take no action after it cally delayed for at reaches a conclu- least 20 days upon sion based upon written request of the facts presented at permit owner or any the public hearing, person who has filed Any interested per- a petition to oppose son who may be af- or support contri- buted by a Board ance of the Future decision and who in- Use Permit. The re- tends to participate quest for a delay in the hearing before must be filed with the Board and pre- the Chief Engineer sent evidence or by February 27, cross-examine with 2012.

needs according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", cost of \$80.62. Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits. Permit No. 135-3 was approved in 1958 and currently

Steven M. Pinner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$80.62.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 29, 2012

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

The City of Pierre holds Future Use Permit Nos. 135-1 and 5003-3 reserving water for future development. These permits are scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permits remaining in effect have been received.

This letter is to inform you that the Water Management Board will conduct its March 7, 2012 meeting by telephone conference call. The agenda for the March 7th meeting is attached.

Being this matter is not contested, DENR does not foresee questions or concerns that necessitate you traveling to Pierre on March 7th. There are a limited number of conference call lines available if you have testimony regarding the future use permit to provide to the Board. Please let me know if you want to participate and DENR will try to accommodate everyone up to the number of conference call lines available.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 8, 2012

NOTICE

City of Pierre
Bradley E Palmer, Utilities Director
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 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,

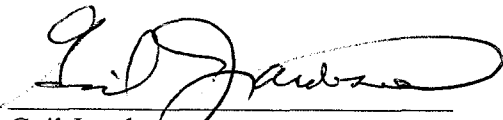
A handwritten signature in black ink, appearing to read 'Garland Erbele'.

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

CERTIFICATION

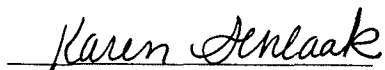
I hereby certify that on March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

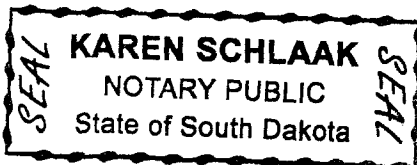
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, S Meyer, PO Box 588, Brookings SD 57006
City of Aberdeen, J Ellingson, 123 S Lincoln, Aberdeen SD 57401
City of New Underwood, J Bale, PO Box 278, New Underwood SD 57761
City of Pierre, Brad Palmer, PO Box 1253, Pierre SD 57501


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Dept of Environment & Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

* INVOICE *

March 12, 2012
Invoice No. 312COP

City of Pierre
Brad Palmer
PO Box 1253
Pierre SD 57501

Future Use Water Permit Nos. 135-3 & 5003-3

PLEASE PAY THIS AMOUNT: \$345.00



GAIL JACOBSON
Secretary
Water Rights Program
(800) 438-3367

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

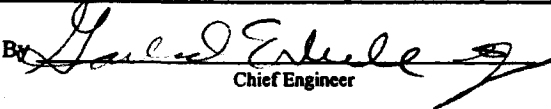
Date 5/21, 20 12

RECEIVED OF City of Pierre PO Box 1253 Pierre SD 57501

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	345	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>135-3 & 5003-3</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. _____	345	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		345 00

No. **05440**

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

December 7, 2018

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) held by the City of Pierre. 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 permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits 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 permits. A fee will be charged if the Board allows the permits 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 3,374 acre-feet remain in reserve, the fee will be \$345.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 5, 2019

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

On December 7, 2018, we notified you that Future Use Water Permit Nos. 135-3 and 5003-3 held by the City of Pierre were to be scheduled for review by the Water Management Board. To date, we have not received a response.

The future use permits were obtained by the city in 1956 and 1984 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the December 7th letter. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The Water Management Board will not schedule Permit Nos. 135-3 and 5003-3 for review until the above information has been submitted.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



RECEIVED
MAY 06 2019
WATER RIGHTS
PROGRAM

May 2, 2019

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

**Re: Future Use Water Permits 135-3 and 5003-3
Pierre, SD**

Dear Ms. Schlaak:

I'm writing in response to your letter dated December 7, 2018 referencing the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri Aquifer) held by the City of Pierre. The City of Pierre is in the process of the design of a new surface water ultrafiltration (UF) membrane Water Treatment Plant (WTP), which is scheduled for commissioning and start-up in late 2021. We are requesting that the Water Management Board allow the City to retain their current future water use permits at least through the process of commissioning and start-up of the new WTP.

The City is currently supplied by multiple ground water wells that draw from the Missouri Aquifer. Data for the City's existing water rights and well data is provided in the table below. Under the permits listed in the table below, the City may withdraw 5,475 million gallons (MG), or 16,800 acre-feet, per year from the Missouri Aquifer for municipal use at a withdrawal rate not to exceed 14.5 million gallons per day (MGD). A well peak yield study was conducted in 2007 by the City which showed the amount of ground water that could actually be withdrawn was much less, closer to 11.3 MGD. Additionally, since this testing was conducted, Well No. 4 has been abandoned. As such, the amount able to be withdrawn from the Missouri Aquifer with our existing permits is likely less than the 11.3 MGD.

222 E. Dakota Ave., Pierre, SD 57501
Phone: 773.7407 • Fax: 773.7406

CITYOFPIERRE.ORG

City of Pierre Existing Water Rights and Well Data

Well No.	Permit Number	Rate (gpm)	Type	Priority Date	Size and Depth	Date Constructed
1	135-3	900	Vested	1927	20"x22'	1927
2	135-3	850	Vested	1930	18"x25'	1930
3	135-3	800	Vested	1935	20"x22'	1935
4	135-3	500	Abandoned/Decommissioned	1948	20"x10'	1948
5	135-3	450	Vested	1954	20"x10'	1954
6	135-3	600	Appropriate	11/22/1955	16"x10'	1957
7	745-3	720	Appropriate	11/22/1955	?	1961
8	1486-3	650	Appropriate	11/22/1955	20"x14'	1972
9	4189-3	740	Appropriate	11/22/1955	24"x15'	1977
10	4190-3	750	Appropriate	11/22/1955	24"x15'	1977
11	5212-3	1,000	Appropriate	11/22/1955	24"x15'	1990
12	6289-3	600	Appropriate	11/22/1955	24"x17'	2003
13	6289-3	600	Appropriate	11/22/1955	24"x17'	2003

As you identified in your letter, the City of Pierre also has future water rights for an additional 3,374 acre-feet at a withdrawal rate from the Missouri aquifer. Although the long-term water level data from the City of Pierre wells indicate no trend in declining water levels in the aquifer, it is the City position that the future use permits be retained and remain in reserve. As the City of Pierre continues to grow and progress, we may have a need for these future water rights to supplement additional water demands from domestic, industrial, or agricultural uses.

As such, the City of Pierre requests that the Water Management Board approve retention of the future use permits (135-3 and 5003-3) for groundwater held by the City of Pierre. We feel that it is prudent and in the best interest of the City to reserve these future use permits at least through commissioning and start-up of the new surface water UF WTP. Beyond this date, the City will be re-evaluating the need for these future use permits.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration to our request.

Sincerely,



Brad Palmer
Utilities Director



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 and 5003-3, City of Pierre

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 Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
June 13, 2019

RECEIVED

JUL 08 2019

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SSI, Marylinn Bakercertify that the attached printed Notice was
takenfrom the Capital Journalprinted and published in PierreCounty of Hughes andstate of South Dakota. The notice was
published

in the newspaper on the following date:

6-20-19Cost of Printing \$57.80Marylinn Baker
(Signature)Business Manager
(Title)7.3.19
(Date Signed)

Legal Notices

74:02:01:25:01 thru
74:02:01:25:03 and connected
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
present or to be represented
by a lawyer. These and other
due process rights will be for-
feited 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 recom-
mendation, further information
on the permits, to ensure ac-
cess to the hearing by the
handicapped or obtain an inter-
preter for the hearing impaired
may contact Eric Grotlund,
Water Rights Program, (605
773-3352) by July 5, 2019 in
"id". 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
Permits. The request for a de-
lay must be filed with the Chief
Engineer by July 5, 2019 in
"id".According to SDCL 1-26-18.3,
parties to a contested case
may use the Office of Hearing
Examiners to conduct a hear-
ing if either a property right is
being terminated or the dollar
amount in controversy exceeds
\$2,500.00. If any party choos-
es 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 July 1,
2019 in "id".Steven M. Pimer,
Secretary,
Department of Environment
and Natural ResourcesPublished once at the approxi-
mate cost of \$57.80.SNAPLP 17-18-19
1-25-19
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 135-3 and 5003-3
fillin "id"Notice is given that the Water
Management Board will review
Future Use Permit Nos. 135-3
and 5003-3 fillin "id" filed by
the City of Pierre, c/o Brad E
Palmer, Utilities Manager, PO
Box 1253, Pierre SD 57501
fillin "id". The progress made
in the development of the wa-
ter reserved by the permits and
future plans for development of
the water reserved by permits,
Permit No. 135-3 fillin "id"."id" was approved in 1956 and
currently reserves 3,374 acre-
feet from groundwater (Mis-
souri-Pierre Aquifer) located
between a point near the NW
corner of Section 29-T11N-17E
and a point near the SE
corner of Section 12-T11N-17E
for municipal use. Permit
No. 5003-3 expanded the
future use area to include
LaFramboise Island located in
Sections 27, 34, 35 and 36; all
in T2N-R15E fillin "id".Pursuant to SDCL 45-2A-2 the
Chief Engineer of the Water
Rights Program recommends
that Permit Nos. fillin "id" --
135-3 and 5003-3 REMAIN IN
EFFECT for 3,374 acre-feet
annually because 1) the re-
served water may be devel-
oped, 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
Nos. 135-3 and 5003-3 fillin "id"
at 11:00 AM, Wednesday,
July 17, 2019, Legislature Re-
search Council Conference
Room 414, State Capitol Build-
ing, 500 E Capitol Avenue,
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 permits to remain in effect,
2) amend the permits by
adding qualifications, 3) cancel
the permits 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 intends to
participate in the hearing be-
fore the Board and present evi-
dence or cross-examine wit-
nesses according to SDCL 1-
25, must file a written petition
with BOTH the permit owner
and the Chief Engineer by July
5, 2019. The Chief Engineer's
address is "Water Rights Pro-
gram", 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 in-
clude 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 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 Nos. 135-3 and
5003-3 fillin "id" will be con-
ducted pursuant to the provi-
sions of SDCL 45-1-14, 45-2-5,
45-2-8, 45-2-11, 45-5-38.1;
Board Rules, ARSD

Schlaak, Karen

From: Duvall, Ron
Sent: Monday, June 17, 2019 1:38 PM
To: Schlaak, Karen; Gronlund, Eric
Subject: FW: Corrected Legal for City of Pierre
Attachments: 135-3NOTICE_RD.doc

I put a corrected copy with the original in Karen's file.

From: Duvall, Ron
Sent: Monday, June 17, 2019 1:29 PM
To: 'legals@capjournal.com'
Cc: 'brad.palmer@ci.pierre.sd.us'
Subject: Corrected Legal for City of Pierre

Hello,

As we discussed, I am sending a corrected public notice (see attachment) for the City of Pierre -- the change is shown below. The original notice had T111N and did not include the words "for municipal use."

Permit No. 135-3 was approved in 1956 and currently reserves 3,374 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36; all in T5N-R31E.

I also tried to contact Brad about contacting the Cap Journal to authorize publication. Brad was not at his desk so I left him a message and he is also receiving this email.

Please let me know if you have any questions.

Thank you,

Ron Duvall
SD DENR, Water Rights Program
605.773.3352

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, c/o Brad E Palmer, Utilities Manager, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits.

Permit No. 135-3 was approved in 1956 and currently reserves 3,374 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Nos. 135-3 and 5003-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 July 5, 2019. 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 Nos. 135-3 and 5003-3 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 the permits, 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 July 5, 2019. 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 Permits. The request for a delay must be filed with the Chief Engineer by July 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:53 AM
To: legals@capjournal.com
Subject: 135-3, City of Pierre
Attachments: 135-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

The City of Pierre, Brad E Palmer, Utilities Mgr, PO Box 1253, Pierre SD 57501 (605 773-7407) 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
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 13, 2019

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

City of Pierre
Brad E Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

Future Use Permit Nos. 135-3 and 5003-3 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. Notice of this review has been sent to the Capitol Journal (605 224-7301). 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 this notice on June 20, 2019. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 18, 2019

NOTICE OF ENTRY OF ORDER

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on July 17, 2019 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit No. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 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 July 18, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 18, 2019, regarding Notice of 1407-2, 135-3, 5003-3, 524-3, 558A-3 and 5358-3 addressed as stated below:

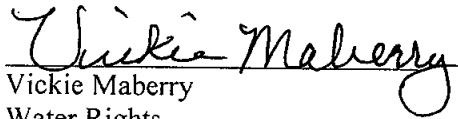
City of Custer, Corbin Herman, Mayor, 622 Crook St., Custer, SD 57730

City of Pierre, Brad Palmer, Utilities Manager, PO Box 1253, Pierre, SD 57501

City of DeSmet, Gary Wolkow, Mayor, PO Box 70, DeSmet, SD 57231

City of Castlewood, Sheila Gerhold, Finance Officer, PO Box 17, Castlewood, SD 57223

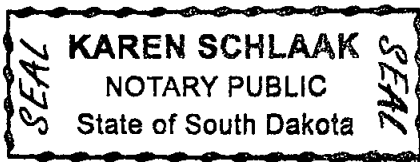
TM Rural Water District, Jay Jorgensen, Manager, PO Box 445, Parker, SD 57053


Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of July, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 20, 2019

135-3

5003-3

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

On July 18, 2019 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3. To date, we have not received this payment.

Please submit the \$345.00 fee as soon as possible to avoid violating the regulation regarding the City's future use permits. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 15

, 20 19

RECEIVED OF City of Pierre PO Box 1253 Pierre SD 57501

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	345	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ 135-3/5000-3 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 _____	345	99
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	

No. **09217**

By

Jeanne Goodman
Chief Engineer

cm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

December 2, 2025

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre SD 57501

Dear Mr. Harding,

I am writing regarding the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 from (Missouri: Pierre Aquifer) held by the City of Pierre. 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 permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits last reviewed in 2018.

Please respond in writing by January 15, 2026, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits 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 permits. A fee will be charged if the Board allows the permits 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 3,374 acre-feet remain in reserve, the fee will be \$345.00.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Sent: Tuesday, January 13, 2026 4:17 PM
To: Rodriguez, Rachel
Cc: Duvall, Ron
Subject: RE: [EXT] Future Use Water Permit Renewal
Attachments: Request to Retain Future Use Water Permit Nos. 135-3 and 5003-3 - signed.pdf

Thank you, Rachel,

The signed is attached.

Nick

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, January 13, 2026 4:08 PM
To: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: Future Use Water Permit Renewal

CAUTION: This email originated from outside of the organization.

Hello Nick,

Your letter is sufficient.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Sent: Tuesday, January 13, 2026 4:00 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: [EXT] Future Use Water Permit Renewal

Rachel,

I am attaching the documentation regarding the City's intention for the future use permits. If additional information is needed, please let me know. Otherwise, I will sign and submit prior to January 15, 2026 as requested in the notification the City received.

Thank you,
Nick

Nick Waters, P.E.

City Engineer/Planning Director

City of Pierre

2301 Patron Parkway

Pierre, SD 57501

Phone: 605.773.3066





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

Dear Ms. Rodriguez,

I am writing in response to your letter dated December 2, 2025, referencing the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 held by the City of Pierre.

For the 2025 calendar year, the City of Pierre's average daily use was 2.06 million gallons with a peak day draw of 4.55 million gallons. Further, a facilities study was completed in 2024 by HDR, Inc. that includes future water use needs as outlined in the table below.

Table 6 Projected Water Demand								
Year	Population	Per Capita Demand (gpcd)	Metered ADD (MGD)	Unaccounted -for Water (MGD)	Total Average Day Demand (MGD)	Peaking Factor	Peak Day Offset (MGD)	Total Peak Day Demand (MGD)
2010	13,646	139	1.89	0.33	2.22	2.79	0	6.20
2015	14,002	142	1.99	0.38	2.37	2.64	0	6.27
2020	14,091	136	1.91	0.45	2.36	1.99	0	4.70
2025	14,700	141	2.07	0.46	2.53	3.00	0.88	8.48
2030	15,000	141	2.11	0.47	2.58	3.00	0.88	8.63
2035	15,400	141	2.17	0.48	2.65	3.00	0.88	8.83
2040	15,700	141	2.21	0.49	2.70	3.00	0.88	8.99
2045	16,100	141	2.26	0.50	2.77	3.00	0.88	9.19
2050	16,400	141	2.31	0.51	2.82	3.00	0.88	9.34

As you identified in your letter, the City of Pierre has future water right for an additional 3,374 acre-feet at a withdrawal rate from the Missouri aquifer. The City position is that the future use

permits be retained and remain in reserve. As the City of Pierre continues to grow and progress, we may have a need for these future water rights to supplement additional water demands from domestic, industrial, recreational, or agricultural uses.

The 3,374 acre-feet currently in reserve are contributable to the future projected need. As such, the City of Pierre requests that the Water Management Board approve retention of the future use permits (135-3 and 5003-3) for groundwater held by the City of Pierre. We feel that it is prudent and in the best interest of the City to reserve these future use permits.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration to our request.

Sincerely,



Nick Waters, P.E.
City Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 and 5003-3, City of Pierre**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501.

The Acting Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$ 345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
March 9, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 10, 2026

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

City of Pierre
c/o Nick Waters
2301 Patron Parkway, Suite 1
Pierre SD 5750

Dear Mr. Waters,

Future Use Permit Nos. 135-3 and 5003-3 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. Notice of this review has been sent to the Capital Journal in Pierre (see Column email) and the American News in Aberdeen (see contact information enclosed). For your information, a copy of the Acting 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(S) 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 March 19, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on March 19, 2026. The City of Pierre is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal 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 with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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.

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 renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 March 30, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Renniel Pasia <legals@wickpublicnotice.com>
Sent: Monday, March 9, 2026 4:54 PM
To: Rodriguez, Rachel; nick.waters@ci.pierre.sd.us
Subject: Re: [EXT] 135-3&5003-3 City of Pierre - Public Notice

Hi there,

Your notice is scheduled to be published in the Capital Journal on March 19, 2026. Your Notice ID is: [3il1rM0U26mO1BuvF1oN](#)

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use [column.us](#) to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—
// Renniel



On March 9, 2026 at 3:03 PM EDT rachel.rodriguez@state.sd.us wrote:

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, March 9, 2026 4:54 PM
To: Rodriguez, Rachel
Cc: nick.waters@ci.pierre.sd.us
Subject: RE: [EXT] 12158001 135-3&5003-3 City of Pierre - Public Notice
Attachments: 12158001.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on March 19. The order cost is \$87.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287
National voice. Local strength. Subscribe TODAY.
#TeamUSATODAY
Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, March 9, 2026 1:53 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12158001 135-3&5003-3 City of Pierre - Public Notice

Attached is a notice to be published on March 19, 2026.

City of Pierre, c/o Nick Waters, 2301 Patron Parkway, Suite 1, Pierre SD 57501, 605-773-7407,
nick.waters@ci.pierre.sd.us has been notified to contact you to authorize publication and arrange for payment.



Account Number:	1588472
Customer Name:	City Of Pierre
Customer Address:	City Of Pierre 2301 Patron PKWY # 1 Pierre SD 57501-6349
Contact Name:	Nick Waters
Contact Phone:	
Contact Email:	nick.waters@ci.pierre.sd.us
PO Number:	

Date:	03/09/2026
Order Number:	12158001
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	274.0000
Height in Inches:	30.2400

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/19/2026 - 03/19/2026	Public Notices
ABD aberdeennews.com	1	03/19/2026 - 03/19/2026	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$87.20
Tax Amount	\$0.00
Service Fee 3.99%	\$3.48
Cash/Check/ACH Discount	-\$3.48
Payment Amount by Cash/Check/ACH	\$87.20
Payment Amount by Credit Card	\$90.68

Order Confirmation Amount	\$87.20
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 10, 2026 9:11 AM
To: Nick.Waters@ci.pierre.sd.us
Subject: 135-3&5003-3 City of Pierre - Public Notice
Attachments: 135-3 & 5003-3 Rec.pdf; 135-3 & 5003-3 Ltr.pdf; 135-3 & 5003-3 PubNotice.pdf; CapJournal Info.pdf; AmericanNews Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation and information regarding the public notice for Future Use Permit Nos. 135-3 and 5003-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

RECEIVED

MAR 26 2026

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

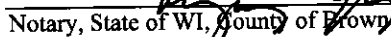
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

03/19/2026

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 03/19/2026



Legal Clerk



Notary, State of WI, County of Brown

9-3-28

My commission expires

Publication Cost:	\$87.20	
Tax Amount:	\$0.00	
Payment Cost:	\$87.20	
Order No:	12158001	# of Copies:
Customer No:	1588472	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found

RECEIVED

MAR 26 2026

**OFFICE OF
WATER**

in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal 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 with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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.

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 renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and

RECEIVED

MAR 26 2026

OFFICE OF
WATER

is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 March 30, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location.

Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us

as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$87.20 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

MAR 26 2026

**OFFICE OF
WATER**

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed 135-3&5003-3 City of Pierre - Public Notice a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Mar. 19, 2026

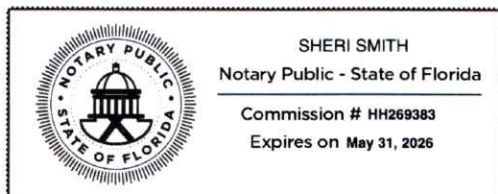
That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomesoever; that the fees charged for the publication thereof are: 93.37

Anjana Bhadoriya

(Signed) _____

VERIFICATION

State of Florida
County of Broward



Subscribed in my presence and sworn to before me on this: 03/20/2026

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E. Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time) , Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD. The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is

RECEIVED

MAR 25 2026

**Water Rights
Program**

authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal 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 with BOTH the permit owner and the Acting Chief Engineer.

A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 " or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons

for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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.

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 renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 March 30, 2026.

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

format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published at the total approximate cost of \$93.37 and may be viewed for free of charge at www.sdpublicnotices.com (Mar. 19, 2026)

RECEIVED

MAR 20 2026

**Water Rights
Program**

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed 135-3&5003-3 City of Pierre - Public Notice a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Mar. 19, 2026

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever; that the fees charged for the publication thereof are: 93.37

Anjana Bhadoriya

(Signed) _____

VERIFICATION

State of Florida
County of Broward



SHERI SMITH
Notary Public - State of Florida

Commission # HH269383
Expires on May 31, 2026

Subscribed in my presence and sworn to before me on this: 03/20/2026

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E. Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD. The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is

RECEIVED

MAR 20 2026

**Water Rights
Program**

authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal 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 with BOTH the permit owner and the Acting Chief Engineer.

A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 " or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons

for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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.

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 renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 March 30, 2026.

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

format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published at the total approximate cost of \$93.37 and may be viewed for free of charge at www.sdpublicnotices.com (Mar. 19, 2026)

RECEIVED

MAR 20 2026

**Water Rights
Program**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

NOTICE OF ENTRY OF ORDER

May 7, 2026

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre SD 57501

Dear Mr. Harding,

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2026, to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 07, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 07, 2026 involving action taken by the Water Management Board hearing on May 07, 2026:

Water Right No. 135-3 and 5003-3

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre, SD 57501

Water Right No. 217.3

Brooking Municipal Utilities
Attn: Steve Meyer, General Manager
525 Western Avenue
Brookings SD 57006

Water Right No. 549-3

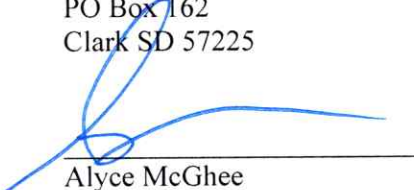
City of Milbank
c/o Cynthia Schumacher
1001 E 4th Avenue
Milbank SD 57252

Water Right No. 1780-2

City of New Underwood
c/o Kristie Pritzkau
PO Box 278
New Underwood SD 57761

Water Right No. 4927-3

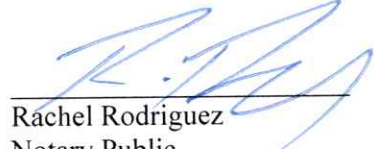
Clark Rural Water System
c/o Terry Kaufmann
PO Box 162
Clark SD 57225



Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of May, 20 26.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 135-3

Name of Applicant: City of Pierre, c/o Nick Waters

Date of Posting: 3/16/2026

Date of Removal: 5/7/2026

Amanda Dewell, Permitting Administrator

5/7/2026

Date

Subscribed and sworn to before me, a notary public, this 7th day of May, 2026.

Notary Public - South Dakota

My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 31, 2026

RECEIVED OF City of Pierre 2301 Patron Parkway, Suite 1 Pierre SD 57501

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>135-3 and 5003-3</u> after period of seven years.	<u>\$345.00</u>
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	<u>\$345.00</u>

By  Chief Engineer