

192-3

1. Considered 7/9, 1956
2. Name of Applicant City of Aberdeen
3. Post Office Address Aberdeen, S. Dak.
4. Amount of water claimed 11.0 CFS
5. Source of water supply Ground water along the Elm River
6. Water to be used for Municipal use
Acres to be irrigated 1
7. Water to be diverted and used in Brown County about
1 miles of in the City of Aberdeen
8. Proof of Publication Received ✓
Not Received
9. Application Approved ✓
Subject to
Not Approved
Action deferred

10. Remarks:

5-00 rec'd

This is a withdrawal for future use

No. 12773Water Division No. 1

(Blanks to be Filled by the Engineer for the W. R. S.)

District 1

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 AberdeenPostoffice address Aberdeen, County Brookings, State South DakotaI. If a corporation Municipality

(a) Name of same _____

(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 this 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) _____

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work _____

3. Amount of water claimed 11.0 cubic feet per second for future use in addition to present water right to flows of Elbow River in the amount of 14 cfs (18.3)4. Source of water supply Ground water under the river along Elbow River5. Location of point of diversion Between gravel pit, Section 6, T184N, R63W and star ground water source along Elbow River. Between Section 19, T184N, R63W and Section 18, T184N, R63W on U.S. bank. Brookings County.6. Annual period or periods during which water is to be used continuously7. To be used for: Municipal water supply (future)

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.) city municipal use

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

(a) Nature of 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 _____

8. Estimated cost of work:

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

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

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

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

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 where reductions in size are made.)

10. Time required for completion of work ----- years.

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 -----

Abundant American News, Aberdeen, S. D.

STATE OF SOUTH DAKOTA

County of ----- } ss.

I, -----, 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 ----- 19-----

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

Permit No. 192-3 was received by the State Water Resources Commission on *May 4*, 19*56*. The applicant is *the City of Aberdeen, Aberdeen, South Dakota*. The purpose of the appropriation is *for municipal use*. The amount of water appropriated is *11.0* cubic feet per second. The permit is issued for a term of *10* years. The permit is subject to the following conditions: *This is a permit to withdraw water for future use and specific applications must be submitted at such time as the works are to be constructed.*

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota, *May 4*, 19*56*

This is to certify that the foregoing application was received by the Commission at *10:15* o'clock *A*.m. upon the *4* day of *May*, 19*56*.

State Water Resources Commission

By:

John L. Miller
Chief Engineer, Executive Officer

Number of permit *192-3*

Date of first receipt of application *May 4*, 19*56*

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right *May 4*, 19*56*

Approved *July 9*, 19*56*, Recorded in Book *3* Page *162*

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 *Withdrawal for future use. Specific applications will be submitted when the works are to be constructed*, 19____

2nd. The whole of said work is to be completed on or before *same*, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is *same*, 19____

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

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 *11.0* 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 best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) 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 *same*, 19____; said water to be used during the following described annual period:

Witness my hand this *10* day of *August*, 19*56*

State Water Resources Commission

By:

John L. Miller
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

17 cfs = 11,000,000 gals/day avg. ultimate requirement in
year 2005

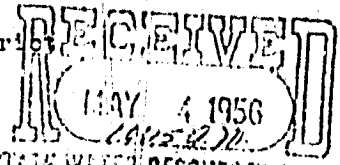
(23 cfs) 11,000,000 gals/day peak ultimate requirement

12 cfs present water req'd

11 cfs new application

Water Division No. 3, James River District

APPLICATION FOR PERMIT

TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA
SOUTH DAKOTA WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

I

The City of Aberdeen, a municipal corporation of Brown County, South Dakota hereby makes application for appropriation for future use of water for all municipal purposes as follows:

Year	Population	Per Capita Consumption (Gals. Per Day)	Daily Use* (Million Gals.)	Annual Use* (Billion Gals.)	* Acre-Feet Per Annum
1955	22,800	100	2.280	.8322	2553
1960	25,400	105	2.667	.9735	2987
1965	28,800	110	3.168	1.1563	3548
1970	32,500	115	3.738	1.3642	4186
1975	36,200	120	4.344	1.5856	4865
1980	39,600	125	4.950	1.8068	5544
1985	42,600	130	5.538	2.0214	6203
1990	44,800	135	6.048	2.2075	6774
1995	46,700	140	6.538	2.3854	7323
2000	48,000	145	6.960	2.5404	7796
2005	49,000	150	7.350	2.6828	8233

* All figures above should be increased by 50% for evaporation, percolation, transpiration, leakage and other losses from pumping into river channel.

The above table is based on estimates of the future needs of the city of Aberdeen, prepared by the United States Bureau of Reclamation.

II

At the present time that the entire water supply for the city and its inhabitants is derived from a series of low dams constructed across the Elm River, known as Dams #1, #2, #4 and the Elm Dam for the purpose of impounding water for the water supply of the City of Aberdeen; that hereto attached, marked "Exhibit 'A'", is a map showing said Elm River and the location of said dams, #1, #2, #4 and the Elm Dam.

III

That a pumping and filtration plant was constructed at the site of Dam #1, and a pipeline laid from said pumping and filtration plant to the City of Aberdeen - a distance of approximately eight miles; and the water stored behind said dams is pumped from the pumping and filtration plant through said pipeline to the City of Aberdeen, and that the only source of water of said City

since the construction of said dam has been as above set forth, from said Elm River, and from gravel beds adjacent thereto.

IV

That a water license was duly issued by the State Engineer of the State of South Dakota to the City of Aberdeen for the use of twelve (12) cubic feet per second from said stream; that at the time of the construction of said dams, an additional dam was constructed known as the Willow Lake Dam, for the purpose of impounding a reserve supply of water to augment and replenish the water impounded back of dams #1, #2 and #4; but that in 1943 the said Willow Lake Dam went out, releasing all of the water, and that the only source of supply at the present time is the water from the Elm River and the dams above mentioned, and a dam known as Elm Dam, north of Frederick, constructed by the State of South Dakota, Brown County and the W. P. A., that the City of Aberdeen has certain rights to water impounded by said dam.

V

That during dry years from 1938 through 1941, even with said dams, there was not sufficient water for the needs of the City of Aberdeen, and from August, 1938, to December, 1942, the city was forced to purchase and pump from the Pickus gravel pits, adjacent to said Elm River, 1,063,500,000 gallons of water. During said dry period the city also pumped a considerable amount of water from the Eyestone gravel pit, the exact amount of which is not known.

That said Elm River is a small stream with its source only a few miles above Elm Lake, shown on Exhibit "A" and that the stream itself flows only during the spring run-off, ordinarily during March, April and May and that after said run-off no water ordinarily is flowing in said stream proper.

VI

That hereto attached, marked "Exhibit 'B'", is a record showing the dates when water flowed over Dam #1 from the year 1935 through 1955 and a record of the amount of water pumped into Aberdeen from the filtration and pumping plant located at Dam #1; and that hereto attached, marked "Exhibit 'C'", is a record from all available records showing the start of the run-off and the date of the finish thereof as far as our records show from the year 1936 through 1955.

VII

That the City of Aberdeen uses, during the summer and fall months, from 3 to 5.4 million gallons per day, and that with the growth of the City, the use of water is bound to increase; that Aberdeen's greatest problem since its founding has been the lack of an adequate water supply, and the present supply must in the future be increased to take care of the normal growth of the city.

VIII

That there will be times in the future when the Elm River will be dry for long periods of time and when the city will be forced to obtain its entire supply by pumping the underground water from the gravel beds adjacent to the water treatment plant. That hereto attached, marked "Exhibit 'D'", is a map prepared by E. P. Rothrock, State Geologist of the State of South Dakota showing the general outline of the gravel beds from which the city desires to pump its water when the natural flow in the Elm River together with the supply stored behind Dams #1, #2 and #4 and the Elm River Dam is insufficient to supply the city with water.

IX

That the City will pump water from the Pickus Gravel Pit and the Dyeston Gravel Pit by means of Horizontal Centrifugal Pumps mounted on floats for ocean pumping. The location of said

gravel pits is shown on Exhibit "D", hereto attached. The water will flow down the Elm River to the city filtration plant.

X

The city also expects to drill wells in the gravel bed shown on Exhibit "A", at sites to be determined when the need arises and such pumping will be done by vertical turbine pumps.

XI

The gravel beds shown on Exhibit "D" are supplied or charged with water from the Elm River and particularly by the water stored behind dams 1, and 2 owned by the city, and any pumping from said gravel beds may draw water from the entire gravel bed, and any permits granted for water to be taken from said gravel beds for irrigation should be granted on a temporary basis subject to the superior right of the city to use the water for municipal purposes, when and if needed, as provided under Section 61, 0122 S.D.C.

The City desires that notice of its intention to appropriate water be published in the Aberdeen American News, of Aberdeen, South Dakota.

City of Aberdeen,
a municipal corporation

By Ernest Gunderson
Mayor

ATTEST:

Mabel J. Connell
Auditor

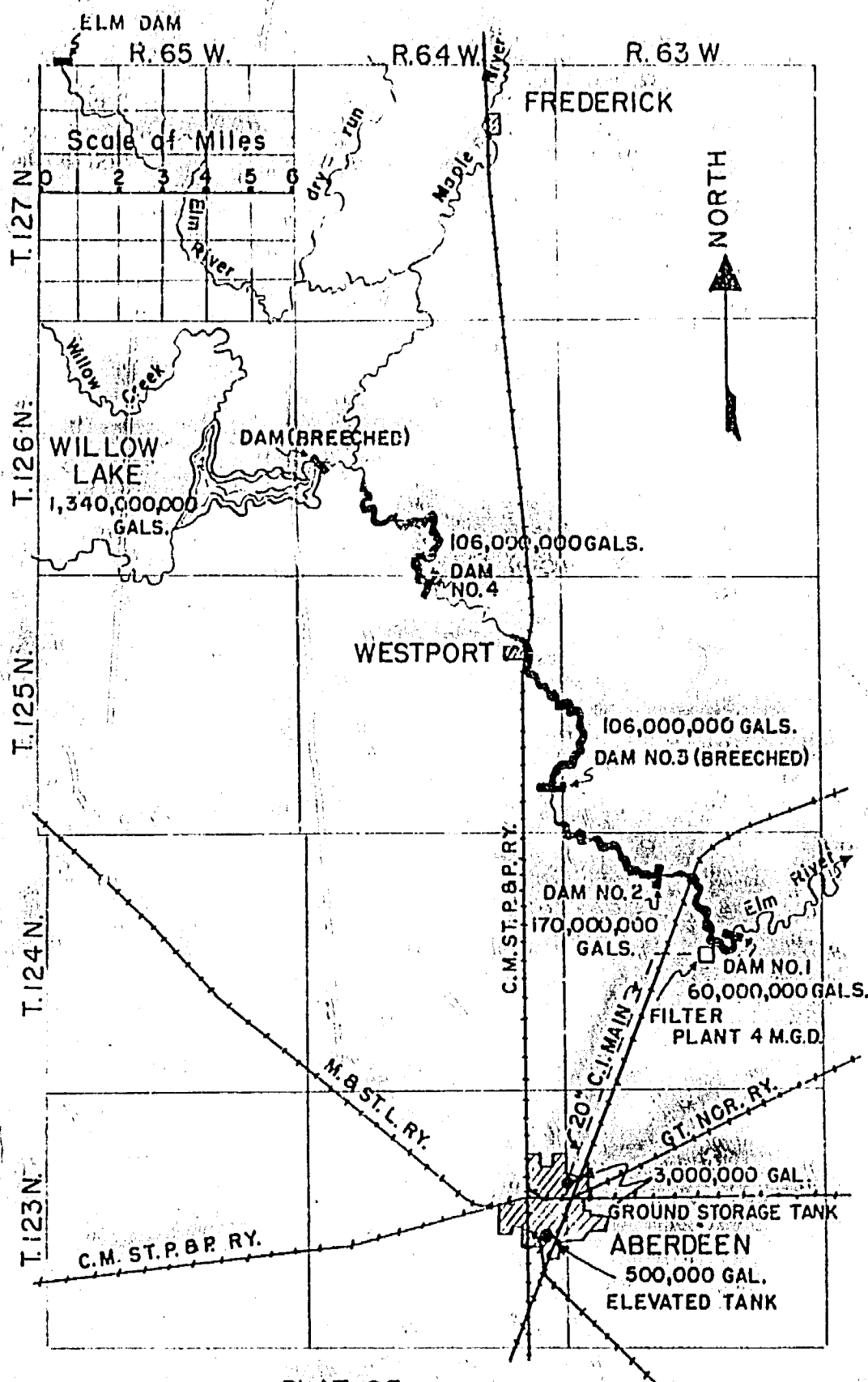
STATE OF SOUTH DAKOTA)
County of Brown) SS

On this 2nd day of May, 1955 before me the undersigned officer, personally appeared Ernest Gunderson and Mabel J. Connell, mayor and auditor respectively of the City of Aberdeen, a municipal corporation, known to me to be the persons described in the foregoing instrument, and acknowledge that they executed the same in the capacity therein stated and for the purpose therein contained.

In witness whereof, I hereunto set my hand and official seal.

M. C. Hansen
Notary Public

My Commission Expires March 12, 1959



PLAT OF
WATER SUPPLY AT ABERDEEN S. DAK.

OFFICE OF CITY ENGINEER

by A. S. MANNES

TRACED - 5-1-56

REVIS. J MAY 1 1956 - C. G. BROWN - CITY ENGINEER

RIVER DATA

YEAR

1935 No Record - Plant put in operation, water stored in Willow 300 M.G.

1936 Spring run-off 300,000,000 gallons over #1 dam. All small dams full, 120,000,000 stored in Willow Reservoir.

1937 Run-off 3,574,000,000 over #1 dam. 1,060,000,000 in Willow Reservoir.

1938 No run-off; no water over #1 dam.

1939 No water over #1 dam.

Gallonsage impounded #1 - 23,000,000 gallons
#2 - 104,000,000 gallons
#3 - 100,000,000 gallons est.
#4 - 112,000,000 gallons

Pumped July 25 to April 1, 1940 from gravel pits.

Pickus - 422 M.G. meter

Eyestone - 100 M.G. est.

Upper Elm 12' deep

1940 No water over #1 dam.

Gallonsage impounded upper Elm 15' deep

Willow Lake	250,000,000
#4	112,000,000 full
#3	100,000,000 est. full
#2	170,000,000 full
#1	58,000,000 full

Pumped gravel pits August 19 to March 1941

1941 Run-off 735,000,000 gallons over #1 dam.

Gallonsage impounded

upper Elm 16'

Willow Lake	250,000,000
#4	112,000,000 full
#3	100,000,000 est full
#2	170,000,000 full
#1	58,000,000 full

Maple flowing until July 1, 1941

1942 Pumping from Pickus Pit March 13, 1942
Run-off water over #1 dam from 4-23-42 to 6-23-42
Gallorage impounded
All small dams full
Willow 386,000,000

1943 Great flood.
All dams full at end of run-off. Willow dam out 12-25-43
Water over #1 dam most all year

1944 Heavy run-off. Small dams full

1945 No record

1946 River flowed most of the year.
11-1-46 Elm dam opened and all dams ran over until
12-17-46 when valve was closed.

1947 Run-off started 4-1-47 and continued until 5-2-47.
All small dams full.

1948 All small dams full.

1949 All small dams full.

1950 Run-off started March 26, 1950. All dams full.
River flowed until 7-27-50

1951 Good run-off, all dams full, water flowed over #1 dam
until 7-30-51.

1952 Great flood.

1953 Run-off started 3-10-53. All small dams (#1,2,4) full.
The Elm Dam was full.

1954 Run-off started 2-16-54 and the river ran until well
into July. The Elm Dam filled and flowed 6" over the
spillway in June. All small dams (#1,2,4) were full
at this time.

1955 Run-off started 3-12-55 and continued to the middle
of May. A second run-off came in early July with water
coming down the Maple and continued until the first of
September. No water flowed over the Elm spillway.

EXHIBIT "C"

Run-off Data

<u>YEAR</u>	<u>START</u>	<u>FINISH</u>
1952	4-5	7-18
1951	3-29	7-15
1950	3-26	7-30
1949	3-13	4-25
1948	3-24	No record
1947	4-1	4-18
1946	3-17	No record - river flowed most of the year
1945	3-14	No record
1944	3-25	7-15
1943	3-26	10-17
1942	4-23	6-23
1941	3-10	4-21
1940	4-3	No water over #1 dam, gravel pits pumped Aug. 19, 1940 to April 9, 1942
1939	3-16	No water over #1 dam
1938	3-3	No water over #1 dam
1937	3-12	No record
1936	3-21	No record
1953	3-10	7-29
1954	2-16	5-10
	6-14	7-13
1955	3-12	5-12
	7-11	9-3

ELM RIVER VALLEY FILL AND DELTA

BROWN COUNTY
SOUTH DAKOTA

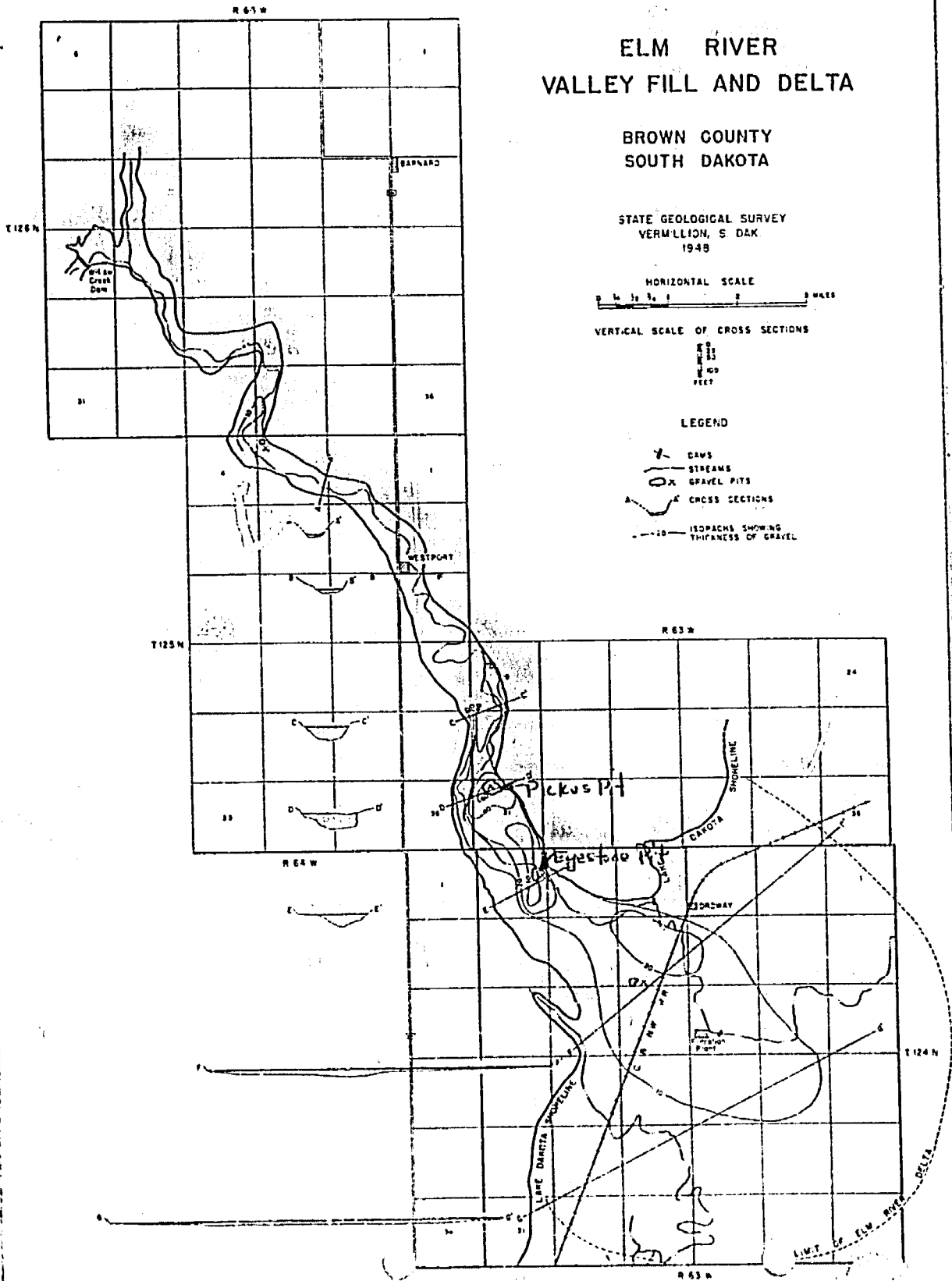
STATE GEOLOGICAL SURVEY
VERMILLION, S. DAK.
1949

HORIZONTAL SCALE
0 1 2 3 4 5 6 7 8 9 10 MILES

VERTICAL SCALE OF CROSS SECTIONS
0 10 20 30 40 50 60 70 80 90 100 FEET

LEGEND

- DAMS
- STREAMS
- GRAVEL PITS
- CROSS SECTIONS
- ISOPACHS SHOWING THICKNESS OF GRAVEL



PLANT PUMPING RECORD

YEAR

1935	Plant put into operation in April			
1936	Plant shut down Jan. 1936, Feb. 1936 until March 21			
	Plant shut down Nov. Dec. 1936			
	532,999,000 gallons to Aberdeen			
1937	Plant shut down Jan. Feb. to March 8 when plant put into operation.			
	517,790,000 gallons pumped to Aberdeen			
1938	489,100,000	"	"	"
1939	498,010,000	"	"	"
1940	533,560,000	"	"	"
1941	527,030,000	"	"	"
1942	448,436,000	"	"	"
1943	543,486,000	"	"	"
1944	606,851,000	"	"	"
1945	655,435,000	"	"	"
1946	655,600,000	"	"	"
1947	717,753,000	"	"	"
1948	807,800,000	"	"	"
1949	814,150,000	"	"	"
1950	760,000,000	"	"	"
1951	759,160,000	"	"	"
1952	830,000,000	"	"	"
1953	752,850,000	"	"	"
1954	830,018,000	"	"	"
1955	886,470,000	"	"	"

Water Rights Permit requires application to the State Department of Natural Resources.

Records on file with the S.D. Water Resources Commission;
Water Permit No. 15-3 & Water License No. 15-3.
Priority date December 23, 1933.
Two dams & water purification plant.
Right to divert 12 cfs. - - - - - (7.8 MGD)

Future Use Water Permit No. 192-3,
Priority date May 4, 1956
Ground water from shallow gravel deposits in a specified area along the Elm River.
Authorizes the diversion of 11.0 cfs. (7 MGD)

Water License No. 500-3.
Priority date October 7, 1957.
Authorizes the storage of 4,100 acre-feet of water in Willow Creek Dam.
Diversion rate of 12 cfs. - - - - - (7.8 MGD)

No recorded filing for water rights in Elm Lake. The City's rights probably have become "vested" through established usage.

The City Commission authorized the Mayor to sign an application for a water rights permit from city-owned Eyestone pit.
The permit would allow 5 cfs. - - - - - (3.25 MGD)

MEASUREMENTS - IN RELATION TO WATER VOLUMES.

1 acre foot	=	43,560 cu. ft.
1 acre foot	=	325,892 gallons
1 cfs	=	650,000 gal of water per 24 hrs.

WATERS AND WATER RIGHTS

46-1-2, Development of water resources for public benefit - Ground water withdrawals not to exceed recharge. * * The state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. It is further declared to be in the best public interest that the quantity of water withdrawn annually from a ground water source, shall not exceed the quantity of the average estimated annual recharge of water to such ground water.

46-1-5. Domestic use of water takes precedence over appropriative rights - Use by state institutions and municipalities. - It is hereby declared that it is the established policy of this state;

- (1) That the use of water for domestic purposes is the highest use of water, and takes precedence over all appropriative rights, if such use is exercised in a manner consistent with public interest as provided in SDCL 46-1-2

46-1-6. Definition of terms. -

- (4) * * * "Domestic use," Use. of ground water by municipal systems * * * shall be considered a domestic use except where ground water and water in flowing streams constitute the same water supply source.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
COUNTY OF BROWN

ss.

Harlyn Aaker being duly sworn, on his oath says:

That the ABERDEEN AMERICAN-NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; that affiant is an employee of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Appropriation of Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for four successive weeks;

The first publication being made on the 12th day of June 1956

The second publication being made on the 19th day of June 1956

The third publication being made on the 26th day of June 1956

The fourth publication being made on the 3rd day of July 1956

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$ 12.60, which inures solely to the benefit of said publisher; that no agreement 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 person whomsoever.

Subscribed and sworn to before me this 5 day of

July

1956

Katherine Sheridan

Notary Public, Brown County, S. D.

(No. 320—June 12-19-26-July 3-17)
APPROPRIATION OF WATER
Office of Water Resources
Commissioner
Pierre, South Dakota
June 9, 1956
Notice is hereby given that the City of Aberdeen, whose office address is Aberdeen, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for future beneficial use an additional 11 cubic feet per second of time from ground water through municipal water supply works, the point of diversion of which is to be located along both sides of the Elm River between Section 19, T. 125 N., R. 63 W. and Section 15, T. 124 N., R. 63 W. Said water, together with waters already appropriated, is to be used for the purpose of providing present and estimated future municipal water supplies to the residents of Aberdeen. This application will be taken up by the Water Resources Commission at their office at Pierre, South Dakota, for consideration upon the 9th day of July, 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 consideration of any or all information presented.
STATE WATER RESOURCES COMMISSION
By: J. W. Grimes,
Chief Engineer,
Executive Officer.

Publication Fees \$

Received payment,

Aberdeen News Co.

By

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

*water supply
Aberdeen*

November 30, 1955

Mr. L. J. McNeill
Black and Veatch
4706 Broadway
Kansas City 2, Missouri

Dear Mr. McNeill:

Your letter of October 10, 1955, which requested a Depth-Capacity curve for the Elm River Reservoir located northwest of Aberdeen, South Dakota, has been referred to this office.

A search of State records revealed no information relating to the storage capacity of the reservoir at intermediate reservoir surface elevations. The data on record here is not sufficient to prepare such a curve.

Sincerely yours,

J. W. GRIMES
Chief Engineer

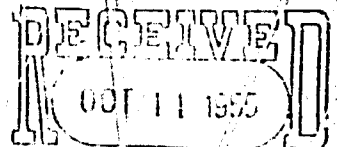
JWG:rs

WATER LAW
ADMINISTRATION
PHONE 2949

OFFICE OF STATE ENGINEER
STATE OF SOUTH DAKOTA
DEAN W. LOUCKS, STATE ENGINEER
PIERRE

STATE BUILDINGS
DESIGN AND CONSTRUCTION
PHONE 2949

October 13, 1955



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

L. J. McNeill
Black & Ventch
Consulting Engineers
4706 Broadway
Kansas City 2, Missouri

Re: Aberdeen
City of Aberdeen
Water Supply

Dear Mr. McNeill:

We have your letter of October 10 but are sorry to report that we do not have the information which you request.

I will refer your letter to Engineer Joe Grimes who is Chief Engineer & Executive Officer for the Water Resources Commission. He may wish to examine the material filed with the City of Aberdeen water rights to see if there might be something of this nature in that file.

Sincerely,

DWL:RW
cc: Grimes-Enc.

DEAN W. LOUCKS
State Engineer

BLACK & VEATCH
CONSULTING ENGINEERS

TEL. WESTPORT 7474

4706 BROADWAY
KANSAS CITY 2, MISSOURI

October 10, 1955

RECEIVED

OCT 11 1955

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

RECEIVED
OCT 11 1955
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Engineer
Pierre, South Dakota

Dear Sir:

Several weeks ago the City of Aberdeen engaged our firm to make a study and report on the water supplies available in this area which might be developed for the purpose of supplementing the City's water supply. At the present time I am collecting all the data necessary for a report of that nature.

I have been attempting to locate a Depth-Capacity curve or table of the Elm River Reservoir located in the northwest corner of Brown County. I have located a plat giving the capacity when full, but no information seems to be available on the capacity at different depths. A copy of a Depth-Capacity Curve or Depth-Capacity Table would be greatly appreciated.

Thanking you for your cooperation, I remain

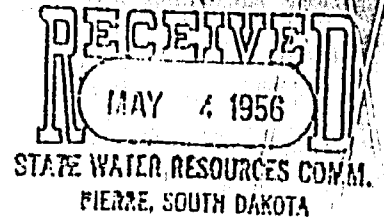
Yours very truly,

Black & Veatch

L. J. McNeill

CITY ATTORNEY'S OFFICE
CITY OF ABERDEEN
SOUTH DAKOTA

May 2, 1956



Mr. J. W. Grimes, Chief Engineer
Executive Officer
State Water Resources Commission
State Office Building
Pierre, South Dakota

Dear Mr. Grimes:

On behalf of the City of Aberdeen, I am enclosing herewith, in duplicate, application of the City of Aberdeen for the future use of ground water from the gravel bed adjacent to our present water supply system.

The blanks ordinarily used for application and which you sent me could not be fitted to a municipal application for future use. As you can readily see, it would be impossible for us to furnish even a small part of the information requested in the application blank to be used by an individual.

I am also enclosing a City warrant in the sum of \$5.00 as required by your rules, and wish that you would file these applications on behalf of the City and bring them to the attention of the Board at their meeting next Monday.

We understand that Mr. Pickus has an application in for ground water from this same bed, and it is our position that any application or appropriation by Mr. Pickus for this water must be granted subject to the future needs of the City of Aberdeen for municipal purposes and that any permit granted to him should be on a temporary basis as provided by Section 61.0122 of the 1955 Session Law.

I give you this information so that this application can be before the commission when the Pickus application is considered.

I might state that Mr. Pickus has offered to the City of Aberdeen, the right to pump water for municipal purposes at any time from his gravel pit. However, the extent of this bed is so uncertain that there is no certainty as to whether there would be sufficient water for the City and Mr. Pickus

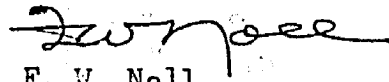
CITY ATTORNEY'S OFFICE
CITY OF ABERDEEN
SOUTH DAKOTA

Page 2
J. W. Grimes, Chief Engineer
May 2, 1956

pumping at the same time, and therefore we feel that his permit should be on the basis as provided by the above section.

If there is any further information desired by the commission, we will be glad to furnish the same.

Yours truly,


F. W. Noll
City Attorney

Enclosures: (2)

CC: E. Gundersen, Mayor
M. Connell, Auditor
H. Agor

(Publish before June 14, 1956)

APPROPRIATION OF WATER

Office of Water Resources Commission
Pierre, South Dakota
June 9, 1956

Notice is hereby given that the City of Aberdeen, whose post office address is Aberdeen, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for future beneficial use an additional 11 cubic feet per second of time from ground water through future municipal water supply works, the point of diversion of which is to be located along both sides of the Elm River between Section 19, T 125 N, R 63 W and Section 15, T 124 N, R 63 W. Said water, together with waters already appropriated, is to be used for the purpose of providing present and estimated future municipal water supplies to the residents of Aberdeen.

This application will be taken up by the Water Resources Commission at their office at Pierre, South Dakota, for consideration upon the 9th day of July, 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 consideration of any or all information presented.

STATE WATER RESOURCES COMMISSION

By: J. W. Grimes
Chief Engineer, Executive Officer

June 9, 1956

Mr. F. W. Noll, City Attorney
City of Aberdeen
Aberdeen, South Dakota

Dear Mr. Noll:

Your application on behalf of the City of Aberdeen for withdrawal of water from further appropriation in the amount of the City's estimated future requirements has been examined. Enclosed herewith is a notice of the City's intention which is to be published once a week for four consecutive weeks in the Aberdeen American News. Carefully examine the enclosed notice for accuracy before you arrange for its publication. The information in the notice was adapted from your special application form and from the existing water rights to Elk River flows now held by the City. The notice provides for an ultimate (year 2005) peak diversion requirement of 14,000,000 gals/day (23 cubic feet per second), of which 11 cubic feet per second is provided by the City's present water rights (O. 15-3) and 11 cubic feet per second is provided by a future use withdrawal of water from further appropriation by others, except on a temporary basis.

The notice specifies July 3, 1956, as the scheduled date for the hearing before the Water Resources Commission. To publish once a week for four weeks before the hearing date requires that the notice be in one of the newspaper issues of next week.

A proof of publication form is enclosed for your use after the fourth publication to notify this office that publication has been accomplished. This form should be completed and returned before July 9, 1956.

If you have questions about the notice of intent, please advise before you arrange for its publication.

Enclosed, also, is a receipt for the \$5.00 fee for examining the City's application.

Sincerely,

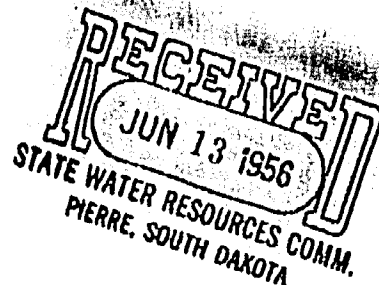
J G:rc
Enc: 3

W. F. GRIMS
Chief Engineer

CITY OF ABERDEEN
SOUTH DAKOTA

OFFICE OF
CITY ATTORNEY

June 12, 1956



Mr. J. W. Grimes, Chief Engineer
Executive Officer
State Water Resources Commission
State Office Building
Pierre, South Dakota

Dear Mr. Grimes:

I have your letter of June 9 enclosing a notice of Appropriation of Water on behalf of the City of Aberdeen to be published in the official paper.

This notice, I believe, is sufficient as it seems to cover all of the ground which underlays the gravel deposit as shown by the application, and I am therefore having the Auditor send it to the newspaper for publication for four successive weeks; the first publication will be made this week.

Aberdeen's water situation right now is not too good. The water behind all of the dams is lower than it has been for a long time, and if this hot weather continues, it is very possible we may have to resort to pumping from this bed to keep the City in water.

If you will recall, we were forced to do this during the drought period and, of course, had hoped that it would never be necessary again.

Thanks very much for your consideration in this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "F. W. Holl".

F. W. Holl
City Attorney

FVN:IN

**SOUTH
DAKOTA
MUNICIPAL
LEAGUE**



OFFICE OF THE SECRETARY

VERMILLION, SOUTH DAKOTA

July 6, 1956

192-3

Mr. J. W. Grimes
Chief Engineer
Pierre, South Dakota

Dear Mr. Grimes:

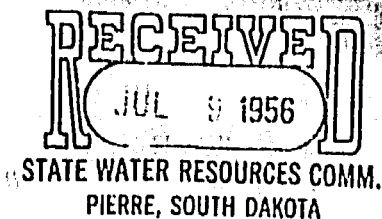
Thank you for your letter of July 2 relative to the information and story on municipal water rights under provisions of the new State Water Laws. This material will appear in the August 1956 issue of the South Dakota Municipalities.

Very sincerely yours,

A handwritten signature in cursive script, reading "R. H. Noll".

R. H. Noll
Research Associate

RHN/rf



July 2, 1955

Mr. R. H. Noll
Research Assistant
South Dakota Municipal League
Vermillion, South Dakota

Dear Mr. Noll:

As arranged at Aberdeen during the Municipal League meeting, the following information regarding municipal water rights under provisions of the new State Water Laws is furnished for your use.

Effective July 1, 1955, the new State Water Laws recognized as a "vested right" the water supplies that had been developed and used prior to the effective date of the Act. The term, "vested right," means that the water user has a right to the use of water in the amount he was using prior to July 1, 1955. The law requires that water users who claim "vested rights" to the use of water shall establish a record of that water right with the Water Resources Commission for all uses of water other than "domestic use." The term, "domestic use," includes ordinary single household use, stockwatering and irrigation of not to exceed one-half acre.

The requirement of law to establish a "vested right" record with the Water Resources Commission applies to municipalities since "municipal use" of water is other than "domestic use." The requirement of law is applicable, irrespective of the source of the water supply. The record of the water right should be established by each town or city, whether incorporated or not, or whether surface water or underground water is used for the municipal water supply.

Application forms and instructions may be obtained by writing to Joe Grimes, Water Resources Commission, State Office Building, Pierre, South Dakota. The Water Laws have other provisions with respect to municipalities. This information is available, also, from Mr. Grimes.

Mr. R. H. Noll
July 2, 1956
Page 2

It is suggested that Municipal Officials get their city water supply records in proper form as soon as possible.

I hope this information is of value to you, Mr. Noll. Additional items will be furnished to you as time permits in the future.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:rc

June 22, 1956

Mr. J. B. Graham
State's Attorney
Ellendale, North Dakota

Dear Mr. Graham:

A receipt is enclosed in the amount of \$3.30 covering the fees for the copies of the City of Aberdeen water right documents. Thank you very much.

The term, "ground water diversions," means taking of water from sources which are underground. As you presume in your letter of June 21, the City of Aberdeen proposes use of underground water for its additional municipal use. The City is not requesting more of the surface flows in Elm River than the right to 12 cubic feet per second which has already been established under South Dakota Water Law. The application to be considered before the Water Resources Commission on July 9, 1956, does not include additional withdrawals from Elm Dam by Aberdeen.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:rs

Enclosure

COUNTY COMMISSIONERS

Fred F. Stahlecker 1st Dist.
 Elendale
 Theodore J. Gulke 2nd Dist.
 Forbes
 Fred W. Nelson 3rd Dist.
 Fallerton
 Reinhold Fleckner 4th Dist.
 Monango
 Palmer Vic 5th Dist.
 Guelph
 Dickey County Leader
 Official Newspaper

DICKEY COUNTY

North Dakota

ELLENDALE

June 21, 1956

COUNTY OFFICERS

Wayne Lematta Auditor
 Odie L. Olson Treasurer
 Ernest J. King Register of Deeds
 W. M. Anderson County Judge
 and Clerk of Court
 J. B. Graham State Attorney
 G. M. Morgan Sheriff
 Helen Spruce Supt. of Schools
 Roy Lunde, M. D. Coroner

State Water Resources Commission
 Pierre
 South Dakota

Attention: J.W. Grimes
 Chief Engineer

Re: Elm Dam

RECEIVED
 JUN 22 1956
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Dear Sir:

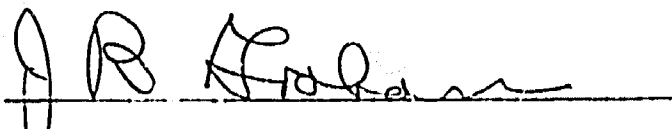
This will acknowledge receipt of your letter of June 18th and the enclosures therewith. As requested by you I am enclosing my check in the amount of \$3.30 for the copy of the Application of the City of Aberdeen for water rights, and I wish to thank you for your promptness in sending these instruments to me.

As mentioned in your letter, the recent application of the City of Aberdeen for water rights is for ground water diversion. As I am unacquainted with this type of term, I would appreciate knowing exactly what is intended by asking for "ground water diversions". Does it mean that they have the right to dig wells and pump off the water underground, and if so, then I presume that they still only have the right to take 12 cubic feet of water per second from the Elm Dam, and that the granting of this recent application, if the same is granted, does not increase their rights to drain off more water from the Elm Dam, than they already are.

Any information you may give me along this line will be greatly appreciated.

Yours sincerely,

J.B. GRAHAM


 State's Attorney

JBG:rg
 Enclosure

BUY "DAKOTA MAID" FLOUR

COMMISSION

South Dakota

15-3; 192-3; and
500-3

J.W. GRIMES

Carl Grenin, Gettysburg
W. Neil Evans, Watertown
Milton E. Fischer, Milbank
Glen Garrett, Port A, Pierre
Stanley Jensen, Beresford
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Elvern Vorilek, Geddes

Water Resources Commission

Chief Engineer
and
Executive Officer

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3583

April 12, 1973

Mr. Bruce R. Elms
Black & Veatch, Consulting Engineers
12075 East 45th Ave., Suite 333
Denver, Colorado 80239

Your Ref: Project 5990, File A.

Dear Mr. Elms:

Your letter of April 4, 1973 requests information about the City of Aberdeen's water rights pertaining to Elm River, Elm Lake, Willow Creek Reservoir and Elm Channel Reservoirs Nos. 1, 2, 3 and 4. In addition you request copies of Aberdeen permits to appropriate water from the Elm River.

Water Permit No. 15-3 and Water License No. 15-7.

Priority Date: December 23, 1933.

Authorizes the construction of two dams and water purification and pumping plant and the diversion of 12.0 c.f.s. of water.

A copy of the permit and license are enclosed as requested. Note the two dams mentioned in the permit as compared to channel dams 1, 2, 3 and 4 as mentioned in your letter.

Future Use Water Permit No. 192-3.

Priority Date: May 4, 1956.

Authorizes the diversion of 11.0 c.f.s. of ground water along Elm River (shallow gravel deposits) in specified area. To date there has been no permanent development under this permit.

Water License 500-3.

Priority date: October 7, 1957.

Authorizes the storage of 4,100 acre-feet of water in Willow Creek Dam and a diversion rate of 12.0 c.f.s.

No water rights of record have been filed on Elm Lake. However a water right has become "vested" for Elm Lake. See Section 46-1-9 of the enclosed "Excerpts".

Mr. Bruce R. Elms

April 12, 1973

Page 2.

Elm Lake was a W.P.A. Lake, constructed about 1936. It was sponsored by the Department of Game, Fish and Parks, City of Aberdeen, and Brown County, with each agency contributing some financial aid. The last three agencies on at least one occasion, 1962, jointly financed spillway repairs.

Correspondence in this office indicates the City of Aberdeen can use any water that may exist in the top 12 feet of the storage area, and may release such water for municipal purposes. No official copies of such agreement is on file in this office.

I believe a written water right record should be prepared for the Elm Lake "vested right" and this record should be filed in this office.

Some modernization of water right No. 15-3 may be advisable.

If clarification of the water right record is within the scope of your agreement with the City of Aberdeen, this office will assist in any way possible.

Sincerely,

J.W. GRIMES
Executive Officer and
Chief Engineer
Water Resources Commission

JWG/DD/bw
Encl: As stated

192-3

1024-3, 2102-3, 2551-3

April 1, 1976

Earl Coyne
918 South First Street
Aberdeen, South Dakota 57401

Dear Mr. Coyne:

Enclosed is a copy of a letter from J.W. Grimes dated April 12, 1973 outlining the City of Aberdeen's water permits up until that date.

Since that time additional permits have been granted.

Permit No. 1024-3 was granted May 1, 1963, with priorities of .31 c.f.s. from 1921 and .11 from February 26, 1963. This Permit covers two artesian wells used at Wylie Park.

Permit No. 2102-3 was granted September 11, 1974, with a priority date of July 24, 1974. This permit was issued to pump water in the amount of 18.56 c.f.s. from the Elm River during periods when excess water is flowing over the No. 1 Aberdeen dam on the Elm River.

Permit No. 2551-3 was granted March 17, 1976, with a priority of February 20, 1976. This permit was issued to pump 5.0 c.f.s. from ground water from the Eyestone Gravel Pit.

Future use Permit No. 192-3 defines the area of future development as ground water areas along the Elm River between Section 19, T125N, R63W, and Section 15, T124N, R63W, plus the Pickus and Eyestone gravel pits.

If you have further questions, feel free to contact this office.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFS/LW
Encl: as stated

original filed in 2551-3

 **Department of
Water & Natural Resources**
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Delphine Janusz, Mayor, City of Aberdeen

From : *for* John Hatch, Chief Engineer, Water Rights Division *James Hentert*

Subject : Review of Future Use Water Permit No. 192-3

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. 192-3, City of Aberdeen 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. 192-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 192-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 192-3 was approved July 9, 1956 with a priority date of May 4, 1956, for 11 cubic feet per second (cfs) from the following area: Between Sec. 19-T125N-R63W and Sec. 15-T124N-R63W with the following qualifications:

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.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 192-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 192-3 with the following qualifications:
 - a) Permit No. 192-3 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) This permit is approved for groundwater from alluvium along the Elm River.

* 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. 192-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$183.00.

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: Bruce Nelson, Finance Officer

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

August 24, 1983

NOTICE

TO: Delphine Janusz, Mayor, City of Aberdeen

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 192-3 and 3427-3

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 192-3 and 3427-3 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 Permits No. 192-3 and 3427-3 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: Bruce Nelson, Finance Officer

The meeting will be in Room 216 of the Joe Foss Building.

**South Dakota Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permits
No. 192-3 & 3427-3

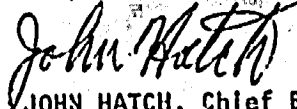
Delphine Janusz, Mayor
PO Box 1299
Aberdeen SD 57401

Dear Mayor Janusz:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Aberdeen's Future Use Water Permits No. 192-3 & 3427-3. The Board continued Permits No. 192-3 & 3427-3 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 192-2 & 3427-3 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

enclosures

cc: Bruce Nelson, Finance Officer
Francis Brink

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 192-3
FOR CITY OF ABERDEEN

Future Use Permit No. 192-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 192-3 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) This permit is approved for groundwater from alluvium along the Elm River.

 **Department of
Water & Natural Resources**

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

September 12, 1990

Timothy Rich, Mayor
PO Box 1420
Aberdeen SD 57402

Dear Mayor Rich:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from the Elm River and No. 3427-3 from groundwater (Elm Aquifer) which are held by the City of Aberdeen. Currently, our records show that 11.0 and 10.0 cubic feet of water per second remain in reserve under Future Use Permit No. 192-3 and 3427-3, respectively.

Permit Nos. 192-3 and 3427-2 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 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 for each permit. The fee could be as much as \$182.50 for Permit No. 192-3 and \$167.50 for Permit No. 3427-3, if the Board allows the total amount of appropriated water remaining for each permit to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining each 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: Francis Brink, City Engineer



CITY OF ABERDEEN

123 South Lincoln • P.O. Box 1420 • Aberdeen, SD 57402-1420 • (605) 622-7017

ENGINEERING DEPARTMENT

October 10, 1990

Karen Schlaak
Natural Resources Analysis
SDDWNR
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Future Use Permits 3427-3 and 192-3
City of Aberdeen

Dear Karen:

Thank you for the notice of the scheduled review of the above two referenced Future Use Permits at the Dec. 5th and 6th Water Management Board meeting. The City desires that the permits be maintained, and has applied for 2.2 cfs from 192-3 on property owned by the City, and is currently negotiating with land owners for additional water rights from 192-3 and 3427-3.

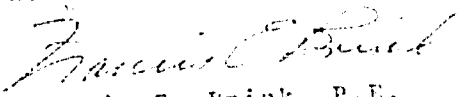
The City was informed some years ago that no additional water permits would be issued to the City for ground water diversions until a pipeline was constructed to efficiently deliver raw water to the water treatment plant. Ground water has been pumped into the Elm River and pumped out at the water treatment plant approximately five miles downstream. The City completed a five mile 24-inch transmission line between the water treatment plant and the well field in 1990 that will now allow development of wells along its alignment and in the area covered by the Future Use Permits. Wells permitted under License 3009-3 (formerly 2551-3) will be tied into this transmission line. The City completed a new test well in 1989 to utilize this pipeline and has applied for a license for 2.2 cfs from Future Use Permit 1923. Test drilling was done in other areas of 192-3 and 3427-3 this summer with the intent to construct wells in the future. Some property was purchased, and negotiations for obtaining easements from others are in progress.

The City of Aberdeen relies primarily on surface water as its source of water for the community, but extended periods of drought or several years of minimum spring runoff force the community to depend on ground water for a larger portion of its supply. Annual daily average consumption for the community is

approximately 3 MGD, with summer daily averages in the 6 MGD - 7 MGD range. The City is currently only licensed for 5 cfs (3.24 MGD) from ground water, and needs an additional 10 cfs to meet summer demands if surface sources are not available. It is the City's plans to develop that capability in well field expansions under Future Use Permits 192-3 and 3427-3 within the next five years. The remaining 11 cfs would be developed within 10 years to provide the necessary flexibility in withdrawal management to allow rotation of wells and recovery periods needed for extended drought periods.

I trust the above information demonstrates that the City has expended significant money and time to warrant an extension of Future Use Permits 192-3 and 3427-3. I further trust that the projected construction time table demonstrates that the City has a definite need for the full amounts of the permits.

Respectfully submitted,



Francis E. Brink, P.E.
City Engineer

FB/raw

cc: City Commission
Werre
K. Nelson
Tobin

Instruction to Newspaper-Publish first publication of this notice on or before November 8, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING to Review Future Use Water Permit Nos. 192-3 & 3427-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427-3 held by City of Aberdeen 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. 192-3 was approved July 9, 1956 to reserve 11.0 cubic feet of water per second (cfs) for municipal use from alluvium along the Elm River located between Section 19, T122N, R63W and Section 15, T124N, R63W.

Permit No. 3427-3 was approved July 28, 1977 to reserve 10.0 cfs for municipal use from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 & NW 1/4 Section 5; N 1/2 Section 6; NE 1/4 Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T122N, R63W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre feet annually and Permit No. 3427-3 REMAIN in EFFECT for 4,344 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 192-3 and 3427-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are 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 hearings 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 hearings to review Future Use Permit Nos. 192-3 and 3427-3 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.

These hearings are adversary proceedings. 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 these permits 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.

Aberdeen American News

ABERDEEN, SOUTH DAKOTA

1990 410-Nov 7, 14 251
NOTICE OF HEARING to Review
Future Use Water Permit
Nos. 192-3 & 3427-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427-3 filed by City of Aberdeen 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. 192-3 was approved July 6, 1954 to reserve 11.0 cubic feet of water per second (cfs) for municipal use from alluvium along the Elm River located between Section 18, T122N, R63W and Section 15, T124N, R63W.

Permit No. 3427-3 was approved July 23, 1977 to reserve 10.0 cfs for municipal use from the Elm Aquifer located in the S 1/2 Section 4, S 1/2 & NW 1/4 Section 5, N 1/2 Section 6, NE 1/4 Section 6, E 1/2 Section 9, W 1/2 Section 15 and NE 1/4 Section 16, all in T124N, R63W.

Pursuant to SDCL 48-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit Nos. 192-3 REMAIN IN EFFECT for 2022 acre-feet annually and Permit No. 3427-3 REMAIN IN EFFECT for 4,004 acre-feet annually because 1) the reserved water may be developed; 2) there is need for the reserved water; 3) the proposed uses will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 192-3 and 3427-3 at the Hotel Iron, Deerfield Room, 415 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 10:00 AM.

The recommendations of the Chief Engineer are 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 hearings 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 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 hearings to review Future Use Permit Nos. 192-3 and 3427-3 will be conducted pursuant to the provisions of SDCL 48-1-14, 48-2-5, 48-2-7, 48-2-11, 48-2-26, 1. Board Rules ARS 0 74 02 01-25 01 thru 74 02 01-25 02; and contested case procedures contained in SDCL 1-26.

These hearings are adversary proceedings. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. Their and other due process rights will be forfeited if they are not exercised. Decision 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 these permits or to assure access to the hearing by the hand-capped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD 57501-3181 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.

Date

FIRST PUBLICATION

Gentlemen:

Attached is a clipping from our edition

of Nov 7, 1990

showing first insertion of #410

NOTICE OF HEARING Permit Nos 192-3 & 3427-3

which we shall publish as ordered as

follows: Nov 7, 14

Kindly check notice immediately and

return if incorrect, noting corrections

to be made.

ABERDEEN AMERICAN-NEWS

Advertising Department

TOTAL PUBLICATION COST \$67.38



CUT HERE

FIRST TRANSMITTAL NOTICE

No.

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

Date 11-7-90

We are in receipt of your letter of Legal #410 enclosing Notice of Hearing to to Review Future Use Water Permit No. 192-3/3427-3 which was first published in our issue of ABERDEEN AMERICAN NEWS. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

ABERDEEN AMERICAN NEWS
Newspaper

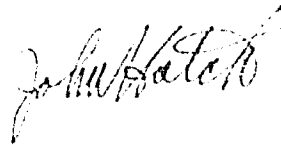
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 192-3, City of Aberdeen

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. 192-3, City of Aberdeen.

The Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the City of Aberdeen has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 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. 192-3 reserves for future use 3,823 acre-feet annually. The diversion rate of 8.8 cfs is deleted from Permit No. 192-3.

And that maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$97.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Aberdeen.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 11.0 cubic feet of water per second (cfs) reserved by No. 192-3 is 7964 acre-feet. Assuming that the total amount pumped annually would equal 60% of 7964 acre-feet, then expected developed pumping of water reserved under Permit No. 192-3 would be about 4,778 acre-feet per year.

Also, Future Use Permit No. 192-3 will be adjusted according to the Water Management Board's action taken regarding Water Permit No. 5476-3 which is scheduled to be heard at the December 5 meeting. This application proposes to construct and place to beneficial use 2.22 cfs reserved by Permit No. 192-3. If approved the amount of water that will remain in reserve under Permit No. 192-3 will be 3,823 acre-feet annually. This is based on 60% pumping of the remaining 8.8 cfs (11 cfs - 2.2 cfs) in reserve. The fee for maintaining the effectiveness of No. 192-3 will be adjusted to \$97.50 to reflect the action of the Board on Application No. 5476-3.

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

PURCHASE ORDER

From **City of Aberdeen, South Dakota 57402-1299**
P. O. Box 1299 • 123 South Lincoln Street

PW NO 3431

To Wm. H. Rydberg Wm. H. Rydberg

Address 1111 1st St. N.E.

Date 12-1-20

Address			UNIT PRICE	AMOUNT	
QUANTITY	DESCRIPTION				
	To balance forward 1/10/67			92	10
	To balance forward 1/10/68			92	10
	TOTAL			207	50

Received by

Date _____

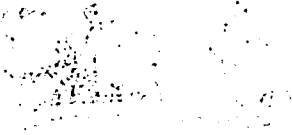
Do not furnish supplies without order. This order number must appear on your invoice.

Ordered by

Wm. L. Gendron

Department

South Dakota



GREAT FACES. GREAT PLACES.

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

December 10, 1990

NOTICE

Timothy Rich, Mayor
PO Box 1420
Aberdeen SD 57402

Dear Mayor Rich:

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 Nos. 192-3 and 3427-3. The Board allowed the permits to remain in effect and amended the Permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 192-3 and 3427-3 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$97.50 and No. 3427-3 is \$110.00 pursuant to SDCL 45-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

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

enclosures

cc: Francis Brink, City Engineer

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.

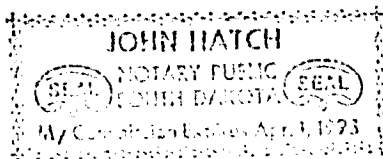
Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 309 Sixth Street, Rapid City SD 57701
Orrin P. Juel, Mayor, City of Brookings, Box 270, Brookings, SD 57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670, 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

AMENDMENT TO FUTURE USE PERMIT NO. 192-3

City of Aberdeen

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 192-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 192-3 reserves for future use 3,823 acre-feet annually. The diversion rate of 8.8 cfs is deleted from Permit No. 192-3.

3427-3

 **Department of
Water & Natural Resources**

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

September 12, 1990

Timothy Rich, Mayor
PO Box 1420
Aberdeen SD 57402

Dear Mayor Rich:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from the Elm River and No. 3427-3 from groundwater (Elm Aquifer) which are held by the City of Aberdeen. Currently, our records show that 11.0 and 10.0 cubic feet of water per second remain in reserve under Future Use Permit No. 192-3 and 3427-3, respectively.

Permit Nos. 192-3 and 3427-2 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 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 for each permit. The fee could be as much as \$182.50 for Permit No. 192-3 and \$167.50 for Permit No. 3427-3, if the Board allows the total amount of appropriated water remaining for each permit to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining each 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: Francis Brink, City Engineer

 **Department of
Water & Natural Resources**
Jon 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.

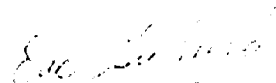
Timothy Rich, Mayor
Box 1420
Aberdeen SD 57402-1420

Dear Mr. Rich:

Future Use Permit Nos. 192-3 and 3427-3 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 American News printed at Aberdeen. 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

I, Viola Benson
certify that the attached printed Notice was taken
from the American News

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city

_____ of Aberdeen
County of Brown and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

11-7-90

11-14-90

Violet Benson
(Signature)

Accounting
(Title)

11/14/90

(Date Signed)

Cost of Printing: 67.38

(No. 410 - Nov. 7, 1973) **NOTICE OF HEARING TO REVIEW FUTURE USE PERMIT**
The Water Management Board will review Future Use Permit No. 197-3 and 3427-3 held by City of Aberdeen for progress made in the development of the water reserved by the Permits. The hearing will be held at 11:30 A.M., November 14, 1973, at the City of Aberdeen, Maryland.
Permit No. 197-3 was approved July 7, 1954 to reserve 11.0 cubic feet of water per second (cfs) for municipal use from alluvium along the Elm River located between Section 15, T19N, R16W, NW1/4 Section 15, T19N, R16W, NE1/4 Section 15, T19N, R16W, SW1/4 Section 15, T19N, R16W, SE1/4 Section 15, T19N, R16W, and NE1/4 Section 16, T19N, R16W, NW1/4 Section 16, T19N, R16W, NE1/4 Section 16, T19N, R16W, SW1/4 Section 16, T19N, R16W, SE1/4 Section 16, T19N, R16W, and NE1/4 Section 17, T19N, R16W, NW1/4 Section 17, T19N, R16W, NE1/4 Section 17, T19N, R16W, SW1/4 Section 17, T19N, R16W, SE1/4 Section 17, T19N, R16W, and NE1/4 Section 18, T19N, R16W, NW1/4 Section 18, T19N, R16W, NE1/4 Section 18, T19N, R16W, SW1/4 Section 18, T19N, R16W, SE1/4 Section 18, T19N, R16W, and NE1/4 Section 19, T19N, R16W, NW1/4 Section 19, T19N, R16W, NE1/4 Section 19, T19N, R16W, SW1/4 Section 19, T19N, R16W, SE1/4 Section 19, T19N, R16W, and NE1/4 Section 20, T19N, R16W, NW1/4 Section 20, T19N, R16W, NE1/4 Section 20, T19N, R16W, SW1/4 Section 20, T19N, R16W, SE1/4 Section 20, T19N, R16W, and NE1/4 Section 21, T19N, R16W, NW1/4 Section 21, T19N, R16W, NE1/4 Section 21, T19N, R16W, SW1/4 Section 21, T19N, R16W, SE1/4 Section 21, T19N, R16W, and NE1/4 Section 22, T19N, R16W, NW1/4 Section 22, T19N, R16W, NE1/4 Section 22, T19N, R16W, SW1/4 Section 22, T19N, R16W, SE1/4 Section 22, T19N, R16W, and NE1/4 Section 23, T19N, R16W, NW1/4 Section 23, T19N, R16W, NE1/4 Section 23, T19N, R16W, SW1/4 Section 23, T19N, R16W, SE1/4 Section 23, T19N, R16W, and NE1/4 Section 24, T19N, R16W, NW1/4 Section 24, T19N, R16W, NE1/4 Section 24, T19N, R16W, SW1/4 Section 24, T19N, R16W, SE1/4 Section 24, T19N, R16W, and NE1/4 Section 25, T19N, R16W, NW1/4 Section 25, T19N, R16W, NE1/4 Section 25, T19N, R16W, SW1/4 Section 25, T19N, R16W, SE1/4 Section 25, T19N, R16W, and NE1/4 Section 26, T19N, R16W, NW1/4 Section 26, T19N, R16W, NE1/4 Section 26, T19N, R16W, SW1/4 Section 26, T19N, R16W, SE1/4 Section 26, T19N, R16W, and NE1/4 Section 27, T19N, R16W, NW1/4 Section 27, T19N, R16W, NE1/4 Section 27, T19N, R16W, SW1/4 Section 27, T19N, R16W, SE1/4 Section 27, T19N, R16W, and NE1/4 Section 28, T19N, R16W, NW1/4 Section 28, T19N, R16W, NE1/4 Section 28, T19N, R16W, SW1/4 Section 28, T19N, R16W, SE1/4 Section 28, T19N, R16W, and NE1/4 Section 29, T19N, R16W, NW1/4 Section 29, T19N, R16W, NE1/4 Section 29, T19N, R16W, SW1/4 Section 29, T19N, R16W, SE1/4 Section 29, T19N, R16W, and NE1/4 Section 30, T19N, R16W, NW1/4 Section 30, T19N, R16W, NE1/4 Section 30, T19N, R16W, SW1/4 Section 30, T19N, R16W, SE1/4 Section 30, T19N, R16W, and NE1/4 Section 31, T19N, R16W, NW1/4 Section 31, T19N, R16W, NE1/4 Section 31, T19N, R16W, SW1/4 Section 31, T19N, R16W, SE1/4 Section 31, T19N, R16W, and NE1/4 Section 32, T19N, R16W, NW1/4 Section 32, T19N, R16W, NE1/4 Section 32, T19N, R16W, SW1/4 Section 32, T19N, R16W, SE1/4 Section 32, T19N, R16W, and NE1/4 Section 33, T19N, R16W, NW1/4 Section 33, T19N, R16W, NE1/4 Section 33, T19N, R16W, SW1/4 Section 33, T19N, R16W, SE1/4 Section 33, T19N, R16W, and NE1/4 Section 34, T19N, R16W, NW1/4 Section 34, T19N, R16W, NE1/4 Section 34, T19N, R16W, SW1/4 Section 34, T19N, R16W, SE1/4 Section 34, T19N, R16W, and NE1/4 Section 35, T19N, R16W, NW1/4 Section 35, T19N, R16W, NE1/4 Section 35, T19N, R16W, SW1/4 Section 35, T19N, R16W, SE1/4 Section 35, T19N, R16W, and NE1/4 Section 36, T19N, R16W, NW1/4 Section 36, T19N, R16W, NE1/4 Section 36, T19N, R16W, SW1/4 Section 36, T19N, R16W, SE1/4 Section 36, T19N, R16W, and NE1/4 Section 37, T19N, R16W, NW1/4 Section 37, T19N, R16W, NE1/4 Section 37, T19N, R16W, SW1/4 Section 37, T19N, R16W, SE1/4 Section 37, T19N, R16W, and NE1/4 Section 38, T19N, R16W, NW1/4 Section 38, T19N, R16W, NE1/4 Section 38, T19N, R16W, SW1/4 Section 38, T19N, R16W, SE1/4 Section 38, T19N, R16W, and NE1/4 Section 39, T19N, R16W, NW1/4 Section 39, T19N, R16W, NE1/4 Section 39, T19N, R16W, SW1/4 Section 39, T19N, R16W, SE1/4 Section 39, T19N, R16W, and NE1/4 Section 40, T19N, R16W, NW1/4 Section 40, T19N, R16W, NE1/4 Section 40, T19N, R16W, SW1/4 Section 40, T19N, R16W, SE1/4 Section 40, T19N, R16W, and NE1/4 Section 41, T19N, R16W, NW1/4 Section 41, T19N, R16W, NE1/4 Section 41, T19N, R16W, SW1/4 Section 41, T19N, R16W, SE1/4 Section 41, T19N, R16W, and NE1/4 Section 42, T19N, R16W, NW1/4 Section 42, T19N, R16W, NE1/4 Section 42, T19N, R16W, SW1/4 Section 42, T19N, R16W, SE1/4 Section 42, T19N, R16W, and NE1/4 Section 43, T19N, R16W, NW1/4 Section 43, T19N, R16W, NE1/4 Section 43, T19N, R16W, SW1/4 Section 43, T19N, R16W, SE1/4 Section 43, T19N, R16W, and NE1/4 Section 44, T19N, R16W, NW1/4 Section 44, T19N, R16W, NE1/4 Section 44, T19N, R16W, SW1/4 Section 44, T19N, R16W, SE1/4 Section 44, T19N, R16W, and NE1/4 Section 45, T19N, R16W, NW1/4 Section 45, T19N, R16W, NE1/4 Section 45, T19N, R16W, SW1/4 Section 45, T19N, R16W, SE1/4 Section 45, T19N, R16W, and NE1/4 Section 46, T19N, R16W, NW1/4 Section 46, T19N, R16W, NE1/4 Section 46, T19N, R16W, SW1/4 Section 46, T19N, R16W, SE1/4 Section 46, T19N, R16W, and NE1/4 Section 47, T19N, R16W, NW1/4 Section 47, T19N, R16W, NE1/4 Section 47, T19N, R16W, SW1/4 Section 47, T19N, R16W, SE1/4 Section 47, T19N, R16W, and NE1/4 Section 48, T19N, R16W, NW1/4 Section 48, T19N, R16W, NE1/4 Section 48, T19N, R16W, SW1/4 Section 48, T19N, R16W, SE1/4 Section 48, T19N, R16W, and NE1/4 Section 49, T19N, R16W, NW1/4 Section 49, T19N, R16W, NE1/4 Section 49, T19N, R16W, SW1/4 Section 49, T19N, R16W, SE1/4 Section 49, T19N, R16W, and NE1/4 Section 50, T19N, R16W, NW1/4 Section 50, T19N, R16W, NE1/4 Section 50, T19N, R16W, SW1/4 Section 50, T19N, R16W, SE1/4 Section 50, T19N, R16W, and NE1/4 Section 51, T19N, R16W, NW1/4 Section 51, T19N, R16W, NE1/4 Section 51, T19N, R16W, SW1/4 Section 51, T19N, R16W, SE1/4 Section 51, T19N, R16W, and NE1/4 Section 52, T19N, R16W, NW1/4 Section 52, T19N, R16W, NE1/4 Section 52, T19N, R16W, SW1/4 Section 52, T19N, R16W, SE1/4 Section 52, T19N, R16W, and NE1/4 Section 53, T19N, R16W, NW1/4 Section 53, T19N, R16W, NE1/4 Section 53, T19N, R16W, SW1/4 Section 53, T19N, R16W, SE1/4 Section 53, T19N, R16W, and NE1/4 Section 54, T19N, R16W, NW1/4 Section 54, T19N, R16W, NE1/4 Section 54, T19N, R16W, SW1/4 Section 54, T19N, R16W, SE1/4 Section 54, T19N, R16W, and NE1/4 Section 55, T19N, R16W, NW1/4 Section 55, T19N, R16W, NE1/4 Section 55, T19N, R16W, SW1/4 Section 55, T19N, R16W, SE1/4 Section 55, T19



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

Robert Porter, Finance Officer
City of Aberdeen
PO Box 1420
Aberdeen SD 57402-1420

Dear Mr. Porter:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from groundwater from alluvium along the Elm River and Permit No. 3427-3 from groundwater (Elm:North Brown Aquifer) which are held by the City of Aberdeen. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,823 acre-feet and 4,344 acre-feet of water remain in reserve under Future Use Permit Nos. 192-3 and 3427-3, respectively. These are the same amounts established when the future use permits were reviewed in 1990.

Please respond in writing by November 1, 1997, 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 and any annual pumping records for the past three years.

Permit Nos. 192-3 and 3427-3 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 permits. 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

c: Robin Bobzien, Public Works Director



CITY OF ABERDEEN

123 South Lincoln • P.O. Box 1420 • Aberdeen, SD 57402-1420 • (605) 622-7017

ENGINEERING DEPARTMENT

October 30, 1990

Karen Schlaak
Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Karen:

Thank you for the notice of the seven year review of Future Use Water Permits 192-3 and 3427-3. The City of Aberdeen feels that there is a need to maintain these Future Use Water Permits at this time.

In 1990 just prior to the last review of these permits, the City completed a water transmission line from the "Eyestone Pit" to the Water Treatment Plant. In the month following the last review of these permits, the City completed the Eyestone Pit Well #2 project. In the time that lapsed since our last activity for water supply development, the area has experienced an extended "wet cycle" which has moved further well development down the list. With all of this said, the City is still pursuing the development of additional wells along the transmission line in order to supplement flows from the Elm River. At this time, the pursuit has been only discussions with property owners and setting aside money in our Capital Improvements Plan for future development of additional ground water capacity.

As you are aware, the City of Aberdeen, still relies on surface water as our primary source of water for treatment. However, should an extended period of drought hit the area, ground water will become our primary source of water to supply the community. This particular situation did take place as recently as 10 years ago, and the City does not wish to experience the same difficulties again. In my review of the pumping records, usage has grown to approximately 3.8 MGD average in 1997 from approximately 2.7 MGD average daily consumption in 1993. Peak Summer averages have been increasing as well, from 6-7 MGD in 1990 to 7-8 MGD in 1997.

As you may or may not be aware, Banner and Associates was retained in 1995 to do a study for the City of Aberdeen, regarding all aspects of supply and treatment of our drinking water. The results of the study showed that we are in need of developing more ground water capacity as well

as some major upgrades to portions of the plant including improved plant hydraulics. It is my opinion that both the supply and treatment upgrades will be done in phases over the next 5 years.

I believe that our current water rights for ground water are for approximately 3.2 MGD, which during current peaks would not be adequate. It is my opinion that the City will need to retain these water rights in order to make sure that during drought conditions, we will still be able to serve the needs of the public. As you can see by the excerpts taken from the Water System Study done by Banner Engineering, they share this opinion.

In closing, I hope that this letter along with the supplied documentation will show that the City has a need to retain the full amounts of these water rights, and that there is a reasonable timetable in which we plan to accomplish some of the well development. Should you need anything further from my office, don't hesitate to contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robin Bobzien", written over a horizontal line.

Robin Bobzien PE
City Engineer/PWD

CITY OF ABERDEEN 1993 BOOSTER DISCHARGE

DATE	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	12780866	1997	12850793	1980	12911285	2112	12980851	1961	13053230	2707	13157982	2496
2	12782863	2769	12852773	2132	12913397	2517	12982812	1837	13055937	2889	13160478	3159
3	12785632	2347	12854905	2368	12915914	1972	12984449	2655	13058828	4040	13163847	3897
4	12787979	2384	12857273	2055	12917886	2226	12987104	2172	13062868	3406	13167544	3737
5	12790343	2153	12859328	2242	12920112	2161	12989278	2353	13068272	4146	13171281	4095
6	12792498	2116	12861570	2146	12922273	2126	12991629	2091	13070418	3122	13175376	3045
7	12794614	2389	12864016	1919	12924699	2140	12993720	2278	13073540	3275	13170421	3118
8	12797003	1945	12865935	2432	12926839	2322	12995998	2269	13076815	2719	13181537	2945
9	12798948	2924	12868367	1842	12929161	2219	12998255	1841	13079534	2718	13184182	2717
10	12801872	1490	12870309	2444	12931380	2515	13000196	2116	13082252	3185	13188689	3120
11	12803362	2622	12872753	1899	12933895	1860	13002311	2121	13085437	2748	13190019	3395
12	12805984	1826	12874652	1989	12935755	2047	13004432	2185	13088188	3511	13193414	3534
13	12807810	2125	12876651	1983	12937802	1840	13006817	2325	13091594	3559	13196948	3723
14	12809935	2381	12878634	2074	12939842	2446	13008942	2383	13095253	3784	13200671	3406
15	12812316	1982	12880708	2358	12942088	2451	13011305	2168	13099047	3316	13204077	3293
16	12814298	2186	12883066	1986	12944530	2101	13013473	2504	13102352	4083	13207370	2610
17	12816484	2209	12885052	2501	12946640	2104	13015977	2350	13106425	3981	13209980	2731
18	12818693	2634	12887553	1060	12948744	2519	13018327	2894	13110386	3749	13212711	2943
19	12821327	2040	12889413	2128	12951263	2017	13020861	2694	13114135	3273	13215654	2641
20	12823387	2600	12891541	2473	12953280	2647	13023555	2023	13117408	4179	13218295	3086
21	12825967	1942	12894014	1872	12955927	2002	13026578	2611	13121587	4148	13221381	3337
22	12827909	2234	12895886	2150	12957920	2255	13028189	2974	13125736	3981	13224719	3417
23	12830143	2101	12898046	2412	12960184	2347	13031163	2313	13129728	2653	13228165	2774
24	12832244	2433	12900457	1936	12962531	2078	13033476	2861	13132379	2822	13230939	3195
25	12834677	2174	12902394	2133	12964607	2505	13036137	2786	13135001	3180	13234134	2810
26	12836805	2476	12904627	2321	12967112	2294	13038923	2377	13138181	3906	13236944	3432
27	12839327	2011	12906828	2321	12969408	1803	13041300	3101	13142099	3177	13240378	2841
28	12841338	2312	12909149	2136	12971200	2725	13044461	2722	13145256	3091	13243017	2603
29	12843850	2178			12973934	1971	13047183	3469	13148357	3188	13245820	3350
30	12845828	2166			12976905	2356	13050052	2578	13151826	2554	13249170	3157
31	12847994	2799			12978291	2360			13154089	3893		

CITY OF ABERDEEN 1993 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	13252327	2649	13340931	2828	13451722	3130	13546028	2534	13630715	2568	13702884	1872
2	13254976	3025	13343759	3030	13454852	3346	13548550	3161	13633281	2530	13704738	2434
3	13258001	3175	13346849	2791	13458198	3184	13551726	2980	13635811	2661	13707170	2229
4	13261176	2491	13349640	3178	13461382	3160	13554693	3273	13638472	2580	13709999	2000
5	13263867	2980	13352818	2801	13464542	2882	13557868	3233	13641032	2552	13711399	2805
6	13266047	3188	13355619	3637	13467204	3217	13561201	3258	13643584	2844	13714001	2405
7	13268805	2695	13358258	3087	13470421	3293	13564469	2813	13646228	2697	13716489	2088
8	13272500	2602	13362351	4529	13473714	3394	13567082	2364	13648925	2234	13718577	2606
9	13275102	3489	13365420	4552	13477108	3373	13569468	2833	13651159	2680	13721083	2562
10	13278591	2236	13368919	4552	13480481	3963	13572099	2367	13653839	2088	13723645	2340
11	13280928	2600	13374501	4091	13484444	3537	13574466	3243	13655924	2664	13725985	2220
12	13283428	2008	13378592	3344	13487481	3409	13577709	2803	13658588	2251	13728205	2208
13	13286334	2533	13381936	3116	13491390	3265	13580312	3147	13660839	2427	13730493	2692
14	13288867	2073	13385052	3118	13494855	2652	13583459	2570	13663286	2510	13733185	1056
15	13291840	2710	13388170	3195	13497307	3234	13586029	2802	13665776	2275	13735141	2861
16	13294550	2988	13391365	3323	13500541	3289	13588831	2500	13668005	2617	13738002	2084
17	13297518	2858	13394888	3390	13503830	3141	13591331	2479	13670668	2289	13740086	2817
18	13300378	2738	13398070	3825	13506971	3457	13593810	2774	13672957	2450	13742003	2116
19	13303114	2784	13401903	3413	13510428	3307	13596584	2774	13675407	2458	13745019	2699
20	13305898	3233	13405316	3686	13513735	2550	13599157	2624	13677863	2185	13747719	2681
21	13309131	2631	13409002	3740	13516285	2890	13601701	2608	13680028	2697	13750399	1944
22	13311762	2698	13412742	2483	13519175	2838	13604380	2594	13682725	2427	13752343	2442
23	13314460	2870	13416225	4316	13521813	2998	13606984	2741	13685152	2187	13754705	2630
24	13317330	2658	13420541	4657	13524809	3101	13609725	2157	13687839	1854	13757413	1722
25	13319988	2415	13425188	4425	13528000	3168	13612482	2088	13689193	2072	13759137	2378
26	13322403	3331	13429623	3017	13531188	2650	13615168	2631	13691265	2468	13761516	1949
27	13325734	2748	13433240	4328	13533818	3207	13617799	2401	13693711	2257	13763458	2553
28	13328480	2952	13437568	4387	13537023	2895	13620280	2572	13695715	2257	13766011	2416
29	13331432	3334	13441935	3113	13540018	2930	13622852	2571	13697972	2346	13768427	1943
30	13334768	3384	13445048	3309	13542956	3070	13625423	2723	13700316	2546	13770370	2504
31	13338130	2801	13448357	3365			13628146	2569			13772934	2002

CITY OF ABERDEEN 1994 BOOSTER DISCHARGE

DATE	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	13774936	2173	13851823	2714	13927156	2758	14011006	2558	14099519	2887	14232207	4445
2	13777109	2580	13854637	2397	13928912	2746	14013552	2487	14102206	2903	14236852	5077
3	13779669	2374	13856934	2578	13932658	3295	14016049	2820	14105109	3014	14241729	6000
4	13782043	2138	13859512	2619	13935953	2669	14018859	2801	14108123	3119	14247738	5191
5	13784181	2673	13862131	3208	13938622	2958	14021670	2190	14111242	3013	14252829	4416
6	13786555	2025	13865339	2159	13941578	2853	14023850	2784	14114255	3008	14257345	4510
7	13788862	2035	13867497	2622	13944531	2874	14026544	2920	14117263	3104	14261855	3451
8	13790913	3248	13870119	2510	13947205	2857	14029584	2123	14120387	3278	14265308	4079
9	13794165	2083	13872629	2633	13949862	2846	14031687	2719	14123845	3752	14269385	4117
10	13796248	2357	13875262	2540	13952508	2846	14034406	3287	14127387	3740	14273502	4547
11	13798605	2257	13877802	2385	13955154	2550	14037673	3297	14131137	4249	14278049	5598
12	13800862	2209	13880187	2823	13957704	3012	14040970	3221	14135385	3609	14283047	4549
13	13803071	2647	13883090	3145	13960718	2927	14044191	3091	14138995	4168	14288196	3945
14	13805718	2059	13886235	2592	13963443	2740	14047282	3091	14143183	3411	14292141	5981
15	13807777	2280	13888827	2819	13966555	2912	14050373	3274	14148574	3587	14297722	6500
16	13810337	3220	13891645	2045	13969300	2740	14053847	3388	14150111	3471	14303231	3518
17	13813257	2732	13894591	2815	13971991	2801	14056985	3500	14153612	4107	14308749	3314
18	13815989	2524	13897408	2730	13974891	2897	14059485	3094	14157809	4400	14310063	3952
19	13818513	2457	13900138	2255	13977788	2884	14062485	3440	14162209	4882	14313818	4421
20	13820070	2573	13903217	2838	13980332	2952	14064079	2780	14167091	5218	14318037	5147
21	13823543	2203	13905472	2825	13983198	2807	14067519	3105	14172309	5387	14323184	5991
22	13825748	2492	13908910	2396	13986188	2438	14070289	3155	14177898	5229	14328175	5319
23	13828238	2724	13911135	2583	13988755	2016	14073404	3602	14182925	5783	14334494	6264
24	13830902	2740	13913531	2960	13991193	1958	14076719	3115	14187008	5816	14340768	6830
25	13833702	2710	13916114	2947	13993809	2564	14080321	2745	14193324	4103	14347397	5829
26	13836412	2415	13919084	2380	13995787	2625	14083436	2742	14198427	5189	14353228	5234
27	13838827	2805	13922011	2755	13998331	2608	14086151	2889	14203818	5711	14359480	5559
28	13841632	2332	13924401	2755	14000858	2053	14088923	2668	14209327	5428	14365019	6587
29	13843964	2824			14003462	2723	14091872	2490	14214755	6897	14371586	8163
30	13846788	2427			14005515	2760	14094361	2668	14220652	5420	14379749	7631
31	13849215	2608			14008238				14226080	6127		

CITY OF ABERDEEN 1994 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	14387683	640	14525986	6228	14659881	3358	14767045	3289	14851085	2491	14922169	2395
2	14394031	6285	14532212	5295	14683037	3185	14770334	3243	14853556	2548	14924584	2329
3	14400294	4684	14537507	6817	14686202	2684	14773577	2687	14856104	2584	14926893	2445
4	14404978	5635	14544124	8410	14688806	3042	14778244	2724	14858668	2483	14929338	2354
5	14410813	6454	14550534	4811	14671908	3173	14778968	2736	14861131	2535	14931692	2216
6	14417087	5405	14555345	5934	14675031	3813	14781704	3078	14863886	2411	14933907	2498
7	14422472	3559	14561279	4673	14678894	3535	14784779	2470	14866077	2095	14938345	2419
8	14428031	3182	14565852	5150	14682429	4246	14787249	2698	14868172	2514	14938794	2116
9	14429213	3210	14571102	3476	14686674	4231	14790087	2223	14870686	2417	14940880	2137
10	14432423	3344	14574578	2709	14690905	4475	14792310	2593	14873103	2405	14943017	2346
11	14435707	3443	14577287	3527	14695380	4533	14794903	3088	14876508	2299	14945385	2799
12	14439210	3608	14580814	2787	14699913	4240	14797981	2025	14877807	2078	14948184	2187
13	14442716	3489	14583811	3327	14704153	3192	14800616	2833	14879885	2474	14950351	2315
14	14446205	3984	14589938	2641	14707645	4220	14803439	2871	14882359	2469	14952686	2413
15	14450189	3728	14589779	3775	14711765	3158	14808423	2743	14884826	2388	14955079	2140
16	14453918	3761	14593654	3800	14714921	3378	14809186	2769	14887214	2580	14957219	2210
17	14457686	3978	14597354	4166	14718289	3400	14811935	2684	14889784	2483	14959429	2650
18	14461644	4207	14601520	3628	14721759	3684	14814599	2646	14892277	2011	14962079	2184
19	14465851	3412	14605148	4132	14725423	3818	14817245	3152	14894288	2483	14964183	2500
20	14469263	3503	14609280	4759	14720241	3997	14820397	2476	14896771	2320	14966583	2705
21	14472768	3393	14614039	4223	14733238	3233	14822673	2008	14899131	2379	14969388	2053
22	14478161	4178	14618202	4476	14736471	3071	14826679	2848	14901510	2469	14971441	2608
23	14480339	4199	14622738	4344	14739542	3085	14828327	2445	14903979	2423	14974049	2390
24	14484638	4339	14627082	4939	14742807	3317	14830772	2881	14908432	1890	14976439	1954
25	14488871	4754	14632021	3359	14745024	3400	14833433	2465	14908292	2311	14978393	1781
26	14493825	5050	14635880	4183	14749324	3793	14835898	2665	14910603	2320	14980174	2820
27	14498875	5028	14639563	4050	14753117	3223	14838563	2521	14912923	2321	14982800	2554
28	14503703	6081	14643613	4179	14756340	4028	14841084	2502	14915244	2280	14985384	2046
29	14510384	4282	14647702	4432	14760388	3411	14843588	2821	14917504	2381	14987400	2668
30	14514068	8310	14652224	3465	14763770	3286	14846207	2408	14919855	2304	14990088	2636
31	14520984	5002	14655689	3992			14848615	2450			14992704	2759

CITY OF ABERDEEN 1995 BOOSTER DISCHARGE

JANUARY			FEBRUARY			MARCH			APRIL			MAY			JUNE		
DATE	METER	DIFFERENCE	METER	DIFFERENCE		METER	DIFFERENCE		METER	DIFFERENCE		METER	DIFFERENCE		METER	DIFFERENCE	
1	14995463	2117	15071758	2249		15142180	2295		15219484	2591		15298057	2606		15389178	3520	
2	14997580	2045	15074007	2019		15144475	2411		15222076	2495		15301463	2866		15392896	3970	
3	15000525	1849	15076106	2670		15146886	2606		15224570	2590		15304329	2857		15396666	4228	
4	15002474	2538	15078778	2044		15149192	1890		15227160	2580		15306986	3016		15400894	3191	
5	15005012	2672	15080820	2631		15151382	2620		15229740	2672		15310002	3125		15404082	3721	
6	15007684	1960	15083461	2827		15154002	2472		15232412	2630		15313127	2736		15407803	4137	
7	15009044	2546	15086278	2076		15156474	1895		15235042	2857		15315863	2967		15411940	3383	
8	15012190	2681	15088354	2624		15158369	2473		15237690	2713		15318830	2687		15415323	3287	
9	15014871	2119	15090978	2456		15160842	2027		15240412	2393		15321517	2598		15418610	3547	
10	15016980	2425	15093434	2635		15162669	2466		15242805	2487		15324215	2254		15422157	2906	
11	15019415	2181	15096119	2400		15165355	2274		15245292	2200		15326469	2622		15425063	3207	
12	15021598	2692	15098619	2286		15167629	3000		15247482	3162		15329081	2623		15428270	3334	
13	15024188	2406	15100805	2655		15170629	2125		15250644	2437		15331914	3323		15431604	3576	
14	15026694	2356	15103460	2092		15173051	794		15253081	2433		15335237	3259		15435100	4476	
15	15028950	2500	15105552	2470		15175845	3017		15255514	3294		15338496	3276		15439835	4547	
16	15031150	3156	15108022	2224		15178652	2276		15258606	2076		15341772	2751		15444202	5000	
17	15034606	2362	15110245	2850		15181130	719		15260886	2650		15344523	3038		15448202	5000	
18	15036968	2676	15113095	2445		15183879	2581		15263536	2246		15347561	3041		15454202	5079	
19	15039544	2131	15115540	2705		15186460	3065		15265782	2716		15350602	3150		15459281	5862	
20	15041675	2653	15118246	2684		15189525	1997		15268498	2730		15353752	3045		15465143	6187	
21	15044328	2265	15121129	3131		15191522	2628		15271234	2633		15356797	2975		15471330	5260	
22	15046593	2611	15124280	2735		15194150	2303		15273867	2635		15359772	2569		15478590	5711	
23	15049104	2540	15126995	3275		15196453	2383		15276502	2828		15362331	2739		15482301	4955	
24	15051644	2597	15130270	1761		15198836	2435		15279330	2664		15365070	3188		15487260	4221	
25	15054241	2100	15132031	2322		15201271	2474		15281884	3265		15368258	2732		15491477	4914	
26	15056541	2556	15134853	3116		15203745	2721		15285179	2719		15370990	2516		15496391	5602	
27	15058929	2273	15137468	2218		15206466	2319		15287898	2732		15373528	2090		15501993	7058	
28	15061202	2216	15139686	2494		15208786	2657		15290630	2731		15375618	3000		15509049	6187	
29	15063417	2723				15211442	2631		15293361	2772		15378618	3012		15514216	6354	
30	15066140	2728				15214073	2690		15296133	2724		15381630	4097		15520570	4480	
31	15068868	2890				15216753	2731					15385727	3449				

CITY OF ABERDEEN 1995 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
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2	15531442	4779	15588337	6484	15842940	4183	15960033	3168	16043216	2552	16120420	2627
3	15536221	5380	15693821	5528	15847123	4176	15963249	2814	16045768	2356	16123255	2731
4	15541601	3626	15699349	5544	15851299	4478	15968063	2910	16048124	2694	16125988	2733
5	15545229	4421	15704893	5695	15855777	4712	15988973	2841	16050818	2602	16128719	2449
6	15549650	3106	15710588	5683	15860480	3577	15971614	2496	16053480	2703	16131168	2536
7	15552755	4580	15716251	6370	15864066	3416	15974110	2615	16056183	2505	16133703	2651
8	15557335	5138	15722621	6022	15867482	4014	15976725	2185	16058688	2687	16136354	2176
9	15562473	5378	15728643	6578	15871496	4106	15978910	2800	16061255	2420	16138530	2275
10	15567849	6283	15735221	6700	15875802	3941	15981710	2837	16063675	2714	16140805	2579
11	15574132	6013	15741921	4000	15879543	4297	15984347	3079	16066380	2526	16143384	2987
12	15580146	7059	15745921	4000	15883840	6058	15987426	2591	16068916	2473	16146371	2237
13	15587204	8307	15749921	3794	15888898	4790	15990017	2690	16071388	2520	16148608	2333
14	15593511	4243	15753715	4761	15893686	4368	15992877	2842	16073908	2626	16150941	2688
15	15597754	5181	15758476	5125	15898076	3878	15995319	2660	16076434	2496	16153629	2056
16	15602935	4442	15763601	5105	15901854	4165	15997879	3083	16078930	2591	16155885	2285
17	15607377	5667	15768708	5624	15906119		16001062	2651	16081521	2625	16157970	2863
18	15613044	5000	15774330	4943			16003713	2583	16084146	2673	16160833	2568
19	15618044	5854	15779273	5624	15914017	3140	16006298	2778	16086819	2591	16163401	2504
20	15623898	4569	15784897	5394	15917157	3822	16009074	2611	16039410	2617	16165005	2156
21	15628467	4956	15790291	5613	15920979	3144	16011685	2708	16092027	3350	16168061	2818
22	15633123	5578	15795904	5556	15924123	2687	16014393	2599	16095377	2516	16170877	2381
23	15639001	6322	15801459	5787	15926810	3296	16016982	2645	16097893	2205	16173258	2393
24	15645323	5528	15807246	3761	15930106	3177	16019837	2722	16100498	2336	16175651	2183
25	15650851	3638	15810997	4000	15933283	4659	16022359	2771	16102434	2507	16177834	1093
26	15654489	4265	15814997	3000	15937942	4921	16025130	2578	16104941	2492	16179827	2553
27	15658744	4186	15817997	4684	15942863	2904	16027708	2750	16107433	2542	16182385	2520
28	15662930	5021	15822081	3369	15945787	4382	16030458	2733	16109975	2776	16184905	2603
29	15667951	4357	15826050	3929	15950149	3389	16033191	2581	16112753	2450	16187508	2670
30	15672308	5230	15829979	3491	15953538	3409	16035772	2509	16115203	2605	16190170	2255
31	15677538	5011	15833470	4500	15956947		16038281	2416			16192433	2573

CITY OF ABERDEEN 1996 BOOSTER DISCHARGE

DATE	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
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2	16197467	2238	16274637	2842	16358110	3343	16446394	2470	16546723	3487	16645427	2540
3	16109705	2542	16277379	2019	16361483	3029	16448864	2895	16550210	2863	16647967	3437
4	16202247	2256	16279398	3378	16364512	3091	16451759	2438	16553073	3401	16651404	3332
5	16204503	2651	16282778	2403	16367803	2432	16454197	3212	16556474	3202	16654746	3493
6	16207154	2241	16285179	2834	16370035	2980	16457409	3000	16559675	3157	16658239	3421
7	16209395	2560	16288013	2854	16373015	2495	16460409	3371	16562833	3243	16661660	3271
8	16211935	2339	16290867	3177	16375510	2344	16463780	3526	16566076	3415	16665331	3906
9	16214294	2372	16294044	3619	16377854	2970	16467306	3121	16569491	2828	16669239	3867
10	16216686	2589	16297663	2925	16380524	2570	16470427	3734	16572319	3392	16673105	4811
11	16219255	2195	16300588	2974	16383394	2989	16474161	2606	16575711	3267	16677917	5498
12	16221450	2606	16303682	2809	16386383	3173	16476767	2827	16577778	2736	16683415	5072
13	16224056	2312	16306171	2800	16389556	3146	16479594	2538	16581714	3451	16688487	5572
14	16226368	2576	16309031	3281	16392702	3510	16482132	3811	16585185	2846	16694059	5128
15	16228844	2583	16312292	2628	16396212	2553	16485643	3439	16588011	3526	16699187	3045
16	16231507	2609	16314920	2655	16399765	3185	16489082	3194	16591537	3414	16702232	3639
17	16234116	2100	16317585	2831	16401953	3355	16492276	3467	16594951	3814	16705871	5113
18	16236216	2610	16320416	3222	16405308	2658	16495743	3393	16598585	3051	16710984	4891
19	16238826	2227	16323638	3033	16407968	2879	16499136	3798	16601616	3567	16715875	3642
20	16241053	2665	16326671	3060	16410845	2700	16502934	3023	16605183	3226	16719517	3994
21	16243718	2690	16329731	2602	16413545	2865	16505957	3707	16608411	3389	16723511	3393
22	16246408	2344	16332933	2772	16416410	2506	16509864	3506	16611800	3356	16726904	3620
23	16248752	2779	16335105	2651	16418918	2844	16513170	3681	16615158	3407	16730524	3088
24	16251631	2379	16337758	3204	16421760	2809	16516951	3819	16618585	3009	16733612	3336
25	16253910	2408	16340960	2899	16424569	2340	16520670	3320	16621574	2849	16736948	3524
26	16256318	2529	16343859	2883	16426909	2921	16523890	3699	16624423	2178	16740472	4653
27	16258845	2543	16346742	3690	16429830	2272	16527689	3736	16626599	2944	16745126	5090
28	16261388	2449	16350432	2909	16432102	2674	16531425	3630	16629549	3304	16750215	6290
29	16263837	2400	16353341	2000	16434776	2428	16535055	3846	16632847	3253	16755495	4233
30	16266237	3002			16437204	3164	16538901	3728	16636100	3050	16759728	5307
31	16269239	2456			16440368	2925			16639450	3059		

CITY OF ABERDEEN 1996 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
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2	16770847	5254	16934474	5998	17130960	4998	17256696	2796	17342670	2307	17417169	2511
3	16776101	4233	16940472	4790	17135948	5019	17258494	2561	17344977	2300	17419680	2660
4	16780334	3906	16945262	5286	17140967	5822	17261055	2856	17347277	2442	17422340	2773
5	16784240	5075	16950548	6101	17146789	5430	17263911	3388	17350719	2191	17425113	2414
6	16789315	4006	16956649	6778	17152219	4606	17267289	3246	17352310	2653	17427527	2986
7	16793321	4687	16963427	6428	17156825	4611	17270545	3003	17355563	2894	17430513	3065
8	16797989	5087	16969855	7080	17161636	5093	17273546	3329	17358457	2280	17433578	2186
9	16803055	5610	16976935	6011	17166729	5664	17276877	2967	17360707	2520	17435744	2443
10	16808665	4907	16982946	6197	17172393	5440	17279844	3123	17363227	2073	17438187	2651
11	16813572	5174	16989139	5781	17177833	5351	17282967	2564	17365300	2624	17440836	3187
12	16818746	4623	16994920	6724	17183184	5110	17286531	3590	17367924	2276	17444026	2616
13	16823369	5246	17001644	6752	17188294	4952	17289121	3145	17370200	2584	17446841	2308
14	16829615	5795	17008396	6671	17193246	4895	17292266	3658	17372784	2376	17449209	2716
15	16834410	6078	17015057	6867	17198141	5008	17296104	3318	17375160	2132	17451924	2623
16	16840488	6175	17021934	6553	17203149	4803	17299422	2879	17377282	2371	17454547	2474
17	16846663	5903	17028487	6192	17207952	4731	17302301	2429	17379663	2681	17457021	2780
18	16852666	6162	17034669	6321	17212683	3860	17304730	2886	17382344	2222	17459601	3316
19	16858728	5259	17040990	5849	17216543	3436	17307616	2175	17364566	2559	17463119	2893
20	16863967	5049	17046839	5697	17219979	3273	17309781	2580	17367125	2009	17466012	2537
21	16869036	4389	17052834	6494	17223252	2834	17312371	2660	17369134	2000	17468549	3218
22	16873425	5301	17059328	7321	17226986	3032	17316031	2630	17391134	3366	17471767	2645
23	16878726	4922	17066649	6611	17229118	3231	17317661	2702	17394490	2051	17474412	2690
24	16883648	5540	17073260	6370	17232349	3210	17320383	2469	17396641	2866	17477102	2612
25	16889188	6175	17079630	6688	17235559	2879	17322832	2374	17399407	2978	17479714	3472
26	16895363	5277	17086318	6382	17238433	2633	17325206	2838	17402355	2365	17483186	3146
27	16900640	4650	17092700	6702	17241071	2916	17328044	2386	17404750	2212	17486332	1771
28	16905280	5662	17099402	6660	17243987	2852	17330430	2696	17406962	2447	17488103	2814
29	16910952	5193	17106062	6664	17246839	2819	17333026	2369	17409409	2646	17491017	2912
30	16916145	6170	17112726	6331	17249656	3290	17335395	2669	17412055	2268	17493929	2650
31	16922315	6171	17119057	6347			17338064	2522			17496579	2160

CITY OF ABERDEEN 1997 BOOSTER DISCHARGE

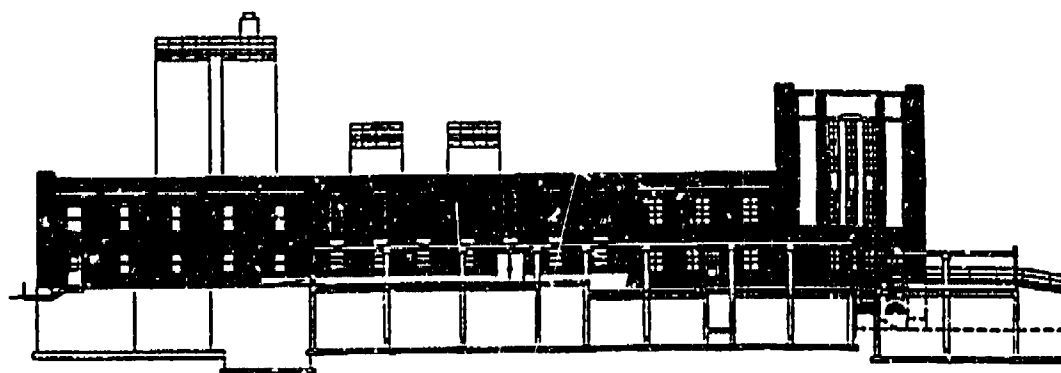
JANUARY			FEBRUARY			MARCH			APRIL			MAY			JUNE		
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2	17502203	2424	17594540	3406	17685681	3363	17797359	3401	17880314	3154	17981978	3287					
3	17504627	2744	17597946	3519	17689044	3203	17790760	3207	17883468	3351	17993265	3118					
4	17507371	3289	17601465	3171	17692247	2922	17793967	2924	17886619	3359	17996383	3330					
5	17510660	2559	17604638	3108	17695169	2919	17796891	2575	17890178	3321	17999713	3810					
6	17513219	2735	17607742	3355	17698088	3096	17799466	2494	17893499	3357	18003523	3992					
7	17515954	2860	17611097	3010	17701184	3083	17801960	2682	17896856	2830	18007515	4308					
8	17518811	2788	17614107	3020	17704287	3494	17804642	2118	17899686	2990	18011813	4450					
9	17521582	2567	17617127	3261	17707761	3674	17806760	2615	17902676	3558	18016273	4930					
10	17524149	2821	17620349	3182	17711435	3654	17809375	2103	17906234	3295	18021200	4551					
11	17526970	2860	17623580	3010	17715081	3317	17811478	2571	17909529	3018	18025754	4724					
12	17529830	2704	17626590	3182	17718378	3164	17814049	3041	17912547	3352	18030478	5081					
13	17532534	2825	17629772	3215	17721542	2889	17817090	2914	17915689	3185	18035539	5152					
14	17535359	2870	17632987	3387	17724431	2754	17820004	3371	17919084	3177	18040601	5095					
15	17538229	2746	17636374	3189	17727189	2829	17823375	3099	17922261	3421	18045786	4735					
16	17541075	2995	17639563	2784	17730018	2606	17826474	3336	17925682	4680	18050521	5732					
17	17543970	2580	17642327	3451	17732904	2900	17829810	3015	17930362	3997	18056253	4384					
18	17546550	3078	17645778	3475	17735684	3051	17832825	3192	17934359	3451	18060637	4582					
19	17549628	3393	17649253	3335	17738935	3363	17835977	3057	17937810	3483	18065219	5743					
20	17553021	3833	17652588	3580	17742298	3704	17839034	3594	17941273	4351	18070952	5128					
21	17556854	3208	17656168	3490	17746002	3185	17842728	3014	17945634	4148	18076090	5405					
22	17560060	3146	17659658	3304	17749187	3852	17846742	3491	17949760	3872	18081485	3519					
23	17563206	2943	17662862	3363	17752839	3747	17849233	3178	17953652	2875	18085014	4227					
24	17566149	2980	17666328	3125	17756586	3450	17852411	3580	17956527	2824	18089241	5180					
25	17569129	3077	17669453	3479	17760036	3587	17855091	3280	17959451	3154	18094401	5351					
26	17572206	5183	17672832	3314	17763623	3542	17859251	3224	17962805	2691	18099752	6501					
27	17575389	3224	17676243	3290	17767165	3829	17862475	3763	17965298	3370	18108353	6059					
28	17578613	2773	17679536	2870	17770994	3023	17865238	3522	17968666	3184	18112412	5075					
29	17581386	2069			17774017	3475	17869767	3449	17972650	4165	18117487	5294					
30	17584355	3589			17777492	2998	17873216	3405	17976815	4179	18122781	4325					
31	17587944	2841			17780490	3694			17980994	4628							

CITY OF ABERDEEN 1987 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
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3	18133759	3453	18296398	6410	18449930	3896						
4	18137212	3282	18302008	6447	18453926	3867						
5	18140494	4065	18309255	6051	18457893	5099						
6	18144559	3951	18315308	6556	18462792	3953						
7	18148410	3836	18321862	6249	18466745	4173						
8	18152248	4391	18328111	5894	18470910	3812						
9	18156637	5280	18334005	4147	18474530	3969						
10	18161917	5953	18338152	4658	18478499	4711						
11	18167870	4824	18342810	4623	18483210	4016						
12	18172694	4393	18347423	5494	18487226	3585						
13	18177087	5230	18352927	5860	18490811	4801						
14	18182317	6398	18358787	4309	18495812	3793						
15	18188715	6048	18363096	6410	18499405	3348						
16	18194763	6703	18369508	3614	18502753	3788						
17	18201466	7244	18373120	5322	18506541	3495						
18	18208710	6716	18378442	4338	18510036	4358						
19	18215428	6242	18382780	3189	18514424	3205						
20	18221670	6177	18385969	3781	18517629	3723						
21	18226847	6188	18389750	4412	18521352	3958						
22	18233015	6383	18394162	4096	18525308	3034						
23	18239418	6789	18398260	5028	18528342	3764						
24	18246207	6012	18403280	5743	18532106	4163						
25	18251219	5580	18409031	5126	18536269	5173						
26	18258799	3992	18414157	5226	18541442	2962						
27	18260791	4603	18419383	6174	18544404	3931						
28	18265394	5236	18425557	5656	18548336	3901						
29	18270630	5332	18431213	4478	18552236	3898						
30	18276012	4587	18435689	3114	18556134							
31	18280599	5086	18438803	3764								

ABERDEEN

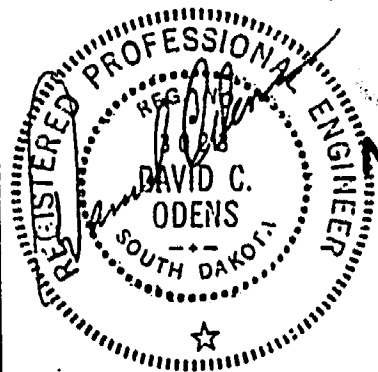
WATER SYSTEM STUDY



Prepared By

BANNER ASSOCIATES

*CONSULTING ENGINEERS AND ARCHITECTS
BROOKINGS, SOUTH DAKOTA*



NOVEMBER, 1995

67716

TABLE 3-2
SUMMARY OF APPROPRIATED WATER RIGHTS

PERMIT NO.	AMOUNT RESERVED			DESCRIPTION OF FACILITY	PRIORITY DATE	COMMENTS
	CFS	MG/Yr	MGD			
3009-3	12	2,830	7.75	Surface Water Intake at Plant	1933, 1937, 1957, 1974 & 1976	Consolidation of 5 permits, consolidated permit dated Aug., 1976
	5	1,180	3.23	Well #1 for GW along Elm River		
5476-3	2.22	525	1.43	Well #2	May, 1956	
5571-3	12.7	2,996	8.20	Elm river Intake	Various ¹	Appropriates water held by Future Use #3428-3
TOTALS	31.92	7,531	20.6			

¹ Priority Date for water right depends on which reservoir water is released. See text of permit priority dates in Appendix.

TABLE 3-3

SUMMARY OF FUTURE USE WATER RIGHTS

PERMIT NO.	AMOUNT RESERVED			DESCRIPTION OF FACILITY	PRIORITY DATE	COMMENTS
	Ac- Ft/Yr ²	MG/Yr.	MGD (Avg)			
192-3 -Original -Remaining	4,778 3,823	1,557 1,245	4.27 3.41	Groundwater in Pickus and Eyestone Pits	May, 1956	2.22 cfs appropriated by Permit #5476-3
3427-3 -Original -Remaining	4,344	1,415	3.88	Ground water adjacent to Elm River (Eyestone and Pickus pits)	Dec., 1976	
3428-3 -Original -Remaining	10,426 0	3,397 0	9.31 0	Permit to use impounded water at Dam #5	Dec., 1976	Appropriated by Permit #5571-3
TOTALS -Original -Remaining	19,548 8,167	6,369 2,660	17.46 7.29			

² Acre-Feet of Water Reserved calculated as 60% of cfs rating of original permit.

9.04. WATER RIGHTS AND PERMITS

9.04.A. General Another issue related to the management of the water utilities is compliance with permitting requirements. Permits which either are required or will be required for compliance with various state and federal regulations include:

1. NPDES stormwater discharge permit for discharges of stormwater from the treatment plant site. The present stormwater management system includes a pump station which discharges the water from the plant site to the Elm River. Plant sites larger than five acres require a storm water discharge permit.

2. Permit for the disposal site or method used for disposal of the sludge from the water treatment plant. At the present time the sludge is hauled to a City owned site for disposal. If this site is to continue to be used, a permit is required in order to comply with solid waste regulations.

Other options for disposal of sludges include use of the material as a part of the daily cover material at a municipal solid waste landfill, use as a soil amendment and conditioner in feedlots, and use as a soil conditioner in areas where soil pH values are below 7.

If the sludge disposal method is as a part of the daily cover material at the landfill, a permit to use alternate cover material must be obtained from the South Dakota DENR. The permit will require information on the physical and chemical characteristics of sludge. If sludge disposal is in a dedicated lime sludge disposal site, a permit is required for the site. Permits must be approved by the DENR. Permit review will include an assessment of potential impacts on surface water, ground water, wetlands, and other uses of the site. Groundwater monitoring requirements are site specific.

3. Future Use Permits and additional water rights The City of Aberdeen currently holds future use permits for 24.7 cfs of

water. One condition in this permit is that construction be completed to permit diversion of water at this rate by 1997. The need for improvements at the treatment plant and the records of actual water use indicate the priorities for capital improvements are in the area of treatment plant improvements rather than additional raw and finished water pumping capacity. Making treatment process improvements a higher priority means that it is highly unlikely that raw and treated water pumping capacity necessary to divert 24.7 cfs will be constructed by 1997 and fully operation by the year 2001. It is recommended that the City of Aberdeen request a renewal of the future use permit with a new date for completion of construction of the facilities necessary to divert water at the rates requested in the future use permit.

4. NPDES permits for overflow discharges from the sludge lagoons and filter washwater reclaim basin. Permits are required for any discharge to the "Waters of the United States." Facilities which are equipped with emergency overflow pipes can be permitted as non-discharging facilities. The purpose of the permit is to provide a reference and means for reporting an emergency discharge or overflow conditions.

9.05 Other Planning and Water Source Management Activities

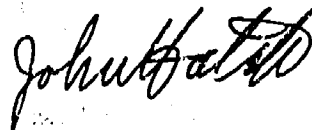
9.05.A. Water Quality Protection The water supply for Aberdeen is vulnerable to microbiological contamination. Presence of relatively large numbers of livestock in the drainage basin immediately upstream of the water treatment plant increases the risk of having Giardia cysts and Cryptosporidium oocysts in the water. Microscopic particulate analysis indicate large numbers of particles of the size of these cysts are present in the water. Presence of Cryptosporidium oocysts in the water has been confirmed on at least one occasion. One strategy for water quality protection is improvement of water quality conditions in the water supply area. This can include items such as zoning restrictions on land uses in the immediate vicinity of the river and impoundments that store and deliver water for potable use.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3427-3, City of Aberdeen

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. 3427-3, City of Aberdeen, PO Box 1420, Aberdeen SD 57402-1420.

The Chief Engineer is recommending that Future Use Permit No. 3427-3 REMAIN in EFFECT for 4,344 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3427-3, 2) the City of Aberdeen has demonstrated a reasonable need for the water reserved by Permit No. 3427-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 192-3 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 Aberdeen.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
January 20, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

Robin Bobzien, City Engineer
City of Aberdeen
PO Box 1420
Aberdeen SD 57402-1420

Dear Mr. Bobzien:

Future Use Permit Nos. 192-3 and 3427-3 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 American News (Phone 225-4100). For your information, copies of the recommendations of the Chief Engineer are 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 AUTHORIZER
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

American News
PO Box 4430
Aberdeen SD 57402-4430

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427-3 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 Aberdeen, c/o Robin Bobzien, City Engineer, PO Box 1420, Aberdeen SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. 192-3 & 3427-3

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 to Review Future Use Water Permits 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 Aberdeen is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 and 3427-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427-3 held by the City of Aberdeen, PO Box 1420, Aberdeen SD 57401 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. 192-3 and 3427-3.

Permit No. 192-3 was approved July 9, 1956 to reserve 11.0 cubic feet of water per second (cfs) from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427-3 was approved July 28, 1977 to reserve 10.0 cfs from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 & NW 1/4 Section 5; N 1/2 Section 6; NE 1/4 Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427-3 REMAIN in EFFECT for 4,344 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. 192-3 and 3427-3 at the Floyd Mathew 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 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 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. 192-3 and 3427-3 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.

(continued)

Notice of Hearing

Page 2

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

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

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

1. Alice Rentz

certify that the attached printed Notice was taken

from the Wednesday, February
11, 1998

printed and published in Aberdeen American/News

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 28, 1998 and
February 11, 1998

Cost of Printing \$91.58



Alice Rentz
(Signature)

Finian M. Loomis
(Title)

2. 4. 98
(Date Signed)

Pls. 0070 - Jan. 20, Feb. 4 - 27)
NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 192-3 AND 3427-3
It is given that the Water Management
Board will review Future Use Permit Nos. 192-
3 and 3427-3 held by the City of Aberdeen,
PO Box 1430, Aberdeen, SD 57201 for
progress made in the development of the
water reserved by the Permit and future plans
for development of the water reserved by Per-
mit Nos. 192-3 and 3427-3.
Permit No. 192-3 was approved July 9,
1966 to reserve 11.0 cubic feet of water per
second (cfs) from alluvium along the Elm River
located between Section 15-T1294-F63W and
Section 15-T1294-F63W for municipal use.
Permit No. 3427-3 was approved July 28,
1977 to reserve 10.0 cfs from the Elm Aquifer
located in the S 1/4 Section 4; S 1/4 & NW 1/4
Section 5; NE 1/4 Section 6; NE 1/4 Section 7; E
1/4 Section 8; W 1/4 Section 15 and NE 1/4
Section 16; all in T1294-F63W for municipal
use.
Pursuant to SDCL 46-1A-2 the Chief En-
gineer of the Water Rights Program recom-
mends that Permit No. 192-3 REMAIN in EF-
FECT for 8,823 acre-feet annually and Permit
No. 3427-3 REMAIN in EFFECT for 4,344
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.
192-3 and 3427-3 at the Floyd Mathew Train-
ing Center, Joe Foss Building, 523 E Capitol
Ave., 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 add-
ing qualifications; 3) cancel the permit for no
development or no planned future develop-
ment; or 4) take no action after it reaches a
conclusion based upon facts presented at the
public hearing. Any interested person who may
be affected by a Board decision and who
wishes 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, 1998.
The Chief Engineer's address is Water Rights
Program, Joe Foss Building, 523 E Capitol
Ave., Pierre, SD 57501 (605-773-5555) and the
permit holder's mailing address is given above.
The petitioner must be interested in the water
rights and must include a statement describing the petitioner's
interest in the future use permit, the reasons
for petitioner's opposition to or support of con-
tinuing the future use permit, and the signa-
ture 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. 192-3 and 3427-3 will be conducted pur-
suant to the provisions of SDCL 46-1-14, 46-2-
5, 46-2-6, 46-2-11, 46-5-38.1; Board Rules
R&SD 74.02.01.25.01 996 74.02.01.25.03 and
otherwise case proceedings contained in SDCL
1-26.
The 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. Taxes and other due
process rights will be forfeited if they are not
exercised. Decisions 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 recommendation, further information
on this permit, to share added to the hearing
by the handicapped or obtain an interpreter for
the hearing should contact Eric Gronlund, Water
Rights Program, (605-773-5555) by
February 16, 1998. The time of a hearing will
be automatically delayed for at least 30 days
upon written request of the permit owner or
any person who has filed a petition to oppose
or support cancellation of the Future Use Per-
mit. The hearing will be held on February 25, 1998
with Eric Gronlund, Secretary, Department of Envi-
ronment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

Robin Bobzien, City Engineer
City of Aberdeen
PO Box 1420
Aberdeen SD 57402-1420

Dear Mr. Bobzien:

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. 192-3 and 3427-3. The Board allowed Permit No. 192-3 to remain in effect for 3,823 acre-feet of water annually and Permit No. 3427-3 to remain in effect for 4,344 acre-feet of water annually. The permits are subject to another review in seven years.

Pursuant to SDCL 46-2-13(2), the fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$97.50 and No. 3427-3 is \$110.00. Please remit the fee (\$207.50 total) within 60 days.

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

Very truly yours,

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:

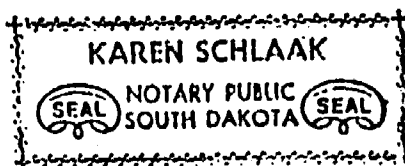
1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.

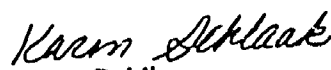


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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




Notary Public
KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT
Water Rights Program

South Dakota Department of Environment and Natural Resources

712 5
NO 415725

Pierre, _____

Apr 11 8, 19 98

RECEIVED OF City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420
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. 192-3 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 _____

97 50

(Any Other Work Provided by Law)

Total

97 50

By _____
Chief Engineer

John Hatch



192-3
**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

Robin Bobzien, City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

Dear Mr. Bobzien:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from ground-water from alluvium along the Elm River and Permit No. 3427A-3 from groundwater (Elm:North Brown Aquifer) which are held by the City of Aberdeen. 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 3,823 acre-feet remains in reserve under Future Use Permit No. 192-3. Future Use Permit No. 3427A-3 has 4,344 acre-feet remaining in effect. However, pending Application No. 6546-3 is proposing to develop 2,520 acre-feet of this amount. Application No. 6546-3, if approved, will reduce the amount remaining in reserve under Future Use Permit No. 3427A-3 to 1,824 acre-feet of water annually.

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 and any annual pumping records for the past three years.

Permit Nos. 192-3 and 3427A-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
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF ABERDEEN

12668 391 Ave.
Aberdeen, SD 57401-4215

WATER TREATMENT

(605) 626-7010

January 13, 2005

Karen Schlaak
Water Rights Program
SDDENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RECEIVED

JAN 18 2005

WATER RIGHTS
PROGRAM

RE: Future Use Permit 192-3 & Permit 3427A-3

Dear Ms. Schlaak:

Thank you for the reminder of the upcoming review of our groundwater Future Use Water Permits. As with all water providers, the City of Aberdeen attempts to anticipate the needs of the community. The ever-changing weather patterns that affect our surface water supply and the ever-increasing EPA regulations dictate that the City of Aberdeen request we be allowed to retain permits 192-3 and 3427A-3.

Justification for the continuation of these permits is the maximum water treatment plant production, expected future growth of the community and increasingly stringent EPA regulations of surface water.

Our Beneficial Water Use Application 6546-3, if granted, will provide a daily total of 2.25 MGD or three quarters of the average water used daily by the citizens of Aberdeen. If the quantity or quality of the water available from the Elm River, which is our main source of water, should change we will require additional ground water to meet the current minimum daily demand.

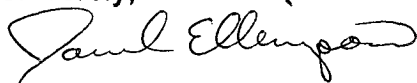
In addition the EPA, in the not to distant future, will require monitoring of influent water for Cryptosporidium which may, for us, be the deciding factor as to how much groundwater we blend with surface water. Our process up-grade will provide enhanced treatment but any new requirements will be based on untreated water and treatment options may be limited. Having water held in reserve through the Future Use Permits will insure the availability of a safe and secure water supply for the citizens of Aberdeen.

The upgrade of our treatment facility will give us the capability of producing 12 MGD with room for expansion up to 18 MGD. Our current operation plan is to use groundwater for $\frac{1}{3}$ - $\frac{1}{2}$ of our total daily flow. At a flow of 12 MGD we would require 4 - 6 MGD from wells resulting in the need for an additional 1.75 - 3.75 MGD to be converted to beneficial use. Allowing for no adjustments of our blend formula we would

need to convert 3.75 MGD from future use to beneficial use, which would leave us a minimum of 1.293 MGD or 1448 acre-feet in Future Use in reserve for a plant expansion.

It is the City of Aberdeen's respectful request that the Water Management Board of the State of South Dakota extend Future Use Permits 192-3 and 3427A-3. The water reserved by these permits provides a vital component in providing the Aberdeen community a consistent and constant quality water.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janel Ellingson".

Janel Ellingson
Temporary Superintendent
Aberdeen Water Works

attachment (1): Pumping Records 2002 -2004

pc: Mayor Levsen
Commissioner Forkel
Robin Bobzien

CITY OF ABERDEEN
WATER WORKS
3-YEAR PUMPING RECORDS

TOTAL EFFLUENT

	MG 2004	MG 2003	MG 2002
December	74.38	75.15	62.59
November	74.52	71.21	64.12
October	87.53	80.18	69.78
September	110.30	122.45	115.70
August	137.45	170.81	111.59
July	123.50	143.99	165.13
June	99.34	95.86	164.69
May	101.14	79.45	101.69
April	86.53	61.33	72.77
March	71.94	61.33	69.92
February	69.62	54.16	59.75
January	73.85	60.07	67.77
Year Total	1110.10	1076.00	1125.49
Daily Avg	3.04	2.95	3.08

MAX DIALY TOTAL

	MGD 2004	MGD 2003	MGD 2002
December	2.67	2.58	2.74
November	3.02	3.06	3.31
October	4.53	4.00	2.60
September	4.96	5.93	5.49
August	5.53	6.42	5.29
July	5.33	5.77	7.49
June	4.63	4.63	7.69
May	5.04	4.01	5.65
April	4.61	2.10	3.10
March	2.60	2.10	2.53
February	3.08	2.06	2.64
January	3.01	2.08	2.77
Max Avg	4.08	3.73	4.28

Prepared 1/13/05 by

Janel Ellingson

Janel Ellingson, Temporary Superintendent



**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
NO. 192-3, City of Aberdeen 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. 192-3, City of Aberdeen, 123 S Lincoln, Aberdeen SD.

The Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$97.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 18, 2004



192-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2005

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

Robin Bobzien, City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

Dear Mr. Bobzien:

Future Use Permit Nos. 192-3 and 3427A-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 American News (Phone #605 225-4100). For your information, a copy of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

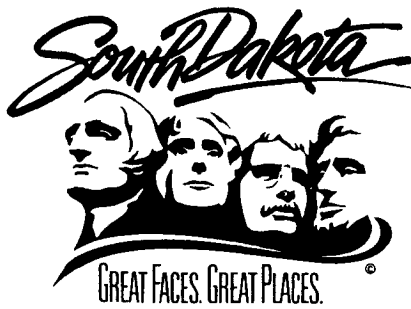
BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication 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

cc: Janel Ellingson, Temporary Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2005

American News
PO Box 4430
Aberdeen SD 57402-4100

Dear Sir:

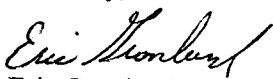
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427A-3 to be published twice. Please publish the first notice on January 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 Aberdeen, Robin Bobzien, City Engineer, 123 S Lincoln, Aberdeen SD 57401.

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 19, 2005 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427A-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 S Lincoln, Aberdeen SD 57401 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. 192-3 and 3427A-3.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S $\frac{1}{2}$ Section 4; S $\frac{1}{2}$ and NW $\frac{1}{4}$ Section 5; N $\frac{1}{2}$ Section 6; Section 8; E $\frac{1}{2}$ Section 9; W $\frac{1}{2}$ Section 15 and NE $\frac{1}{4}$ Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and 1,824 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. 192-3 and 3427A-3 at 10:00 am, March 2, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations 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. 192-3 and 3427A-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.

These hearings 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brown) SS

I, Mary Bastin

certify that the attached printed Notice was taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 27
February 4

Cost of Printing 73.98

Mary Bastin
(Signature)

Account Specialist
(Title)

2/4/05
(Date Signed)

(No. 1176295)
(Jan. 27, Feb. 4, 2005 - 2T)
NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 S Lincoln, Aberdeen SD 57401 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. 192-3 and 3427A-3.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from

alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and 1,824 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. 192-3 and 3427A-3 at 10:00 am, March 2, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations 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. 192-3 and 3427A-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.

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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. Pimer,

Secretary,

Department of Environment and Natural Resources.

RECEIVED

FEB - 8 2005

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2005

NOTICE

Robin Bobzien, City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

Dear Mr. Bobzien:

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. 192-3 and 3427A-3. The Board allowed the permits to remain in effect for 1,824 and 3,823 acre-feet of water annually. Future Use Permit Nos. 192-3 and 3427A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$97.50 and for Future Use Permit No. 3427A-3 is \$57.50 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$155.00 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

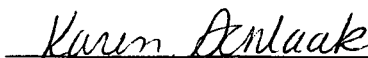
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225



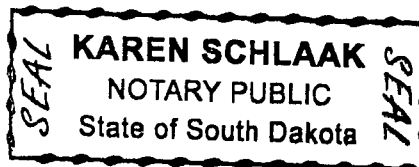
Eric Gronlund
Natural Resource Engineer
Water Rights

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 16, 2005

RECEIVED OF City of Aberdeen, 123 S Lincoln St., Aberdeen SD 57401-4215

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	97	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>102--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. _____	97.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

001800

By

Darlene Ebel
Chief Engineer *gm*



192-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2011

City of Aberdeen
Robin Bobzien, Public Works Director
123 S Lincoln St.
Aberdeen SD 57401

Dear Mr. Bobzien:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from groundwater from alluvium along the Elm River and Permit No. 3427A-3 from groundwater (Elm:North Brown Aquifer) which are held by the City of Aberdeen. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city.

Currently, our records show that 3,823 acre-feet remain in reserve under Permit No. 192-3 and 1,824 acre-feet remain in reserve under Permit No. 3427A-3. Both future use permits were last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permit. 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 acre-feet amounts remain in reserve on each permit, the total fee will be \$590.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CITY OF ABERDEEN

12668 391 Ave.
Aberdeen, SD 57401-4215

WATER TREATMENT

(605) 626-7010

December 20, 2011

Karen Schlaak
SDDENR Water Rights Program
523 East Capitol
Pierre, SD 57501-3181

RECEIVED

DEC 22 2011

**WATER RIGHTS
PROGRAM**

RE: Future Use Permit 192-3 & Permit 3427A-3

Dear Ms. Schlaak:

Thank you for the reminder of the upcoming review of our groundwater Future Use Water Permits. As with all water providers, the City of Aberdeen attempts to anticipate the needs of the community. Due to the ever-changing weather patterns that affect our surface water supply, changes to EPA regulations and the possibility of contamination the City of Aberdeen request to retain permits 192-3 and 3427A-3.

Justification for the continuation of these permits is maximum water treatment plant production, expected future growth of the community, stringent EPA regulations of surface water and the risk of contamination.

Water License No. 6546-3 allows for a daily total of 2.25 MGD or about three quarters of the average water used daily by the citizens of Aberdeen. If the quantity or quality of the water available from our main source, the Elm River, should change we will require additional ground water to meet the current minimum daily demand.

The 2006 process up-grade provided enhanced treatment and should see us well into the future; however, new regulatory mandates based on untreated water could cause source changes. Water held in reserve through the Future Use Permits will insure the availability of a safe and secure water supply for the citizens of Aberdeen.

Our treatment facility capability is 12 MGD with room for expansion up to 18 MGD. Our current operation uses groundwater for $\frac{1}{4}$ - $\frac{1}{3}$ of our total daily flow. A flow of 4 - 6 MGD from wells would be required to maintain that blend resulting in an additional 1.75 or 3.75 MGD to be converted to beneficial use. If we make no adjustments to our blend formula the conversion of 3.75 MGD from future use to beneficial use would be required resulting in a minimum of 1.293 MGD or 1448 acre-feet in Future Use in reserve.

It is the City of Aberdeen's respectful request that the Water Management Board of the State of South Dakota extend Future Use Permits 192-3 and 3427A-3. The water reserved by these permits provides a vital component in providing the Aberdeen community a continuous and constant quality water.

Sincerely,

Janel Ellingson
Superintendent
Aberdeen Water Works

attachment (1): Pumping Records 2005 -2010

pc: City Manager Lynn Lander
Robin Bobzien

CITY OF ABERDEEN
WATER WORKS

7-YEAR PUMPING RECORDS
TOTAL EFFLUENT

	MG 2010	MG 2009	MG 2008	MG 2007	MG 2006	MG 2005	MG 2004
December	61	61	59	61	55	79	74
November	61	62	62	60	62	78	75
October	80	67	67	78	82	94	88
September	91	91	94	107	108	125	110
August	153	124	124	144	168	153	137
July	123	122	165	177	206	160	124
June	86	104	116	94	158	103	99
May	78	101	65	83	110	102	101
April	73	61	97	69	84	85	87
March	68	64	64	69	77	73	72
February	62	58	64	58	70	67	70
January	72	61	65	66	73	77	74
Year Total	1007	977	1042	1065	1255	1196	1110
Daily Avg	2.76	2.68	2.85	2.92	3.44	3.28	3.04

MAX DIALY TOTAL

Highest
2nd highest

	MGD 2010	MGD 2009	MGD 2008	MGD 2007	MGD 2006	MGD 2005	MGD 2004
December	2.70	2.63	2.35	2.19	2.75	3.26	2.67
November	2.71	2.72	2.57	2.00	2.71	4.93	3.02
October	3.00	2.68	3.02	3.41	3.65	4.29	4.53
September	5.02	4.84	4.19	4.70	4.84	5.86	4.96
August	5.91	4.95	5.23	5.85	7.39	6.62	5.53
July	5.31	5.35	7.15	5.67	7.43	7.23	5.33
June	3.69	5.19	5.24	4.40	6.60	5.35	4.63
May	3.36	4.95	3.55	2.93	5.61	5.29	5.04
April	4.00	2.45	2.26	2.50	4.29	4.71	4.61
March	3.06	3.11	2.38	2.99	2.82	2.90	2.60
February	3.56	2.32	2.39	2.01	2.76	2.72	3.08
January	3.92	2.37	3.33	2.20	3.10	3.29	3.01
Max Avg	3.85	3.63	3.64	3.40	4.50	4.70	4.08



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3427A-3, City of Aberdeen

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. 3427A-3, City of Aberdeen, 123 S Lincoln, Aberdeen SD 57401.

The Chief Engineer is recommending that Future Use Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3427A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3427A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3427A-3 is subject to payment of the \$215.00 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 20, 2012



**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. 192-3, City of Aberdeen**

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. 192-3, City of Aberdeen, 123 S Lincoln, Aberdeen SD 57401.

The Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$375.00 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 20, 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 Aberdeen
Janel Ellingson, Supt, Aberdeen Water Works
123 S Lincoln
Aberdeen SD 57401

Dear Ms. Ellingson:

Future Use Permit Nos. 192-3 and 3427A-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 American News (Phone #605 225-4100). For your information, a copy of the Chief Engineer's recommendations are 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

American News
PO Box 4430
Aberdeen SD 57401

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427A-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 Aberdeen, Janel Ellingson, Supt. Aberdeen Water Works, 123 S Lincoln, Aberdeen SD 57401.

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. 192-3 and 3427A-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. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, c/o Janel Ellingson, Supt. Aberdeen Water Works, 123 S Lincoln St, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S ½ Section 4; S ½ and NW ¼ Section 5; N ½ Section 6; Section 8; E ½ Section 9; W ½ Section 15 and NE ¼ Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 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. 192-3 and 3427A-3 at 10:00 am on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations 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 permist, 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. 192-3 and 3427A-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 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 Permits. 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 _____.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Mary Bass being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Sept 14/30 8107

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

week for 3 successive weeks.

The first publication being made on the 1 day of Feb, 2012

The second publication being made on the 8 day of Feb, 2012

The third publication being made on the _____ day of _____, 2012

The fourth publication being made on the _____ day of _____, 2012

The fifth publication being made on the _____ day of _____, 2012

The sixth publication being made on the _____ day of _____, 2012

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; That the whole amount of the fee paid for the publication of the annexed notice is \$ 139.44, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Mary Bass

Subscribed and sworn to before me this 9 day of Feb, 2012

Daily Circulation 14000

Eric Gronlund

Notary Public, Brown County,

My commission expires March 20, 2013

(No. 1308107)
(Feb. 1, 8, 2012 - 27)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit

Nos. 192-3 and 3427A-3 held by the City of Aberdeen, c/o Janet Ellington, Supt. Aberdeen Water Works, 123 S Lincoln St. Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN IN EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN IN EFFECT for 1,824 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. 192-3 and 3427A-3 at 10:00 am on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations 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 petitioner's interest in the future use permits, 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. 192-3 and 3427A-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 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 Permits. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$139.44



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 Aberdeen
Janel Ellingson, Supt, Aberdeen Water Works
123 S Lincoln
Aberdeen SD 57401

Dear Ms. Ellingson:

The City of Aberdeen holds Future Use Permit Nos. 192-3 and 3427A-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,

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 Aberdeen
Janel Ellingson, Supt, Aberdeen Water Works
123 S Lincoln
Aberdeen SD 57401

Dear Ms. Ellingson:

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. 192-3 and 3427A-3. The Board allowed the permits to remain in effect for 3,823 acre-feet and 1,824 acre-feet of water annually. Future Use Permit Nos. 192-3 and 3427A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$375.00 and Permit No. 3427A-3 is \$215.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$590.00 within 60 days.

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

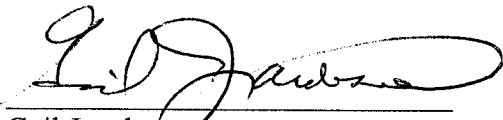
Sincerely,

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

CERTIFICATION

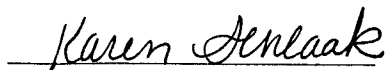
I hereby certify that on March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

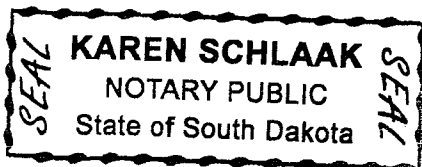
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, 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

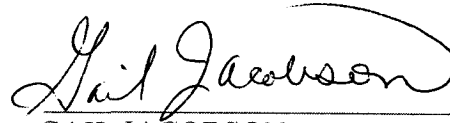
* INVOICE *

March 12, 2012
Invoice No. 312COA

City of Aberdeen
Sue Boynton
123 S Lincoln Ave
Aberdeen SD 57401

Future Use Water Permit Nos. 192-3 (\$375.00)
& 3427A-3 (\$215.00)

PLEASE PAY THIS AMOUNT: \$590.00


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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/29, 20 12

RECEIVED OF City of Aberdeen 123 S Lincoln St Aberdeen SD 57401

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	375	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>192-3</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. _____	375	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	375 00

No. **05393**

By Gustaf Erbe
Chief Engineer



192-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2018

City of Aberdeen
Robert Braun, Water Superintendent
123 S Lincoln St
Aberdeen SD 57401

Dear Mr. Braun:

I am writing in regard to the seven year review of Future Use Water Permit No. 192-3 from alluvium along the Elm River and Permit No. 3427A-3 from the Elm:North Brown Aquifer which are held by the City of Aberdeen. 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 3,823 acre-feet remain in reserve under Permit No. 192-3 and 1,824 acre-feet remain in reserve under Permit No. 3427A-3. Both future use permits were last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permit. 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 acre-feet amounts remain in reserve on each permit, the total fee will be \$590.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CITY OF ABERDEEN

12668 391 Ave
Aberdeen, South Dakota 57401-4215

Aberdeen Water Works
PHONE: (605) 626-7011
FAX: (605) 626-3507

December 28, 2018

Karen Schlaak
SDDENR Water Rights Program
523 East Capitol
Pierre, SD 57501-3181

RECEIVED

JAN 04 2019

**WATER RIGHTS
PROGRAM**

RE: Future Use Permit 192-3 & Permit 3427A-3

Dear Ms. Schlaak:

The City of Aberdeen attempts to anticipate the needs of the community. Due to the ever-changing weather patterns that affect our surface water supply, changes to EPA regulations and the possibility of contamination, the City of Aberdeen requests retention of permits 192-3 and 3427A-3.

Justification for the continuation of these permits includes maximum water treatment plant production, expected future growth of the community, stringent EPA regulations of surface water, and the risk of contamination.

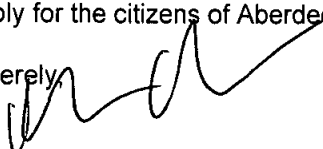
Water License No. 6546-3 allows for a daily total of 2.25 MGD or about three quarters of the average water used daily by the citizens of Aberdeen. If the quantity or quality of the water available from our main source, the Elm River, should change, we will require additional ground water to meet the current minimum daily demand.

Our treatment facility capability is 12 MGD with room for expansion up to 18 MGD. Our current operation uses groundwater for $\frac{1}{4}$ - $\frac{1}{3}$ of our total daily flow. A flow of 4 - 6 MGD from wells would be required to maintain that blend resulting in an additional 1.75 or 3.75 MGD to be converted to beneficial use. If we make no adjustments to our blend formula, the conversion of 3.75 MGD from future use to beneficial use would be required resulting in a minimum of 1.293 MGD, or 1448 acre-feet, in Future Use in reserve.

The City of Aberdeen and USGS recently completed a revised groundwater-Flow Model. The City has been working with Wenck engineering to evaluate the current supplies and identify where we should look to develop future wells. In 2013 and 2017 the City nearly drained the Willow Reservoir to meet demand due to dry conditions and the trend is calling for increased demands for drinking water. With continued population & industrial growth, the City of Aberdeen will continue to need increasing amounts of water that these future use permits will help to satisfy.

It is the City of Aberdeen's respectful request that the Water Management Board of the State of South Dakota extend Future Use Permits 192-3 and 3427A-3. The water reserved by these permits provides a vital component in providing the Aberdeen community a continuous and constant quality water. Water held in reserve through the Future Use Permits will insure the availability of a safe and secure water supply for the citizens of Aberdeen.

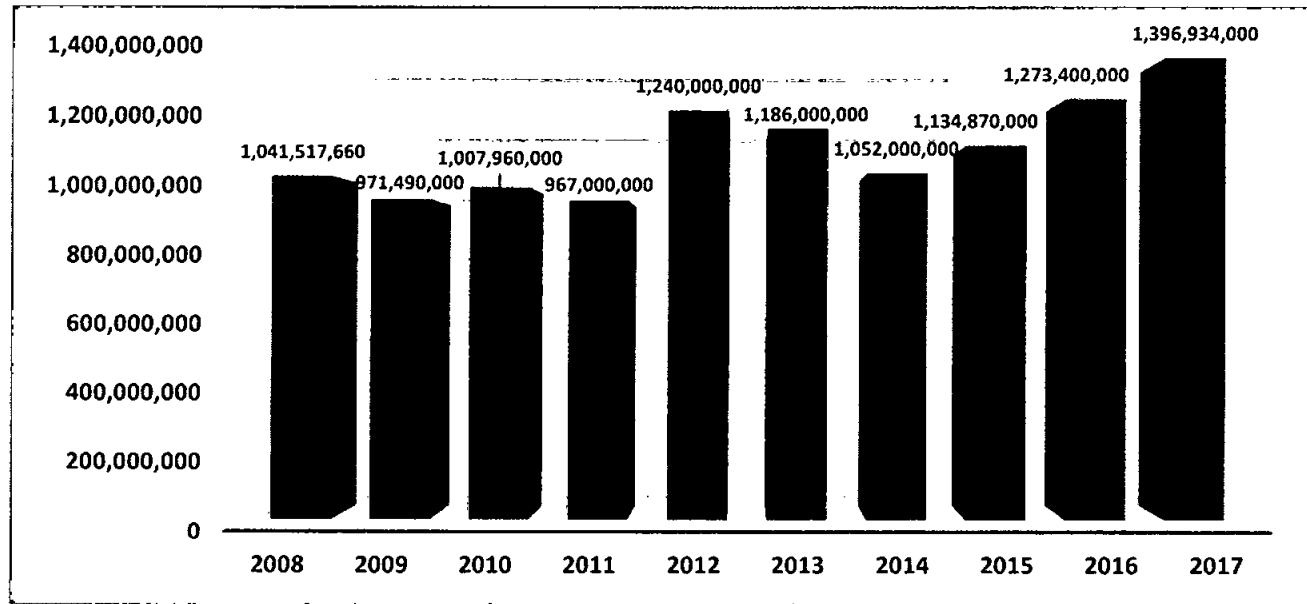
Sincerely,


Robert Braun
Superintendent
Aberdeen Water Works

attachment (1): Pumping Records 2008 -2017

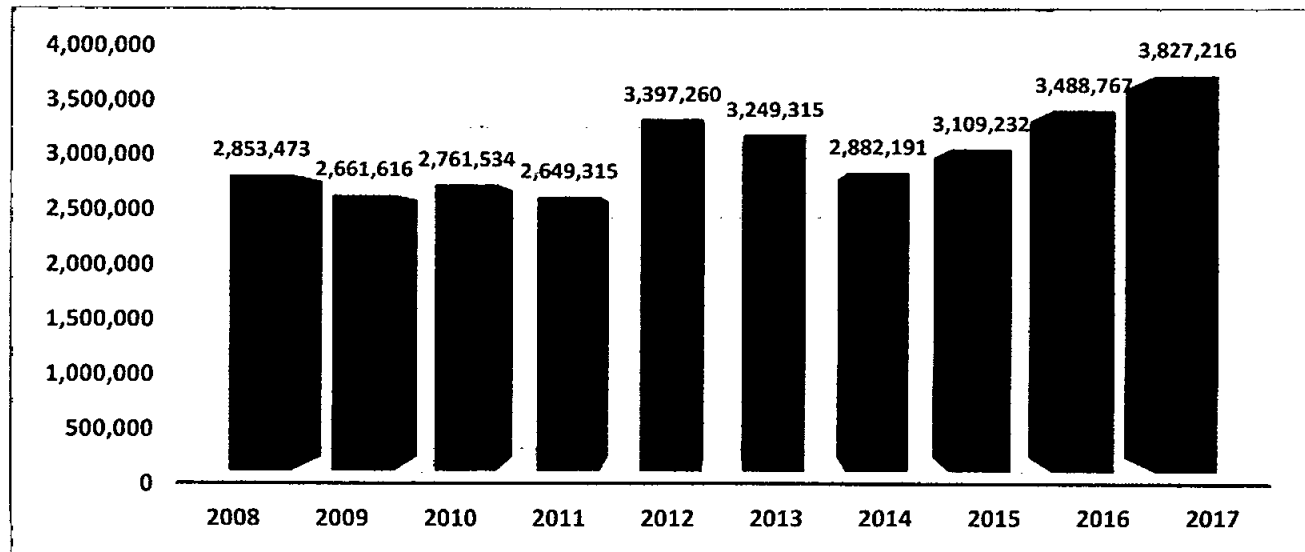
Annual Gallons of Water Pumped from Water Treatment Plant

2008	1,041,517,660
2009	971,490,000
2010	1,007,960,000
2011	967,000,000
2012	1,240,000,000
2013	1,186,000,000
2014	1,052,000,000
2015	1,134,870,000
2016	1,273,400,000
2017	1,396,934,000



Average Daily Gallons of Water Pumped From Water Treatment Plant

2008	2,853,473
2009	2,661,616
2010	2,761,534
2011	2,649,315
2012	3,397,260
2013	3,249,315
2014	2,882,191
2015	3,109,232
2016	3,488,767
2017	3,827,216



City of Aberdeen: WATER TREATMENT

Performance Measures	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Actual 2017
	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water
Treated (Raw)	1,470,000,000	1,398,000,000	1,270,000,000	1,349,140,000	1,506,700,000	1,663,400,000
Effluent (Produced)	1,240,000,000	1,186,000,000	1,052,000,000	1,134,870,000	1,273,400,000	1,396,934,000
Sludge (Produced)	229,740,000	211,830,000	218,091,000	214,270,000	233,300,000	266,466,000
River	1,177,000,000	1,201,000,000	1,056,000,000	1,087,780,000	1,226,190,000	1,361,650,000
Wells	281,000,000	197,000,000	218,000,000	178,930,000	195,684,000	213,384,000
Reclaim	71,000,000	85,000,000	80,000,000	82,430,000	84,847,000	86,864,000
Manual Discharge from Lakes	588,000,000	711,000,000	179,000,000	298,020,000	280,000,000	1,098,000,000
Maple Diversion Pumped into Willow			475,000,000			

Schlaak, Karen

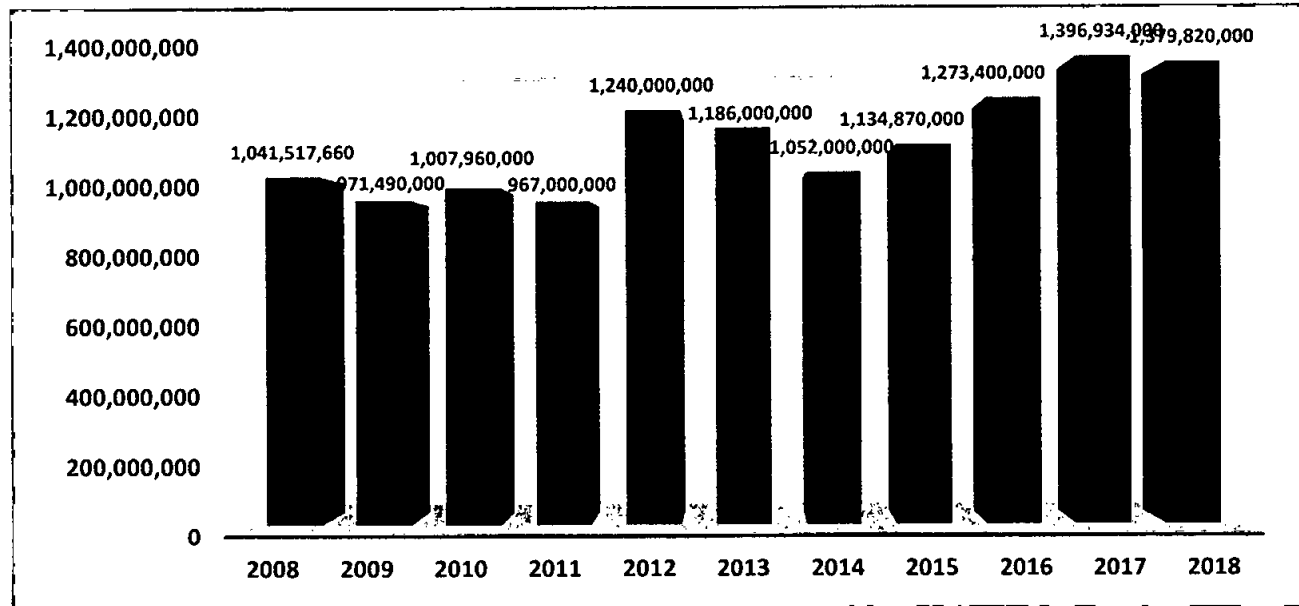
From: Bob Braun <bob.braun@aberdeeen.sd.us>
Sent: Friday, January 11, 2019 3:30 PM
To: Schlaak, Karen
Subject: [EXT] Water rights update
Attachments: 2018 water pumped records.doc; Copy of Annual Daily Gallons of Water Pumped from Water Treatment Plant (00031949xDCD92).xlsx

I have attached the updated water reports, the date I mailed the other letter 2018 wasn't completed yet. I am new to all this so let me know what else I need to do.

Bob Braun
Superintendent
Aberdeen Water Treatment Plant
bob.braun@aberdeeen.sd.us
605-626-7074

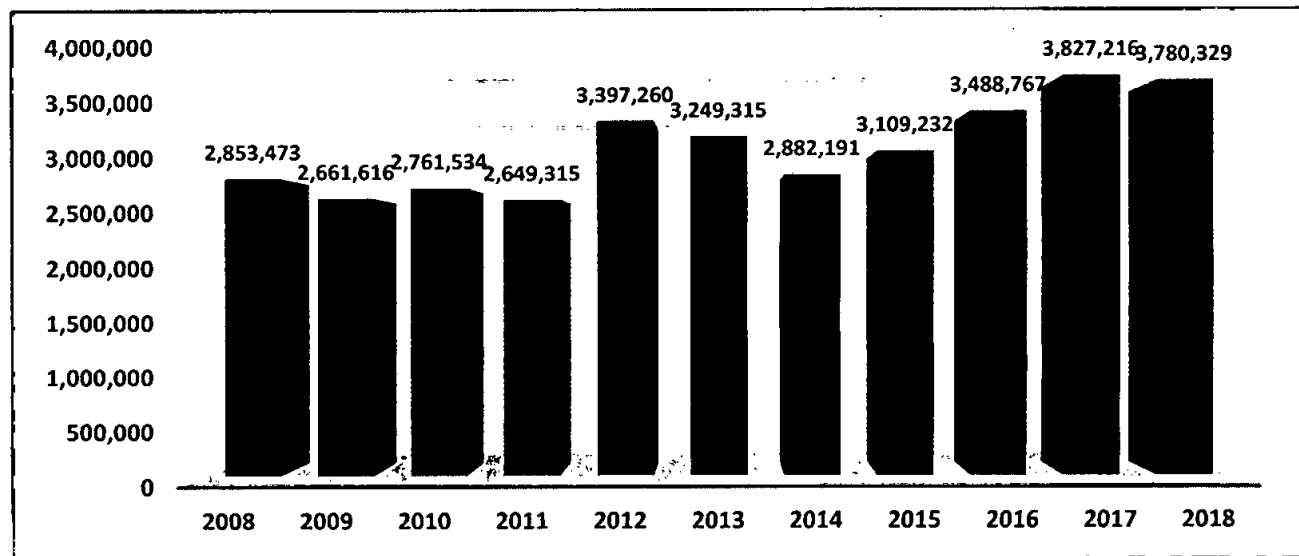
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2015	1,134,870,000
2016	1,273,400,000
2017	1,396,934,000
2018	1,379,820,000



Average Daily Gallons of Water Pumped From Water Treatment Plant

2008	2,853,473
2009	2,661,616
2010	2,761,534
2011	2,649,315
2012	3,397,260
2013	3,249,315
2014	2,882,191
2015	3,109,232
2016	3,488,767
2017	3,827,216
2018	3,780,329



City of Aberdeen WATER TREATMENT

Performance Measures	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Actual 2018
	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water	Gallons of Water
Treated (Raw)	1,470,000,000	1,398,000,000	1,270,000,000	1,349,140,000	1,506,700,000	1,663,400,000	1,627,000,000
Effluent (Produced)	1,240,000,000	1,186,000,000	1,052,000,000	1,134,870,000	1,273,400,000	1,396,934,000	1,379,820,000
Sludge	229,740,000	211,830,000	218,091,000	214,270,000	233,300,000	266,466,000	247,180,000
River	1,177,000,000	1,201,000,000	1,056,000,000	1,087,780,000	1,226,190,000	1,361,650,000	1,162,000,000
Wells	281,000,000	197,000,000	218,000,000	178,930,000	195,684,000	213,384,000	391,179,000
Reclaim	71,000,000	85,000,000	80,000,000	82,430,000	84,847,000	86,864,000	72,835,500
Manual Discharge from Lakes	588,000,000	711,000,000	179,000,000	298,020,000	280,000,000	1,098,000,000	292,566,667
Maple Diversion Pumped into Willow			475,000,000				312,120,000 Not final



**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
NO. 192-3, City of Aberdeen**

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. 192-3, City of Aberdeen, 123 Lincoln St, Aberdeen SD 57401

The Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$375.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 11, 2019



**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
NO. 3427A-3, City of Aberdeen**

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. 3427A-3, City of Aberdeen, 123 Lincoln St, Aberdeen SD 57401

The Chief Engineer is recommending that Future Use Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3427A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3427A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3427A-3 is subject to payment of the \$215.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 11, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2019

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

City of Aberdeen
Robert Braun, Aberdeen Water Works
123 Lincoln St
Aberdeen SD 57401

Dear Mr. Braun:

Future Use Permit Nos. 192-3 and 3427A-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 Aberdeen American News (225-4100). For your information, copies of the Chief Engineer's recommendations are 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 January 23, 2019. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

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

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA}

FEB 11 2019

COUNTY OF BROWN}

§

WATER RIGHTS
PROGRAM

(No. 009186)
(January 23, 2019 - 17)

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 192-3 and 3427A-3

Carla Pomroy being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed

Legal # 609186

Notice of Hearing to Review

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day

The first publication being made on the 23rd day of Jan., 2019.

The second publication being made on the _____ day of _____, 2019.

The third publication being made on the _____ day of _____, 2019.

The fourth publication being made on the _____ day of _____, 2019.

The fifth publication being made on the _____ day of _____, 2019.

The sixth publication being made on the _____ day of _____, 2019;

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; That the whole amount of the fee paid for the publication of the annexed notice is \$ 80.94, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Pomroy

Subscribed and sworn to before me this 23rd day of Jan., 2019.

Daily Circulation 10,000

Amick

Notary Public, Brown County

My commission expires March 20, 2019

Notice is given that the Water Management Board will review Future Use Permit No. 192-3 and 3427A-3 held by the City of Aberdeen, c/o Robert Braun, Supt. Aberdeen Water Works, 123 S Lincoln St, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

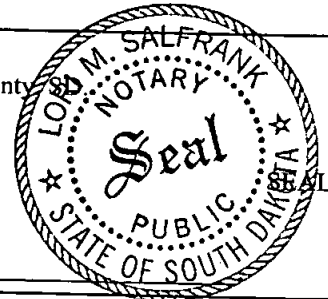
Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 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. 192-3 and 3427A-3 at 10:30 am on March 6, 2019 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 22, 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 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 No. 192-3 and 3427A-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 February 22, 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 February 22, 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 February 4, 2019. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$80.94.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 9:54 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 192-3, City of Aberdeen
Attachments: 192-3fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 23, 2019.

City of Aberdeen, c/o Robert Braun, Aberdeen Water Works, 123 Lincoln St, Aberdeen SD 57401 (605 626-7011) 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



Instruction to Newspaper - Publish the following Notice on January 23, 2019. The City of Aberdeen is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit No. 192-3 and 3427A-3 held by the City of Aberdeen, c/o Robert Braun, Supt, Aberdeen Water Works, 123 S Lincoln St, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 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. 192-3 and 3427A-3 at 10:30 am on March 6, 2019 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 22, 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 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 No. 192-3 and 3427A-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 February 22, 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 February 22, 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 February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2019

NOTICE OF ENTRY OF ORDER

City of Aberdeen
Robert Braun, Water Superintendent
123 S Lincoln St
Aberdeen SD 57401

Dear Mr. Braun:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2019 to review Future Use Permit Nos. 192-3 and 3427A-3. The Board allowed Permit No. 192-3 to remain in effect for 3,823 acre-feet of water annually and Permit No. 3427A-3 to remain in effect for 1,824 acre-feet annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$375.00 and for No. 3427A-3 is \$215.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$590.00 within 60 days.

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

Sincerely,

A handwritten signature in black ink that reads 'Jeanne Goodman'. The signature is fluid and cursive, with a long horizontal stroke at the end.

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

CERTIFICATION

I hereby certify that on March 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2019 regarding Notice of 1780-2, 192-3, 3427A-3, 217-3, 1598-3, 448-3, 2042-3, 549-3, 1218-3, 2107-3, 4927-3, 6988-3 and 6988A-3 addressed as stated below:

City of New Underwood, Tim Hall, Public Works Director, PO Box 278, New Underwood , SD
57761

City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen, SD 57401

Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588,
Brookings, SD 57006-0588

City of Sioux Falls, Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls, SD 57117-7402

City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank, SD 57552

Watertown Municipal Utilities, Jeff Deville, Water Superintendent, 901 4th Ave SW, Watertown, SD 57201

Clark Rural Water System, Terry Kaufman, Manager, PO Box 162, Clark, SD 57225

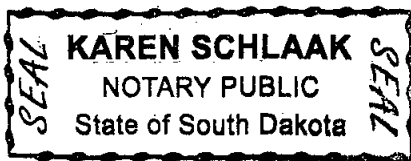
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268

Vickie Maberry
Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 19.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 21, 20 19

RECEIVED OF City 66 Aberdeen 123 S Lincoln St Aberdeen SD 57401-4215

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	375	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>192-3</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	375 00

No. **09098**

By

Jeanne Goodman
Chief Engineer
Jgm



**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 Aberdeen
c/o Jordan McQuillen
123 S Lincoln Street
Aberdeen SD 57401

Dear Mr. McQuillen,

I am writing regarding the seven-year review of Future Use Water Permit No. 192-3 from the alluvium along the Elm River and Permit No. 3427A-3 from the Elm: North Brown Aquifer which are held by the City of Aberdeen. 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 3,823 acre-feet remain in reserve under Permit No. 192-3 and 1,824 acre-feet remain in reserve under Permit No. 3427A-3. Both future use permits were 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 acre-feet amounts remain in reserve on each permit, the total fee will be \$590.00.

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: Stu Nelson <stu.nelson@aberdeen.sd.us>
Sent: Tuesday, January 13, 2026 4:51 PM
To: Rodriguez, Rachel
Subject: [EXT] Future Water Use Permits 192-3 & 3427A-3
Attachments: FUTURE WATER USE PERMIT EXTENSION LETTER SDDANR.docx

Dear Rachel,

Please see the attached letter. Thank you.



Stuart Nelson, PE, CFM

Public Works Director/City Engineer | City of Aberdeen

Office 605-626-7011

Web www.aberdeen.sd.us Email stu.nelson@aberdeen.sd.us

123 South Lincoln Street, Aberdeen, SD 57401



City of
ABERDEEN
PUBLIC WORKS DEPARTMENT
STUART NELSON, PE, CFM

123 South Lincoln Street
Aberdeen, SD 57401
Office 605-626-7011
stu.nelson@aberndeen.sd.us
www.aberndeen.sd.us

January 13, 2026

Rachel Rodriquez
SD Department of Agriculture and Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Re: Future Water Use Permits 192-3 and 3427A-3 held by the City of Aberdeen, SD

Dear Ms. Rodriquez:

Currently the City of Aberdeen holds the above-referenced future Water Use Permits for water held in reserve to help meet the City's growing water supply needs. It is the purpose of this letter to state the City's intent to retain these permits. The reasons the City would retain the permits are outlined as follows:

Aberdeen has recently conducted two studies, the 2020 Water Treatment Plant Facility Plan from HR Green, Inc; and the 2021 Bartlett and West Transmission Supply Project Engineering Report. Both of these documents indicate the City of Aberdeen needs a stable water supply that can grow to meet the needs of a growing population and for purposes of economic expansion. The City has also seen increasing year-over-year demand for water based on production records from the water treatment plant. The City is actively participating in the Water Infrastructure in Northern South Dakota partnership (WINS) to bring Missouri River water to the region, but connection to this system is a minimum of five years in the future. Additionally, Aberdeen's population is projected to grow by approximately 7000 people by 2045. Based on these factors, Aberdeen's water needs are projected to see a 6.5 MGD increase over the next 20 years.

Therefore, Aberdeen requests future Water Use Permits 193-3 and 3427A-3 continue to be retained by the City.

Please feel free to reach out if you need additional information. Thank you for your consideration.

Sincerely,

Stuart Nelson, PE, CFM
Public Works Director/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
NO. 192-3, City of Aberdeen**

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 No. 192-3, City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401.

The Acting Chief Engineer is recommending that Future Use Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 192-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 192-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 192-3 is subject to payment of the \$ 375.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
January 20, 2026



**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
NO. 3427A-3, City of Aberdeen**

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 No. 3427A-3, City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401.

The Acting Chief Engineer is recommending that Future Use Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3427A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3427A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3427A-3 is subject to payment of the \$ 215.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
January 20, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2026

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

City of Aberdeen
c/o Stuart Nelson
123 South Lincoln Street
Aberdeen SD 57401

Dear Mr. Nelson:

Future Use Permit Nos. 192-3 and 3427A-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 these reviews have been sent to the Aberdeen American News. 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 January 29, 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 January 29, 2026. The City of Aberdeen is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 and 3427A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 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 Ron Duvall 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. 192-3 and 3427A-3 on March 4, 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 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 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 February 9, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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. 192-3 and 3427A-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 Permit. The request for a delay must be filed with the Acting Chief Engineer by February 9, 2026.

Any interested person may file a comment on the future use permit 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 February 9, 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 February 9, 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 _____.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol AVE
Pierre SD 57501-3182

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FEB 03 2026

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

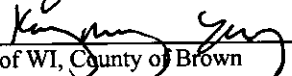
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers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

01/29/2026

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 01/29/2026



Legal Clerk



Notary, State of WI, County of Brown

6-3-29

My commission expires

Publication Cost:	\$88.40	
Tax Amount:	\$0.00	
Payment Cost:	\$88.40	
Order No:	12024559	# of Copies:
Customer No:	556228	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. 192-
3 and 3427A-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427A-3 held by the City of Aberdeen, 123 South Lincoln Street, Aberdeen SD 57401 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 192-3 was approved in 1956 and currently reserves 3,823 acre-feet from alluvium along the Elm River located between Section 19-T125N-R63W and Section 15-T124N-R63W for municipal use.

Permit No. 3427A-3 was approved in 1974 and currently reserves 1,824 acre-feet from the Elm Aquifer located in the S 1/2 Section 4; S 1/2 and NW 1/4 Section 5; N 1/2 Section 6; Section 8; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16; all in T124N-R63W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 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 Ron Duvall 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. 192-3 and 3427A-3 on March 4, 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 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 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

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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 February 9, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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. 192-3 and 3427A-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.

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

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Published Jan 29, 2026 at the total approximate cost of \$88.40 and may be viewed free of charge at www.sdpublicnotices.com

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FEB 03 2026

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WATER

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, January 22, 2026 1:10 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12024559 192-3 & 3427A-3 City of Aberdeen - Public Notice
Attachments: 12024559.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on January 29. The order cost is \$88.40 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Tuesday with any changes.

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: Thursday, January 22, 2026 12:55 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12024559 192-3 & 3427A-3 City of Aberdeen - Public Notice

Attached is a notice to be published on January 29, 2026.

City of Aberdeen, c/o Stuart Nelson, 123 South Lincoln Street, Aberdeen SD 57401,
stu.nelson@aberdeen.sd.us 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, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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



Order Confirmation
Not an Invoice

Account Number:	556228
Customer Name:	Aberdeen City Auditor-Legals
Customer Address:	Aberdeen City Auditor-Legals 123 S Lincoln St ABERDEEN SD 57401-4215
Contact Name:	Aberdeen City Auditor-Legals
Contact Phone:	6056267012
Contact Email:	
PO Number:	

Date:	01/22/2026
Order Number:	12024559
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	278.0000
Height in Inches:	30.6800

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	01/29/2026 - 01/29/2026	Govt Public Notices
ABD aberdeennews.com	1	01/29/2026 - 01/29/2026	Govt 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	\$88.40
Tax Amount	\$0.00
Service Fee 3.99%	\$3.53
Cash/Check/ACH Discount	-\$3.53
Payment Amount by Cash/Check/ACH	\$88.40
Payment Amount by Credit Card	\$91.93

Order Confirmation Amount
\$88.40

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, January 23, 2026 8:39 AM
To: stu.nelson@aberndeen.sd.us
Subject: 192-3 & 3427A-3 City of Aberdeen - Public Notice
Attachments: 192-3 & 3427A-3 Rec.pdf; 192-3&3427A-3 Ltr.pdf; 192-3&3427A-3 PubNotice.pdf; Aberdeen News Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for the future use review permits. As stated in the letter, please contact the paper 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





**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

March 5, 2026

City of Aberdeen
c/o Stuart Nelson
123 South Lincoln Street
Aberdeen SD 57401

Dear Mr. Nelson,

I am writing in response to action taken by the Water Management Board at the hearing on March 4, 2026, to review Future Use Permit Nos. 192-3 and 3427A-3. The Board allowed Permit No. 192-3 to remain in effect for 3,823 acre-feet of water annually and Permit No. 3427A-3 to remain in effect for 1,824 acre-feet of water annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$375.00 and for No. 3427A-3 is \$215.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the total fee of \$590.00 within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated March 5, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Future Use Permit holders on March 5, 2026.

FU Nos. 192-3 & 3427A-3

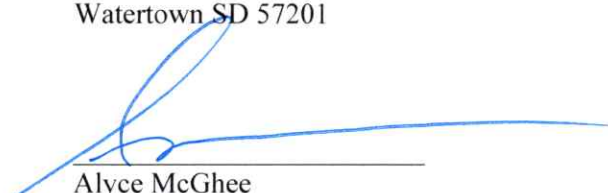
City of Aberdeen
c/o Stuart Nelson
123 S Lincoln St
Aberdeen SD 57401

FU No. 1833-2

Weston Heights HOA
c/o Katheryn Patterson
6410 Jennifer St
Rapid City SD 57701

FU Nos. 1218-3 & 2107-3

Watertown Municipal Utilities
c/o Wayne Lovelis
901 4th Ave SW
Watertown SD 57201



Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of March, 2026.



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.: 192-3

Name of Applicant: City of Aberdeen, Stuart Nelson

Date of Posting: 1/26/2026

Date of Removal: 3/5/2026

Amanda Dewell, Permitting Administrator

4/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of April, 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 April 13, 2026

RECEIVED OF c/o Stuart Nelson 123 South Lincoln Street Aberdeen SD 57401

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>192-3</u> after period of seven years.	<u>\$375.00</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>\$375.00</u>

Ⓟ

By

Adam Mathiswetz

Chief Engineer