

1. Considered ● MARCH 20, 1974
2. Name of Applicant CITY OF SIOUX FALLS
3. Post Office Address _____
4. Amount of water claimed 65.0
5. Source of water supply MISSOURI RIVER
6. Water to be used for FUTURE MUNICIPAL USE

Acres to be irrigated _____

7. Water to be diverted and used in _____ County
about BETWEEN CHAMBERLAIN & E OF YANKTON
Miles of

8. Proof of Publication Received 3-15-74

Not received _____

9. Application Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. 2042-3
Map No. 1448-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

FUTURE USE
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 SIOUX FALLS
Postoffice address City Hall, 224 W. 9th St., State South Dakota 57102
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Undetermined
4. Amount of water claimed (cubic feet per second) 65 cfs
5. Source of water supply Missouri River
6. Location of point of diversion Undetermined pending completion of feasibility study. (Near Yankton or Chamberlain) BETWEEN A POINT IN SECTION 21, T104N, R71W (BRULE Co.) AND A POINT IN SECTION 34, T93N, R54W (YANKTON Co.)
County _____
7. Annual period or periods during which water is to be used Yearly
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal & Industrial
9. For irrigation use, _____ Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Undetermined years. Additional time required to complete application of water to the proposed beneficial use Undetermined years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Argus-Leader
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Intake and Pumping Station

B. Works proposed to transport water to place of use.

Additional pumping stations and underground pipeline.

C. Works proposed to apply water to beneficial use.

Treatment, storage, and piping

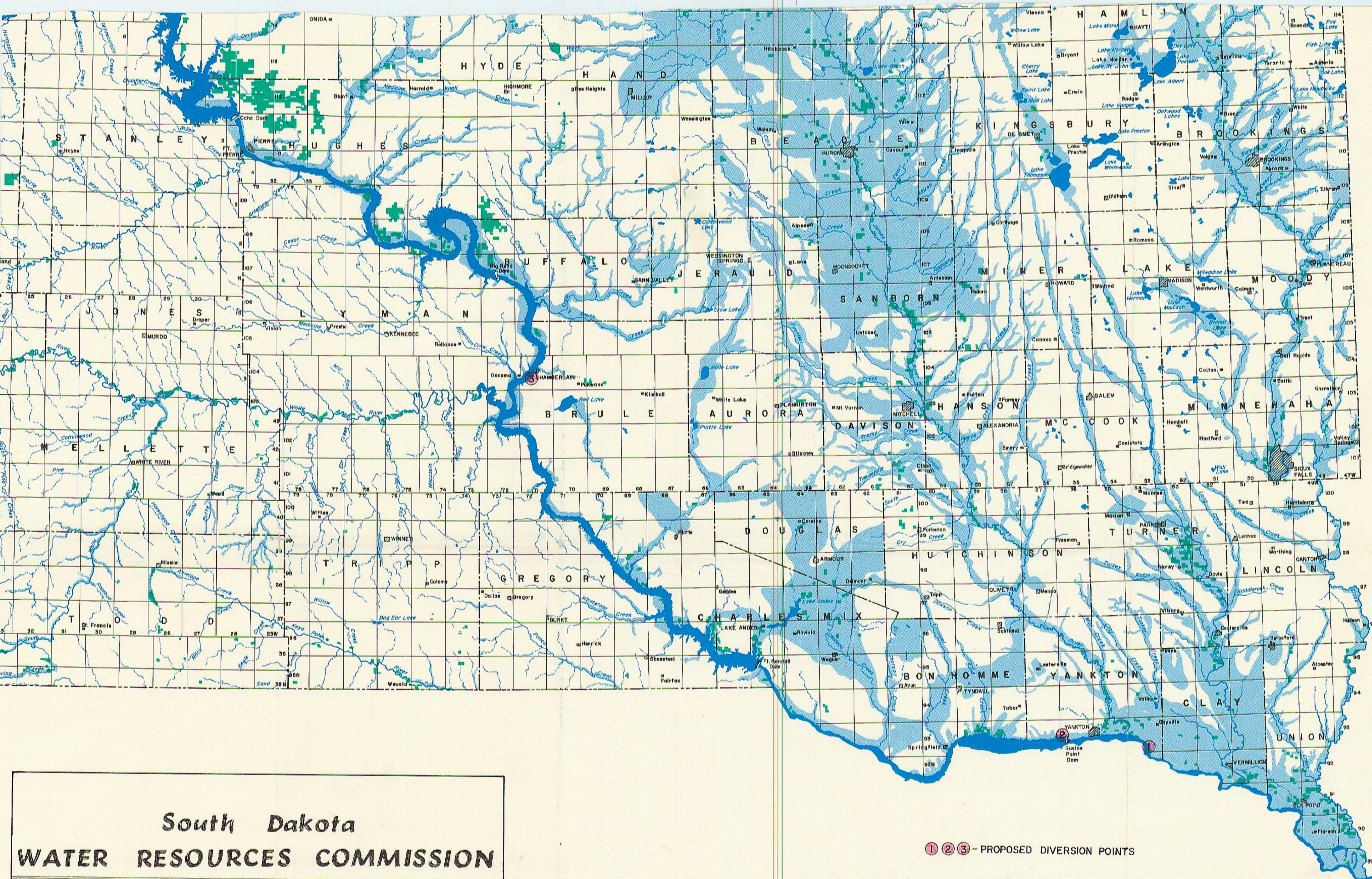
Estimated Total Cost \$ 30,000,000 +

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

I, _____ the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed ME Schumacher
Subscribed and sworn to before me this 26 day of December, 1973
Clara M. Gies
Notary Public (or other qualified officer)
MY COMMISSION EXPIRES
JULY 1, 1981



① ② ③ - PROPOSED DIVERSION POINTS

APPLICATION FOR PROPOSED DIVERSION OF WATER
CITY OF SIOUX FALLS
FEBRUARY 6, 1974

South Dakota WATER RESOURCES COMMISSION

TITLE: SURFACE AND GROUND
WATER SOURCES AND
IRRIGATION DEVELOPMENT

DRAWN: BURTON F. JONES 7-1-1965
CHECKED: DONALD DRISCOLL 7-1-1965
APPROVED: J.W. GRIMES 7-1-1965
DRAWING NO. 1 PAGE NO. 1

REVISIONS		
DRAWN	APPROVED	DATE
B.F. JONES	J.W. GRIMES	7-1-1969

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2042-3CITY OF SIOUX FALLS

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

THIS IS A PERMIT TO WITHDRAW WATER FOR FUTURE USE,
AND SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THIS
APPROPRIATION MUST BE SUBMITTED AT SUCH TIME
AS THE WORKS ARE TO BE CONSTRUCTED.

SEE ATTACHMENT "A"

Date of first receipt of application DECEMBER 28, 19 73Date of return to applicant for correction, amendments or charges required JANUARY 22, 19 74Date of receipt of corrected application FEBRUARY 11, 19 74Approved MARCH 20, 19 74, Recorded in Book 12 Page 327WATER RIGHT PERMIT NO. 2042-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2042-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 28, 19 732. ~~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 19 743. ~~The whole of said work is to be completed on or before~~ WHEN THE WORKS ARE TO BE CONSTRUCTED 19 744. ~~The limit of time from proof of beneficial use of water appropriated in accordance herewith is~~ 19 745. The water appropriated shall be used for the purpose of MUNICIPAL USE

6. 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.

7. The amount of the appropriation herein granted shall not exceed 65.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~ USED FOR MUNICIPAL PURPOSES actually and beneficially ~~applied for irrigation~~ SAME AS ABOVE on or before 1974; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 22ND day of MARCH, 19 74

WATER RESOURCES COMMISSION

By:

Donald Driscoll

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Publish first publication, on or before

March 7, 1974

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501
February 11, 1974

Notice is hereby given that the City of Sioux Falls, 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 use 65.0 cubic feet of water per second of time from the Missouri River, the point of diversion of which is to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County). Said water to be used for the purpose of future water development by the City of Sioux Falls.

This application No. 2042-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of March, 1974, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

BURTON F. JONES, Water Rights Specialist

cc: Les Hash, Superintendent, Sioux Falls Water Department, City Hall, 224 West 9th Street, Sioux Falls, S.D. 57102

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Eleanor Tague hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sioux Falls Argus Leader

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 Sioux Falls

County of Minnehaha and State of South Dakota;
that the said notice was published in said newspaper on the following
~~four~~ dates:
two

March 7, 1974 Thursday

March 14, 1974 Thursday

Eleanor Tague
(Signature)

Clerk

(Title)

March 14, 1974

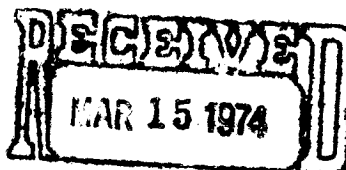
(Date Signed)

No. 2042-3
NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota
57501

February 11, 1974
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provisions of the water laws of South
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the point of diversion of which is to be
located between points in Section 21,
T104N, R71W (Brule County) and a point in
Section 34, T93N, R54W (Yankton County).
Said water to be used for the purpose of
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Sioux Falls.

This application No. 2042-3 will be
considered by the Water Rights Com-
mission at their office at Pierre upon the
20th day of March, 1974, at 2:30 P.M. All
interested persons may appear and be
heard.

WATER RIGHTS COMMISSION
CUSTON P. JONES,
Water Rights Specialist
March 7, 14, 1974



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

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 10, 1984

RE: Future Use Permits No.
448-3, 449-3 & 2042-3

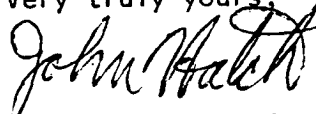
Rick W Knobe, Mayor
City of Sioux Falls
224W 9th St
Sioux Falls SD 57102

Dear Mayor Knobe:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Sioux Falls Future Use Water Permits No. 448-3, 449-3 & 2042-3. The Board continued Permits Nos. 448-3, 449-3 & 2042-3 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 448-3 & 2042-3 will be subject to review after seven years and Permit No. 449-3 will be subject to review after three and a half 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: Manfred Azameit, Finance Officer
Richard Willer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 2042-3

CITY OF SIOUX FALLS

Future Use Permit No. 2042-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualification:

- a) Permit No. 2042-3 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.

**South Dakota 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: Rick W Knobe, Mayor, City of Sioux Falls

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

SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 448-3, 449-3 and 2042-3

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 448-3, 449-3 and 2042-3 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. 448-3, 449-3 2042-3 at 1:30 pm, November 30, 1983, Joe Foss Building, Room 216, Pierre, South Dakota. The hearings will be conducted pursuant to the notice dated August 8, 1983.

cc: Manfred Szameit, 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

September 12, 1990

Jack White, Mayor
224 West 9th Street
Sioux Falls SD 57102

Dear Mayor White:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 for groundwater (Big Sioux-Sioux Falls Aquifer) and Permit No. 2042-3 for Missouri River water which is held by the City of Sioux Falls.

Permit Nos. 448-3 and 2042-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing.

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 the future use permits including an estimate of future needs and any annual pumping records for the past three years.

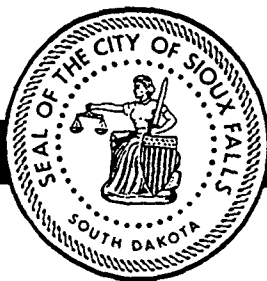
Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Natural Resources Analyst
605.773-3352

cc: Dick Willer, Utility Manager



GARY W. HANSON
UTILITIES COMMISSIONER

2042-3

CITY OF SIOUX FALLS

224 West Ninth Street, Sioux Falls, SD 57102
(605) 339-7299
(605) 338-7801 FAX
(605) 339-7039 TDD

October 10, 1990

Ms. Karen Schlaak
South Dakota Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-3181



Dear Ms. Schlaak:

Subject: Future Use Permit Nos. 448-3 and 2042-3

During the last three years, the City of Sioux Falls has established restrictions on water use because of insufficient water supply resources. Annual water pumpage during those years was as follows:

1987	5,942,553,343 gallons
1988	6,312,775,006 gallons
1989	6,194,790,914 gallons

Water demands for the year 2030 are projected to reach an annual average of 9.4 billion gallons with a potential peak day demand of 58 million gallons per day.

To meet the increasing water demand requirements, the City of Sioux Falls is actively studying development of additional water supply resources. The City has retained HDR Engineering Inc. of Omaha, Nebraska, to examine the feasibility of expanding the City's well field in the Big Sioux Aquifer. Withdrawal permits for additional wells would most likely come from Future Use Permit No. 448-3. Expansion of the City's well field is planned for 1991.

Sioux Falls has also joined the Southeastern South Dakota Water Supply System to pursue the development of a pipeline from the Missouri River. Banner and Associates Inc. of Brookings has been hired to study the feasibility of a pipeline to Sioux Falls and other communities and rural water systems in southeastern South Dakota. Future Use Permit No. 2042-3 would be used to appropriate water from the Missouri River.

Water
224 West Ninth Street
(605) 339-7031

Wastewater
4500 North Sycamore Avenue
(605) 339-7088

Electricity
2000 North Minnesota Avenue
(605) 339-7150

Storm Drainage
224 West Ninth Street
(605) 339-7023

KWI/WP/T3/3W

AN EQUAL OPPORTUNITY EMPLOYER

Ms. Karen Schlaak
Page 2
October 10, 1990

Therefore, it is the City's intent to retain both future use permits for development of additional water supply resources. We would be available to discuss our plans with the Water Management Board.

If you have any questions, please contact me or my staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Hanson", written over the printed name.

Gary Hanson
Utilities Commissioner

cc Lyle Johnson

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls

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. 2042-3.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 reserves for future use 28,236 acre-feet annually. The diversion water of 65 cfs is deleted from Permit No. 2042-3.

And that maintaining the effectiveness of Future Use Permit No. 2042-3 is subject to payment of the \$607.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 65.0 cubic feet of water per second (cfs) reserved by No. 2042-3 is 47,060 acre-feet. Assuming that the total amount pumped annually would equal 60% of 47,060 acre-feet, then the expected developed pumping of water reserved under Permit No. 2042-3 would be about 28,236 acre-feet per year.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, Deb Hopkins
certify that the attached printed Notice was taken
from the Chamberlain Register

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

Nov. 8, 1990
Nov. 15, 1990

Deb Hopkins
(Signature)

General Manager
(Title)

Nov. 15, 1990
(Date Signed)

Cost of Printing: 105 lines @ \$.439 =
46.10

5-88



NOTICE OF HEARINGS
TO REVIEW

FUTURE USE WATER
PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957, to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974, and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on Dec. 5, 1990, at 8:45 a.m.

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, 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 Nov. 26, 1990. 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 hearings to review Future Use Permit No. 448-3 and 2042-3 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 through 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, DWNR, Joe Foss Building, Pierre, SD, 605 773-3352 for assistance prior to the hearing date. The time of the hearings 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 Nov. 26, 1990.

(Nov. 8-15)

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss

County of Brule

Deb. Hopkins of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Chamberlain Register, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit: Nov. 8, 19 90; Nov. 15, 19 90; _____, 19 _____; _____, 19 _____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: 46.10.

Signed: Deb. Hopkins
Subscribed and sworn to before me this 15th day of November, 19 90.
Norma Alenud

Notary Public in and for the County of Brule, South Dakota.

Notary Public
My Commission
expires Nov: 22, 1992

NOTICE OF HEARINGS

TO REVIEW
FUTURE USE WATER
PERMIT NOS. 448-3 AND 2042-3

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Future Use Permit No. 448-3 was approved June 28, 1957, to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974, and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

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The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Deerfield, Room 445 Mt. Rushmore Road, Rapid City, SD, on Dec. 5, 1990, at 8:45 a.m.

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 unplanned future development, 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

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(Nov. 8-15)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Yankton)

I, Robert C. Helsley
certify that the attached printed Notice was taken
from the Yankton Press & Dakotan

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 Yankton

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

November 8

November 15

Robert C. Kelly
(Signature)
Publisher
(Title)
11/20/90
(Date Signed)

Cost of Printing: 2 days x 9" @ 3.05 = 54.90

11-8&15
NOTICE OF HEARINGS TO REVIEW
FUTURE USE WATER PERMIT
NOS. 448-3 AND 2042-3

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Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per acre foot per year for the purpose of a permit second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 & 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 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 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 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 hearings to review Future Use Permit No. 448-3 and 2042-3 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 ARS 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 the 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, DWNR, Joe Foss Building, Pierre, SD 605 773-3352 for assistance prior to the hearing date. The time of the hearings 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 November 2, 1990.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.



I, Donald Harrell
certify that the attached printed Notice was taken
from the THE WAGNER POST

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
Wagner

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

November 7, 1990
November 14, 1990

Donald Harrell
(Signature)
Business Manager
(Title)
November 14, 1990
(Date Signed)

Cost of Printing: \$44.31
(2 @ 37.67; 127 @ 18.87; = \$24.62;
" " 80% = 19.69;
\$44.31)

Public Notice
NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3
Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.
Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water permit second (cfs) from the Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 & 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights No. 448-3 have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.
Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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) the permits are in the public interest.
The Water Management Board will conduct the hearings to review Future Use Permits Nos. 448-3 and 2042-3 on WEDNESDAY, NOVEMBER 14, 1990 at 10:00 AM in the Water Management Board Room at Sioux Falls, SD.
The Water Management Board will conduct the hearings to review Future Use Permits Nos. 448-3 and 2042-3 on WEDNESDAY, NOVEMBER 14, 1990 at 10:00 AM in the Water Management Board Room at Sioux Falls, SD.
The Water Management Board will conduct the hearings to review Future Use Permits Nos. 448-3 and 2042-3 on WEDNESDAY, NOVEMBER 14, 1990 at 10:00 AM in the Water Management Board Room at Sioux Falls, SD.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bon Homme) ss.

I, Wayne L. Bertrand
certify that the attached printed Notice was
from the Tyndall Tribune & Register

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

City of Tyndall
County of Bon Homme and State of Sou
that the said notice was published in said newspa
following two dates:

Nov. 7, 1990

Nov. 14, 1990

Wayne L. Bertrand
(Signature)

Publisher
(Title)

11-7-90
(Date Signed)

Cost of Printing: 11-7-90 121 L @ 26.2 - 31.70
11-14-90 24 L @ 26.2 - 25.36
Total \$57.06

Public notices

NOTICE OF HEARINGS TO
REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 AND 2042-3

Notice is given that the Water
Management Board will review Fu-
ture Use Permit Nos. 448-3 and
2042-3 held by the City of Sioux
Falls, 224 West Ninth Street, Sioux
Falls, SD for progress made in the
development of the water reserved
by the Permits and future plans for
development of the water reserved.

Future Use Permit No. 448-3
was approved June 28, 1957 to re-
serve 46.8 cubic feet of water permit
second (cfs) from the Big Sioux-
Sioux Falls Aquifer located in Sec-
tions 4, 5, 8, 9, 16, 17, 20 and 21,
T102N, R49W and Sections 16, 17,
20, 21, 28, 29, 32 and 33, T103N,
R49W for municipal purposes. Water
Permit/Rights have put a total of
38.52 cfs to beneficial use reserved
by No. 448-3 leaving 8.28 cfs held in
reserve.

Future Use Permit No. 2042-3
was approved March 20, 1974 and
currently reserves 65.0 cfs from the
Missouri River with the point of di-
version to be located between points
in Section 21, T104N, R71W (Brule
County) and a point in Section 34,
T93N, R54W (Yankton County) for
municipal purposes.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends that Permit
No. 448-3 REMAIN in EFFECT for
3,597 acre-feet annually and No.
2042-3 REMAIN in EFFECT for
28,236 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 benefi-
cial use and 4) the permits are in the
public interest.

The Water Management Board
will conduct the hearings to review
Future Use Permit Nos. 448-3 and
2042-3 at the Hilton Inn, Deerfield
Room, 445 Mt. Rushmore Road,
Rapid City, SD on December 5, 1990
at 8:45 a.m.

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 quali-

fications, 3) cancel the permits for
no development or no planned fu-
ture 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 petiti-
oners interest in the future use permits,
the reasons for petitioner's opposi-
tion to or support of continuing the
future use permits, and the signature
and mailing address of the peti-
tioner or his legal counsel if legal
counsel is obtained. The permit
owner need not file a petition.

The hearings to review Future
Use Permit No. 448-3 and 2042-3
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 for-
feited if they are not exercised. Deci-
sions 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 recommenda-
tions, further information on these
permits or to assure access to the
hearing by the handicapped can
contact the Water Rights Division,
DWRN, Joe Foss Building, Pierre, SD
605-773-3352 for assistance prior to
the hearing date. The time of the
hearings will be automatically de-
layed for at least 20 days upon writ-
ten request of the permit owner or
any person who has filed a petition
to oppose or support continuance of
the Future Use Permits. The request
for a delay must be filed with the
Chief Engineer by November 26,
1990.

(Nov. 7 & 14)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Minnehaha)

I, M. Devish
certify that the attached printed Notice was taken
from the Argus Leader

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 Sioux Falls

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

Wednesday, November 7, 1990

Wednesday, November 14, 1990

M. Devish
(Signature)

Controller
(Title)

11/14/90
(Date Signed)

Cost of Printing: \$101.15

NOTICE OF HEARINGS TO
REVIEW FUTURE USE WATER
PERMIT NOS. 448-3 AND 2042-3
Notice is given that the Water
Management Board will review Fu-
ture Use Permit Nos. 448-3 and
2042-3 held by the City of Sioux
Falls, 224 West Ninth St, Sioux
Falls SD for progress made in the
development of the water reserved
by the Permits and future plans for
development of the water reserved.
Future Use Permit No. 448-3 was
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Sioux Falls Aquifer located in Sec-
tions 4, 5, 8, 9, 16, 17, 20 & 21,
T102N, R49W and Sections 18, 17,
20, 21, 28, 29, 32 and 33, T103N,
R49W for municipal purposes.
Water Permit/Rights have put a
total of 38.52 cfs to beneficial use
reserved by No. 448-3 leaving 8.28
cfs held in reserve.
Future Use Permit No. 2042-3
was approved March 20, 1974 and
currently reserves 65.0 cfs from the
Missouri River with the point of
diversion to be located between
points in Section 21, T104N, R71W
(Brule County) and a point in
Section 34, T93N, R54W (Yankton
County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends that Permit
No. 448-3 REMAIN in EFFECT for
3,597 acre-feet annually and No.
2042-3 REMAIN in EFFECT for
28,236 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)
the permits are in the public in-
terest.

The Water Management Board
will conduct the hearings to review
Future Use Permit Nos. 448-3 and
2042-3 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 quali-
fications, 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 peti-
tioner's interest in the future use
permits, the reasons for petitioner's
opposition to or support of con-
tinuing 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 peti-
tion.

The hearings to review Future
Use Permit No. 448-3 and 2042-3
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
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has the right to be present or to be
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Decisions of the Board may be
appealed to the Circuit Court and
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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, DWNR, Joe
Foss Building, Pierre, SD 605
773-3352 for assistance prior to the
hearing date. The time of the
hearings will be automatically de-
layed for at least 20 days upon
written request of the permit owner
or by any person who has filed a
petition to oppose or support con-
tinuance of the Future Use Permits.
The request for a delay must be
filed with the Chief Engineer by
November 26, 1990



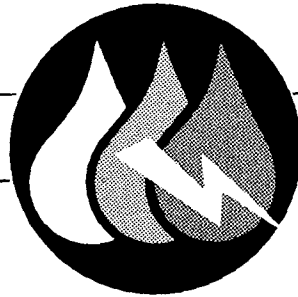
Sioux Falls UTILITIES

2042-3



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023



November 28, 1990

Mr. Eric Gronlund
S.D. Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Eric:

I am writing regarding the hearings that will be conducted by the Water Management Board regarding Future Use Permits Nos. 448-3 and 2042-3 on December 5, 1990 at 8:45 a.m.

Per our phone discussion of November 27, 1990, you had indicated that if Lyle Johnson notified you prior to the hearings that he would like to be first on the agenda, that you would comply with his request. I have indicated to Mr. Johnson that he should notify you prior to 8:45 a.m. This letter is to serve as a reminder to you of that request.

Mr. Johnson's flight will be leaving Rapid City at 12:22 p.m. on December 5, 1990. If he is able to appear first on the agenda, we are certain that he will arrive at the Rapid City Airport in time to board his scheduled flight.

Thank you for your cooperation in this matter.

Sincerely,

Shannon Hulzebos
Adm. Asst. III
City Water Purification Plant
Sioux Falls, SD

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 11, 1990

NOTICE

TO: Lyle D. Johnson
224 W 9th
Sioux Falls, SD 57102

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on Review of Future Use Permits 2042-3 and 448-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, Meeting Room, Governor's Inn, 700 W Sioux, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member by February 7, 1991. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member and the Board attorney by February 18, 1991.

The public hearing was completed December 5, 1990. No additional testimony will be received on February 27, 1991.

cc: John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

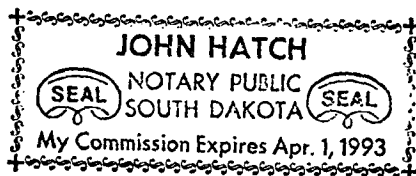
I hereby certify that on December 11, 1990, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice regarding Future Use Permits 2042-3 and 448-3 addressed as stated on the Notice.

Jaci Konop

JACI KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 12, 1991

NOTICE

TO: Lyle D. Johnson
224 W 9th
Sioux Falls, SD 57102

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for Future Use Permits 2042-3 and 448-3 which were considered at the February 27, 1991, meeting.

A copy of the signed final Decision, Findings and Conclusion are enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: Diane Best, Assistant Attorney General

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE SEVEN YEAR	)	FINDINGS OF FACT
PREVIEW OF FUTURE USE WATER PERMIT	)	CONCLUSIONS OF LAW
NO. 2042-3, CITY OF SIOUX FALLS	)	AND FINAL DECISION

FINDINGS OF FACT

I

This is a proceeding for a seven year review of Future Use Water Permit No. 2042-3.

II

Future Use Permit No. 2042-3 was approved for Missouri River water March 20, 1974, and reserves 65.0 cfs from the Missouri River for municipal purposes.

III

None of the water reserved under Future Use Permit No. 2042-3 has been applied to beneficial use.

IV

It is appropriate to convert the cubic feet per second limitation of this permit to an acre feet limitation and to limit the total reserved right to 60 percent of that figure for the reasons set out in "In the Matter of the Seven Year Review of Future Use Water Permit No. 448-3, City of Sioux Falls."

V

The conversion of the water right from a cfs limitation to an annual acre feet limitation does not affect the ability of a particular well to pump more than 60 percent of the time, if that is appropriate.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there may be development of the water reserved under this Future Use Permit.
3. The city of Sioux Falls has demonstrated a reasonable need for the water reserved under this permit.
4. The proposed uses will be beneficial uses.
5. It is in the public interest to allow the permit to remain in effect as qualified below.

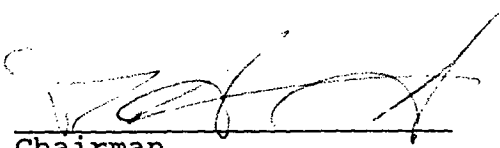
FINAL DECISION

It is the judgment of the Board that Future Use Permit No. 2042-3 remain in effect with the following qualifications:

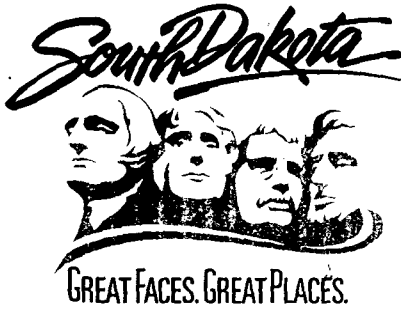
1. Permit No. 2042-3 reserves for future use 28,236 feet annually. The diversion rate of 65.0 cfs is deleted from Future Use Permit No. 2042-3.
2. The effectiveness of Future Use Permit No. 2042-3 is maintained if payment of the \$92.50 fee pursuant to SDCL 46-2-13(2) if made within 60 days of notice of the entry of this Final Decision.

Dated this 8th day of March, 1991.

BY THE BOARD


Chairman
Water Management Board

c:j-pld2.jpg



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 9, 1991

NOTICE

Lyle D. Johnson
224 W 9th
Sioux Falls SD 57102

Dear Mr. Johnson:

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. 448-3 and 2042-3. 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 each permit. Future Use Permit Nos. 448-3 and 2042-3 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$92.50 and \$607.50 for Future Use Permit No. 2042-3 pursuant to SDCL 46-2-13(2). Please remit the fees within 60 days.

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

Very truly yours,

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

enclosures

AMENDMENT TO FUTURE USE PERMIT NO. 2042-3

CITY OF SIOUX FALLS

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 2042-3 was allowed to remain in effect and amended by adding the following qualification:

Permit No. 2042-3 reserves for future use 28,236 feet annually. The diversion rate of 65.0 cfs is deleted from Future Use Permit No. 2042-3.



September 29, 1997

Lyle D Johnson
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from the Big Sioux-Sioux Falls Aquifer and Permit No. 2042-3 from the Missouri River which is held by the City of Sioux Falls. These permits reserve water for future water supply needs for the city. Currently, our records show that 6,929 acre-feet and 28,236 acre-feet remain in reserve under Future Permit Nos. 448-3 and 2042-3, respectively.

These future use permits were last reviewed in 1991. The amount remaining in reserve for No. 2042-3 is the same as in 1991. The Board ruled that No. 448-3 had 3,597 acre-feet remaining in reserve in 1991. The 6,929 acre-feet amount remaining in reserve today reflects reversions from non-developed portions or canceled permits back into the future use permit.

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.

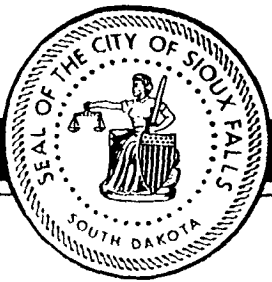
Permit Nos. 448-3 and 2042-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the 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



PUBLIC WORKS

CITY OF SIOUX FALLS

AN EQUAL OPPORTUNITY EMPLOYER

224 West Ninth Street, Sioux Falls, SD 57102
(605) 367-7143
FAX (605) 367-4605
Hearing Impaired (605) 367-7039

October 21, 1997

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



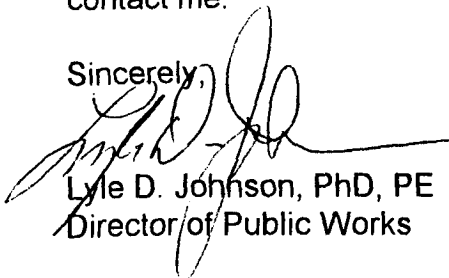
Dear Ms. Schlaak:

The City of Sioux Falls has a need to retain Future Use Permits 448-3 and 2042-3. Current population projections indicate that by the year 2015, Sioux Falls will reach a total of 156,000 persons, or approximately 41,000 more persons than current year estimates. The City will therefore need to continue to expand its wellfield in the Big Sioux Aquifer to meet our future needs. Even with this expansion, our estimates are that our groundwater and surface water supply resources will reach capacity around the year 2015. At that time, the City will need additional water supply resources which could include use of Missouri River water. I have enclosed a graph showing our water use projections and supply capabilities for Sioux Falls.

We have outlined a plan with the Sioux Falls City Council that addresses a future water supply for the City. We are considering four potential options: 1) Lewis and Clark Rural Water System, 2) Slip Up Creek Reservoir, 3) raw water pipeline to the Missouri River, or 4) Wall Lake Aquifer. To provide adequate time to develop and construct facilities for the future water supply, we have established the year 2002 as a benchmark when the option must be selected. We are currently collecting information on each of the options so that adequate data will be available at the time a decision is made.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Lyle D. Johnson, PhD, PE
Director of Public Works

c: Randy Janssen

Water Reclamation
(605) 367-7088
FAX (605) 367-8484

Streets
(605) 367-7051 or 367-7008
FAX (605) 367-7010

Lights
(605) 367-7150
FAX (605) 367-8306

Facilities Management
(605) 367-7164
FAX (605) 367-7801

Engineering
(605) 367-7048
FAX (605) 367-4310

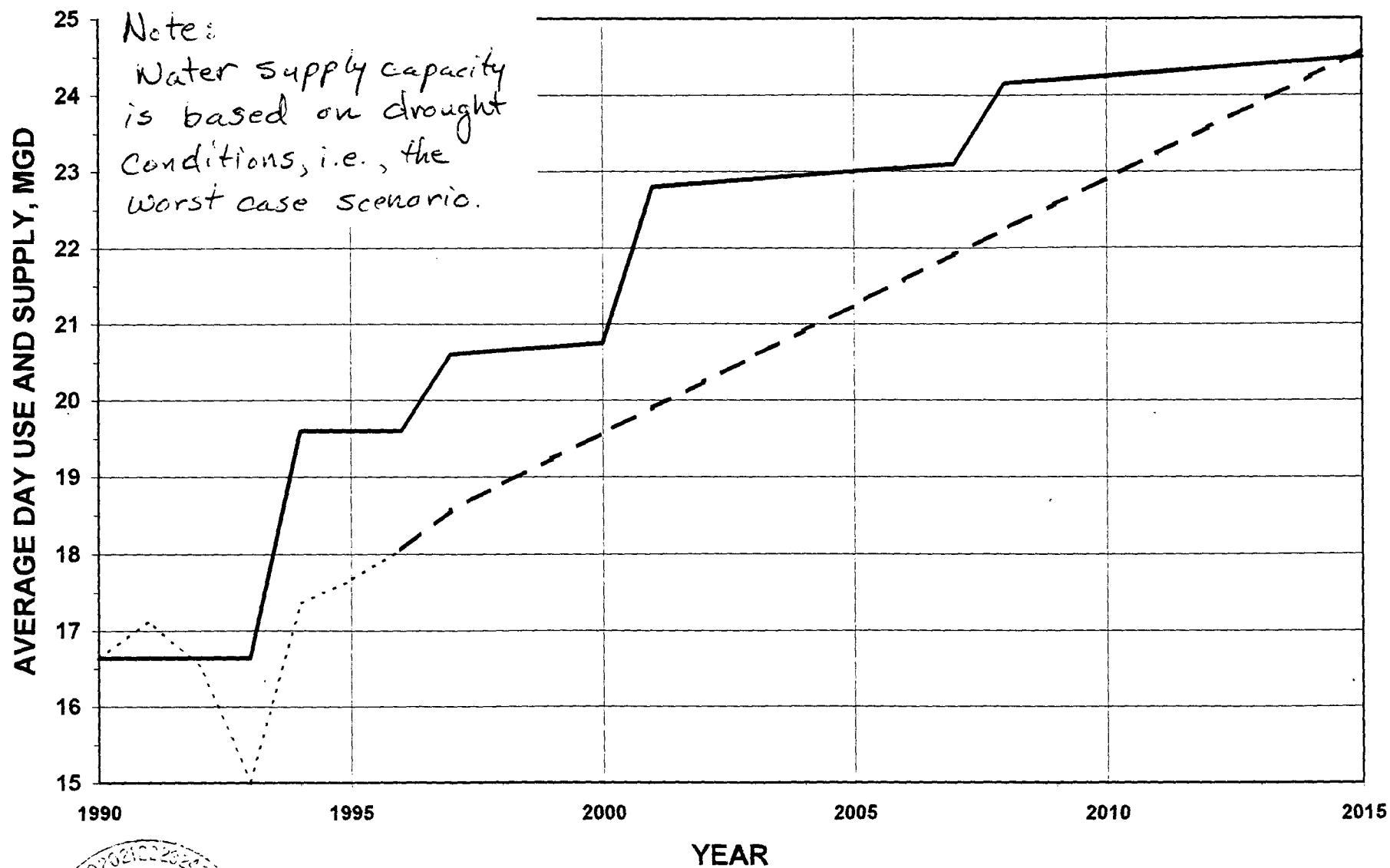
Billing
(605) 367-7031
FAX (605) 367-4605

Water Meters/Utility Maintenance
(605) 367-7020
FAX (605) 367-7883

Water Purification
(605) 367-7025
FAX (605) 367-8475



PROJECTED WATER USE AND SUPPLY CAPABILITIES FOR SIOUX FALLS



Note:
Water supply capacity is based on drought conditions, i.e., the worst case scenario.



-----ACTUAL USE

— — PROJECTED USE

~~-----~~ SUPPLY

RECOMMENDATION OF CHIEF ENGINEER FOR
FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls 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. 2042-3, City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$607.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.

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

JOHN HATCH, Chief Engineer
October 27, 1997

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Mary Boysen being duly sworn, says: That The Sioux Falls Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

WED	, the 5	day of NOVEMBER	1997,
WED	, the 12	day of NOVEMBER	1997,
	, the	day of	1997,
	, the	day of	1997,
	, the	day of	1997,
	, the	day of	1997,
	, the	day of	1997,

and that \$126.93 was charged for publishing the same including a \$5.00 affidavit fee.

Mary Boysen

Subscribed and sworn to before me November 18, 1997,

Joan Stahl

Notary Public, South Dakota

My Commission expires June 30, 2005

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102 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. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957, to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20, 21, T102-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-

R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E. Capitol, Joe Foss Building, Pierre, SD, on December 3, 1997 at 10:00 a.m.

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 November 24, 1997. 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 the 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. 448-3 and 2042-3 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 through 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 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 November 24, 1997. 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 November 24, 1997.

Nettie H. Myers, Secretary
Department of Environment and Natural Resources
12410 Nov 5, 12, 1997



Water Rights Program - File Documentation

NAME: City of Sioux Falls

ADDRESS:

DATE: 11-24-97 **COUNTY:** Minnehaha **TELEPHONE:**

RE: Publication of Future Use Review

COMMENTS:

The notice for review of Future Use Permit Nos. 448-3 and 2042-3 as published in the Argus Leader contained an error in the second paragraph stating the amount of water remaining in reserve as 6.929 acre-feet annually. The fourth paragraph correctly states the chief engineer recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually, which is the correct amount.

The first publication was not submitted for review prior to publication of the second notice. Eric and Ron have reviewed this notice have indicated the typographical error does not effect the validity of the notice.

Karen Schlaak

Karen Schlaak
Environmental Scientist

AFFIDAVIT OF PUBLICATION

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Don S Smith being first duly sworn says: That he is
the Editor of the Yankton Printing Company, a
corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily
newspaper of general circulation, printed and published in the City and County of
Yankton, South Dakota; that he has personal knowledge of all the facts stated in this
affidavit; and that the advertisement captioned Notice Of Hearing T Review
Future Use Water Permit Nos. 448-3 and 2042-3

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, once each day
for 2 successive weeks, the first publication being
made on the 7th day of November, 19 97, and the last pub-
lication being made on the 12th day of November, 19 97.
The first publication being made on the 7th day of November
The second publication being made on the 12th day of November
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
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 the _____ 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, and has a bona fide circulation of more than
two hundred copies daily and has been published in the English language within the said
County of Yankton for more than one year next prior to the first publication of said
notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the
place of publication of said newspaper. That the full amount of the fee paid for the
publication of the annexed notice is \$ 69.48, which inures solely to the benefit of
said publisher; that no agreement or understanding for a division thereof has been made
with any person, and that no part thereof has been agreed to be paid to any person
whomsoever.

Don S Smith

Subscribed and sworn to before me this 12 day
of November, 19 97

Notary Public, South Dakota

My Commission Expires 7-16-2001



Notice is given that the Water Management Board
will review Future Use Permit Nos. 448-3 and 2042-
3 held by the City of Sioux Falls, 224 W 9th St
Sioux Falls SD 57102 for progress made in the
development of the water reserved by the Permit
and future plans for development of the water
reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June
28, 1957 to reserve 46.8 cubic feet of water per
second (cfs) from the Big Sioux-Sioux Falls Aquifer
located in Sections 4, 5, 8, 9, 16, 17, 20 and 21
T102N-R49W and Sections 16, 17, 20, 21, 28, 29,
32 and 33, T103N-R49W for municipal purposes. A
review of the Water Permits/Rights indicates 6,929
acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved
March 20, 1974 to reserve 65.0 cfs from the Missouri
River with the point of diversion to be located
between points in Section 21 -T104N-R71W (Brule
County) and a point in Section 34-T93N-R54W
(Yankton County) for municipal purposes. Permit
No. 2042-2 indicates 28,236 acre-feet remain in
reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer
of the Water Rights Program recommends that Permit
No. 448-3 REMAIN in EFFECT for 6,929 acre-feet
annually and No. 2042-3 REMAIN in EFFECT for
28,236 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. 448-3 and
2042-3 at the Floyd Matthew Training Center, 523
E Capitol, Joe Foss Building, Pierre SD on December
3, 1997 at 10:00 am.

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 November 24, 1997. 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
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.
448-3 and 2042-3 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 recommendations, further information on
this 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 November 24, 1997.
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 November 24, 1997. Notice

Public: H Myers, Secretary, Department of Environment and
Natural Resources.

Received Payment,

AFFIDAVIT OF PUBLICATION

State of South Dakota

55

County of Brule

GLORIA PRIERE of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Chamberlain-Oacoma Register, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated: that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

11-6, 1997; _____, 19____
11-13, 1997; _____, 19____
 _____, 19____; _____, 19____

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

60.72
 Signed: Gloria Priere
 Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public in and for the County of Brule,
 South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 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. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T103N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 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. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 2, 1997 at 10:00 am.

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 November 24, 1997. 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 explaining the petitioners interest in the future use per-

mits, 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. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-4, 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 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 this 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 November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days if a 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 November 24, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

(Nov. 6, 13)



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Bon Homme) SS

I, Barb Rokusek

certify that the attached printed Notice was taken

from the Tyndall Tribune
& Register

printed and published in Tyndall

County of Bon Homme and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov. 5, 1997

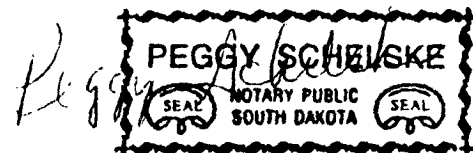
Nov. 12, 1997

Cost of Printing \$65.21

Barbara Rokusek
(Signature)

Circulation + legal
(Title)

11-12-97
(Date Signed)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57513 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1688-3. This permit was approved September 3, 1969 and currently reserves 2810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 acre-feet annually) because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and to intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1688-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. 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 24, 1997.

Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources
(Nov. 5 - 12)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Charles Mix) SSI, Ralph Nactigal

certify that the attached printed Notice was taken

from the PlatteEnterpriseprinted and published in PlatteCounty of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-6-9711-13-97Cost of Printing 60.08Ralph Nactigal
(Signature)Publisher
(Title)11-13-97
(Date Signed)NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St. Sioux Falls SD 57102 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. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20, and 21, T102N-R49-W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 a.m.

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 November 24, 1997. 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 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. 448-3 and 2042-3 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 recommendations, further information on this 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 November 24, 1997. 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 November 24, 1997. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. (Nov. 6 and 13)

11-13-97



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

NOTICE

Lyle D Johnson
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 6,929 acre-feet and 28,236 acre-feet of water, respectively. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$162.50 and Permit No. 2042-3 is \$607.50 (total \$770.00) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

I hereby certify that on December 5, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review the following Future Use Permits, addressed as stated below:

439-2, 1088-2: Daniel J. Bjerke, Public Works Department, 300 6th St., Rapid City, SD 57701.

1833-2: Jay Evenson, President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57709-1848.

448-3, 2042-3: Lyle D. Johnson, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

1688-3: Lyle Laberee, Southern Missouri Water Development District, P.O. Box 670, Lake Andes, SD 57356.

4927-3: Duane C. Stokes, Mgr., Clark Rural Water System, P.O. Box 162, Clark, SD 57225.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 1997


Notary Public
KAREN SCHLAAK
NOTARY PUBLIC
SOUTH DAKOTA
KAREN SCHLAAK, Notary Public
My Commission Expires
12/31/2001

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources



415597

Pierre, January 14, 19 98

RECEIVED OF City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102
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. 2042-3 after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

607 50

By _____
Chief Engineer

John Hatch (signature)



2042-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2004

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from the Big Sioux/Sioux Falls Aquifer and No. 2042-3 from the Missouri River which are held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,843 acre-feet and 28,236 acre-feet remain in reserve under the future use permits, respectively.

Please respond in writing by October 15, 2004, 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 permit, including an estimate of future needs.

Permit Nos. 448-3 and 2042-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2004

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

On September 27, 2004, we notified you that Future Use Water Permit Nos. 448-3 and 2042-3 held by city were to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permits were obtained by the city to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the September 27th letter. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The Water Management Board will not schedule Permit Nos. 448-3 and 2042-3 for review until the above information has been submitted.

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

Sincerely,

Karen Schlaak

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

enclosure



CITY OF SIOUX FALLS PUBLIC WORKS

Administration/GIS

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8600
(605) 367-4605 fax

Engineering/ Real Estate

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8601
(605) 367-4310 fax

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-8276
(605) 367-4886 fax

Facilities Management

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8757
(605) 367-8097 fax

Fleet Management

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7170
(605) 367-7421 fax

Landfill

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 526-6636
(605) 526-3371 fax

Light

2000 North Minnesota Avenue
Sioux Falls, SD 57104-0109
(605) 367-7006
(605) 367-8306 fax

Street

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7051
(605) 367-7010 fax

Utility Billing

1201 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-7031
(605) 367-7341 fax

Water Meters/ Utility Maintenance

668 West Algonquin Street
Sioux Falls, SD 57104-0310
(605) 367-7020
(605) 367-7883 fax

Water Purification

2100 North Minnesota Avenue
Sioux Falls, SD 57104-0111
(605) 367-7025
(605) 367-8475 fax

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
(605) 367-7088
(605) 367-8484 fax

December 2, 2004

Karen Schlaak
Environmental Scientist
Water Rights Program
DENR
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3182

Dear Ms. Schlaak:

Regarding your letters dated September 27th and December 1st; it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 from the Big Sioux: Sioux Falls Aquifer and No. 2042-3 from the Missouri River.

Sioux Falls continues to grow at a population rate of approximately 3 per cent per year with water demands of 8,030 million gallons per year in 2002, 8,149 million gallons per year in 2003, with estimates for 2004 to be approximately 8,200 million gallons.

In March of this year the City of Sioux Falls requested and was issued Water Permit No. 6475-3 to construct and place to beneficial use water reserved by Future Use Permit No. 448-3 for 1,475 acre-feet annually. The City has also purchased land this past year just south of the northern border of Future Use Permit 448-3 with expectations of developing additional water wells.

With the limitation of any further expansion north of 252nd street in Minnehaha County, the only other water source that will be available with significant supply will be the Missouri River. This surface water supply retained under Future Use Permit No. 2042-3 is essential to insure the future growth of the City of Sioux Falls.

Contact me if you should have any questions.

Sincerely,

Randy Janssen
Water Superintendent
Water Purification Plant
2100 North Minnesota Ave
Sioux Falls, South Dakota 57104
605 367-7040



CITY OF SIOUX FALLS PUBLIC WORKS

Administration/GIS

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8600
(605) 367-4605 fax

Engineering/ Real Estate

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8601
(605) 367-4310 fax

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1203 North Western Avenue
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224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8757
(605) 367-8097 fax

Fleet Management

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7170
(605) 367-7421 fax

Landfill

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 526-6636
(605) 526-3371 fax

Light

2000 North Minnesota Avenue
Sioux Falls, SD 57104-0109
(605) 367-7006
(605) 367-8306 fax

Street

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7051
(605) 367-7010 fax

Utility Billing

1201 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-7031
(605) 367-7341 fax

Water Meters/ Utility Maintenance

668 West Algonquin Street
Sioux Falls, SD 57104-0310
(605) 367-7020
(605) 367-7883 fax

Water Purification

2100 North Minnesota Avenue
Sioux Falls, SD 57104-0111
(605) 367-7025
(605) 367-8475 fax

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
(605) 367-7088
(605) 367-8484 fax

January 3, 2005

Ron Duvall
South Dakota Department of
Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 Capitol
Pierre, SD 57501

Dear Mr. Duvall:

The Water Purification Plant, A Division of the City of Sioux Falls Public Works, is pleased to submit to you for your review the following water diversion data for the year 2004:

<u>Source</u>	<u>2004 Quantity, Acre-ft</u>	<u>% of Total</u>
Big Sioux (Sioux Falls Aquifer)	12,284.0	46.8
Big Sioux (Middle Skunk Creek Aquifer)	1,445.2	5.5
Big Sioux (Lower Skunk Creek)	0.3	0.0
Split Rock Creek Aquifer	403.3	1.6
Big Sioux River	<u>12,106.8</u>	<u>46.1</u>
Total	26,239.4	100.0

The diversion data from the Big Sioux (Sioux Falls Aquifer), Big Sioux (Middle Skunk Creek Aquifer), and the Split Rock Creek Aquifer were determined from well meter readings collected between December 29, 2003 and December 27, 2004. The diversion data from the Big Sioux River was determined from meter readings collected between January 1, 2004 and December 31, 2004.

If you have any questions or need additional information, please contact me at 605-367-7040.

Sincerely,


Randy Janssen
Water Superintendent
Water Purification Plant
2100 N. Minnesota Ave
Sioux Falls, SD 57104

Cc Lyle Johnson – Director of Public Works
Tim Stefanich – Environmental Engineer

RECEIVED

JAN - 6 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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls 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. 2042-3, City of Sioux Falls 224 W 9th St, Sioux Falls SD 57104-6407.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$607.50 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 10, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2005

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

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Argus Leader, Sioux Falls 605 331-2200
Central Dakota Times, Chamberlain 605 234-0266
Platte Enterprise, Platte 605 337-3101
Tyndall Tribune & Register, Tyndall 605 589-3242
Daily Press & Dakotan, Yankton 605 665-7811

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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publishers have 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 reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10 am, March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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, 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. 448-3 and 2042-3 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 Permit. 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.

THE PLATTE ENTERPRISE

Platte, South Dakota 57369

Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said notice, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed

Notice of Hgt to Review Future Use Water Permits a printed copy of which is hereunto attached, was printed and published in The Platte Enterprise for two issues, the first publication being made on Thursday, the 27th day of Jan, A.D., 2005 and the succeeding publications were made severally on...

Thursday, the _____ day of _____ A.D., 20____
Thursday, the _____ day of _____ A.D., 20____
Thursday, the _____ day of _____ A.D., 20____
Thursday, the _____ day of _____ A.D., 20____
Thursday, the _____ day of _____ A.D., 20____
Thursday, the _____ day of _____ A.D., 20____

and the last publication being made on Thursday, the 3rd of Feb, A.D. 2005

That the publication fee for publishing said notice is the sum of \$ 68.44

Sharon Huizenga

Subscribed and sworn to before me this 14th day of FEBRUARY A.D. 2005

Holland n Johnson
Notary Public for Charles Mix County, SD

RECEIVED

FEB 15 2005

WATER RIGHTS
PROGRAM

Charles Mix Co., South Dakota
Thursday, February 3, 2005

NOTICE OF HEARING
TO REVIEW FUTURE USE WATER
PERMITS NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St., Sioux Falls, SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10 a.m., March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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, 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. 448-3 and 2042-3 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 Right 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 Permit. 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.
(Jan. 27, Feb. 3)

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyndall.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal
weekly newspaper for publication of legal and other official
notices as required by Chapter 298 of the Session
Laws of South Dakota, 1939; that it has bona fide paid
circulation of more than two hundred copies weekly;
that it is published in English language in the City of
Tyndall, Bon Homme County, South Dakota, and has
been admitted to the United States mail under second-
class mailing privilege for more than one year prior to
the first publication of the notice herein mentioned, and
that it is printed in an office maintained at the place of
publication at Tyndall, South Dakota, and that deponent
is the publisher in charge of the advertising department
of said newspaper; that the advertisement headed

Notice of Hearing - Sioux Falls

1180345+8090X1

a printed copy of which is hereto attached, was printed
and published in said newspaper for two successive
weeks, upon the following dates:

<u>Jan. 26</u>	<u>2005</u>	20.....
<u>Feb. 2</u>	<u>2005</u>	20.....
.....	20.....	20.....
.....	20.....	20.....

That the full amount of the fee charged for the publication
of said notice, \$73.28....., inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Tyndall
Subscribed and sworn to before me this
Feb day of 2005
Peggy Schelske
Notary Public, South Dakota
My Commission Expires 10-24-2009

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Jansen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10 am, March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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

RECEIVED

FEB 16 2005

WATER RIGHTS
PROGRAM

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, 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.

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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 Permit. 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.

(Jan 26 & Feb. 2)

AFFIDAVIT OF PUBLICATION

State of South Dakota

SS

County of Brule

Debi Hopkins of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota: that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing to Review Future Use Water Permit

Nos. 448-3 and 2042-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

2 successive week(s) to wit:
Jan. 24, 2005; _____, 20____;
Feb. 2, 2005; _____, 20____;
_____, 20____; _____, 20____;

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

63.99

Signed: Debi Hopkins

Subscribed and sworn to before me this 7th day of February, 2005.

Janet L. Petral
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAL
SOUTH DAKOTA
NOTARY PUBLIC

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, %Randy Janssen, 224 West 9th Street, Sioux Falls, SD 57104 for the progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21, T104N-R71W (Brule County) and a point in Section 34, T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the chief engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10 a.m. March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Building, 523 East 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 Feb. 18, 2005. The chief engineer's address is Water Rights Program, Joe Foss Building, 523 East Capitol, 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.

RECEIVED
FEB - 8 2005
WATER RIGHTS
PROGRAM

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 through 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 Feb. 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 Permit. The request for a delay must be filed with the chief engineer by Feb. 18, 2005.

Steven M. Pimer, Secretary, Department of Environment and Natural Resources
(January 26/February 2)

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 796075

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 26 day of January 2005,

Wednesday, the 2 day of February 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

and that \$171.08 was charged for publishing the same including A \$5.00 affidavit fee.

Betty Jones
Subscribed and sworn to before 2/3/2005



My Commission expires June 30, 2005

Joan Stahl
Notary Public, South Dakota

State Notices

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT

NOS. 448-3 and 2042-3
Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 8th St., Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 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. 448-3 and 2042-3 at 10 am, March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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, 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 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

State Notices

Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-3-38.1; 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 Permit. 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. 796075 Jan. 26 & Feb. 2, 2005

RECEIVED

FEB - 7 2005

WATER RIGHTS
PROGRAM

RECEIVED

FEB - 4 2005

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

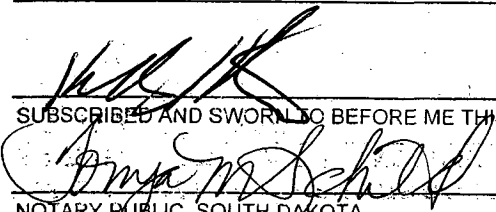
KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT
NOS. 448-3 AND 2042-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 2ND DAY OF FEBRUARY, 2005.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID DISPLAY ADVERTISEMENT TO WIT \$78.86 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/26/05; 2/2/05

FILED ON: 2/2/05

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF FEBRUARY, 2005.


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 and 2042-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10 am, March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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, 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.

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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 Permit. 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.



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

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

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. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 3,843 and 28,236 acre-feet of water annually. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$97.50 and \$607.50 for Future Use Permit No. 2042-3 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$705.00 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

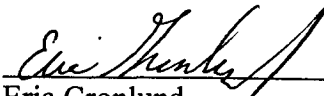
217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilites
PO Box 588
Brookings SD 57006

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

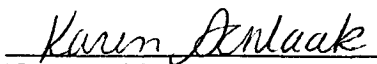
1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

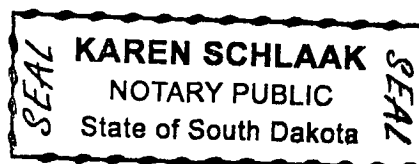
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


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, 20 05

RECEIVED OF City of Sioux Falls, 224 West Ninth St., Sioux Falls SD 57104-6407

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	607	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2042-3</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	607.50

No.

001872

By

Darlene Albre

Chief Engineer



2042-3
**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 Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from groundwater (Big Sioux:Sioux Falls Aquifer) and Permit No. 2042-3 from the Missouri River held by the City of Sioux Falls. 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 3,842 acre-feet remain in reserve under Permit No. 449-3 and 28,236 acre-feet remain in reserve under Permit No. 2042-3. Both permits were last reviewed in 2005.

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

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,843 acre-feet remain in reserve under Permit No. 449-3, the fee will be \$385.00. If the entire 28,236 acre-feet remain in reserve under Permit No. 2042-3, the fee will be \$2,415.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

City of Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

Providing a Better Quality of Life for You!

Administration

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8600 F: 367-4605

Engineering/Real Estate

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8601 F: 367-4310

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
T: 605-367-8276 F: 367-4886

Fleet Management

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8240 F: 367-8239

GIS

132 North Dakota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8651 F: 367-8113

Household Hazardous Waste Facility/Sustainability

1015 East Chambers Street
Sioux Falls, SD 57104-7200
T: 605-367-8695 F: 367-4993

Landfill

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8162 F: 367-8167

Light

2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6979 F: 373-6974

Street

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8255 F: 367-7010

Utility Billing

1201 North Western Avenue
P.O. Box 7401
Sioux Falls, SD 57117-7401
T: 605-367-8131 F: 367-7341

Utility Maintenance

668 West Algonquin Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8810 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6940 F: 373-6941

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

December 20, 2011

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

Dear Karen Schlaak,

Regarding your letter dated December 8th of 2011, it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 from the Big Sioux: Sioux Falls Aquifer and No. 2042-3 from the Missouri River.

The population growth rate for Sioux Falls has been from 1.5% to 3% annually with a current population total of 158,200. Sioux Falls Planning has projected the population total by the year 2060 could be as low as 331,700 and as high as 412,900.

Demand for water in 2011 will be 7,240.772 million gallons for a daily average of 19.837 million gallons. By the year 2060 the daily average demand has been projected to be as high as 66.400 million gallons. The City has purchased additional property for the development of future wells in the Big Sioux Aquifer. It will be essential to keep Permit No. 448-3 with the 3,842 acre-feet to develop wells in the future and to meet the needs of the growing population of the City of Sioux Falls.

With the limitation of any further expansion north of 252th street in Minnehaha County and the 3,842 acre-feet from Permit No. 448-3, the only other water source that will be available with significant supply will be the Missouri River. This surface water supply retained under Future Use Permit No. 2042-3 will be essential to insure the future growth of the City of Sioux Falls.

If you have any questions or comments please contact me.

Sincerely,

A handwritten signature in black ink that reads "Greg Anderson".

Greg Anderson
Water Superintendent
Water Purification Plant
2100 North Minnesota Ave
Sioux Falls, South Dakota 57104
(605) 373-6944

RECEIVED

DEC 22 2011

WATER RIGHTS
PROGRAM



**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. 2042-3, City of Sioux Falls 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. 2042-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$2,415.00 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
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 448-3, City of Sioux Falls 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. 448-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 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. 448-3 is subject to payment of the \$385.00 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 NEWSPAPERS RIGHT AWAY.

City of Sioux Falls
Greg Anderson, Water Superintendent
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water may be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Minnehaha County – Argus Leader, Sioux Falls SD 605 331-2200
Brule County – Central Dakota Times, Chamberlain SD 605 234-0266
Charles Mix County – Platte Enterprise, Platte SD 605 337-3101
Bon Homme County – Tyndall Tribune & Register, Tyndall SD 605 589-3242
Yankton County – Daily Press & Dakota, Yankton SD 605 665-7811

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish 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

Argus Leader
PO Box 5043
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 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 Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD.

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. 448-3 and 2042-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



January 20, 2012

Central Dakota Times
PO Box 125
Chamberlain SD 57325

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 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

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



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

Platte Enterprise
PO Box 546
Platte SD 57369

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on February 2, 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

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



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

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 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

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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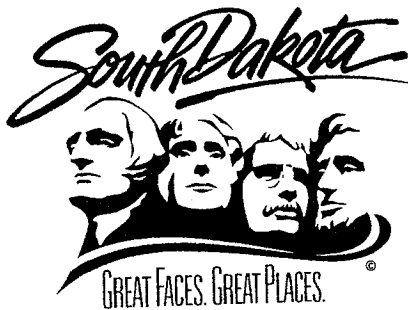
Date _____

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

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



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

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

Dear Sir:

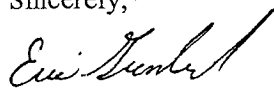
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Sincerely,


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. 448-3 and 2042-3 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. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4,5,8,9,16,17,20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28,29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:00 am on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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 _____.



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 Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

The City of Sioux Falls holds Future Use Permit Nos. 448-3 and 2042-3 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 permits 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

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss

County of Brule

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing To
Review Future Use Water
Permit Nos. 448-3/2042-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

two successive week(s) to wit:
Feb. 1 2012; Feb. 8 2012;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

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

\$83.03

Signed: Debi Ruiz

Subscribed and sworn to before me this 9th day of February 2012

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAK
Notary Public
SEAL
South Dakota

My commission expires June 5, 2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 North Minnesota Avenue, Sioux Falls, SD 57104 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

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The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 a.m. on March 7, 2012, at the Floyd Mathew Training Center, Joe Foss Building, 523 East 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 Feb. 27, 2012. The chief engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, 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 con-

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Any person wishing a copy of the chief engineer's recommendation, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by Feb. 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 Feb. 27, 2012.

Steven M. Pirner, Secretary

Department of Environment and Natural Resources

(Published two consecutive weeks, February 1, 2012 and February 8, 2012, at a total approximate cost of \$83.03.)

(February 1/February 8)

RECEIVED

FEB 10 2012

WATER RIGHTS
PROGRAM

RECEIVED

FEB - 9 2012

PO # 149920

WATER RIGHTS
PROGRAM

212

Customer Number:

078011

City Clerks Office

Invoice Number:

1369558

AFFIDAVIT OF PUBLICATION-

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the	1	day of	February	2012,
Wednesday, the	8	day of	February	2012,
_____ , the	_____	day of	_____	2012,
_____ , the	_____	day of	_____	2012,
_____ , the	_____	day of	_____	2012,
_____ , the	_____	day of	_____	2012,
_____ , the	_____	day of	_____	2012,

and that \$141.42 was charged for publishing the same

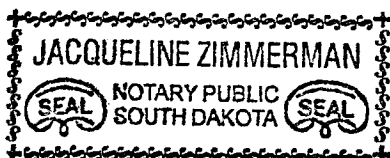
Linda Schulte
Subscribed and sworn to before me

2/8/2012

J. Zimmerman

Notary Public, South

My Commission expires December 22, 2015



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

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Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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 \$141.39. 1369558 Feb. 1 & 8, 2012

RECEIVED

FEB - 9 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 and 2042-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4,5,8,9,16,17,20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28,29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:00 am on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 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 Engi-

Department of Environment and Natural Resources
PMB 2020 - Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Hearing

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 8th DAY OF February 2012 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$89.37 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 2/1/2012 & 2/8/2012

FILED ON: 2/8/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF February 2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

neer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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: \$89.37

Estimated publishing cost per published copy: \$0.0055

RECEIVED

FEB 28 2012

WATER RIGHTS
PROGRAM

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Hearing to Review Future Use Water Permit Nos. 4418-3 and 20412-3

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise

for 2 issue/s, the first publication being made on Thursday, the 2nd day of Feb. A.D., 20 12 and the succeeding publications were

made severally on

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

and the last publication being made on Thursday, the 9th of Feb. A.D., 20 12

That the publication fee for publishing said notice is the sum of \$ 69.64

Sharon Huizenga
Subscribed and sworn to before me this 27th day of February, A.D., 20 12

Tompa Standy
Notary Public for Charles Mix County, SD

My Commission Expires On 7-20-17

LEGAL NOTICES

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:00 a.m. on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 recommendation, further information on this 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 \$69.64.

(Feb. 2, 9)

Affidavit of Publication

RECEIVED

FEB - 9 2012

WATER RIGHTS PROGRAM

South Dakota }
of Bon Homme } SS

Becca Tycz Being first duly sworn at the Tyndall Tribune & Register is a legal newspaper for publication of legal and other offices as required by Chapter 298 of the Session South Dakota, 1939; that it has bona fide paid on of more than two hundred copies weekly; s published in English language in the City of Bon Homme County, South Dakota, and has mitted to the United States mail under second ailing privilege for more than one year prior to publication of the notice herein mentioned, and s printed in an office maintained at the place of ion at Tyndall, South Dakota, and that depoh- he publisher in charge of the advertising depart- said newspaper; that the advertisement headed

Notice of Hearing to Review Future
Water Permit Nos. 448-3 & 2042-3
116 e. 37.2 & 80% X 1

1 copy of which is hereto attached, was printed blished in said newspaper for two...successive upon the following dates:

1.....20.12	20.....
8.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

full amount of the fee charged for the publica- aid notice, # 77.47....., inures to the benefit ublisher of said newspaper, that no agreement or unding for the division thereof has been made other person, and that no part has been agreed d to any person whomsoever.

NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N. Minnesota Ave., Sioux Falls, SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently serves 3,842 acre-feet groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently serves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:00 a.m. on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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. Pinner, Secretary
Department of Environment
and Natural Resources

Published twice at an approximate cost of \$77.67

(Feb. 1 & 8)

Subscribed and sworn to before me this

20.12.

Notary Public, South Dakota

My commission expires: Oct 24, 2015



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 Sioux Falls
Greg Anderson, Water Superintendent
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

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. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 3,842 acre-feet and 28,236 acre-feet of water annually. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 448-3 is \$385.00 and Permit No. 2042-3 is \$2,415.00 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$2,800.00 within 60 days.

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

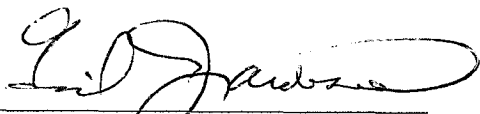
Sincerely,

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:

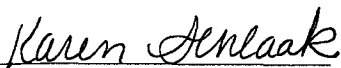
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities,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



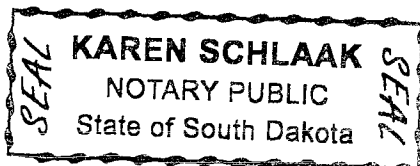
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/26, 20 12

RECEIVED OF City of Sioux Falls 2100 N Minnesota Ave Sioux Falls SD 57104

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	2415	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2042-3</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. _____		
R'd through Electronic Funds Transfer		
(Any Other Work Provided by Law)	TOTAL	2415 00

No. **05389**

By *Harold Entelle*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

City of Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from groundwater (Big Sioux:Sioux Falls Aquifer) and Permit No. 2042-3 from the Missouri River held by the City of Sioux Falls. 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 3,842 acre-feet remain in reserve under Permit No. ⁸448-3 and 28,236 acre-feet remain in reserve under Permit No. 2042-3. Both permits were last reviewed in 2012.

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

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,842 acre-feet remain in reserve under Permit No. ⁸448-3, the fee will be \$385.00. If the entire 28,236 acre-feet remain in reserve under Permit No. 2042-3, the fee will be \$2,415.00.

Please contact Eric Gronlund, if you have any questions. ⁸

Sincerely,

Karen Schlaak

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



City of Sioux Falls

S O U T H D A K O T A

P.O. Box 7402, Sioux Falls, SD 57117-7402



CITY OF SIOUX FALLS
PUBLIC WORKS
Providing a Better Quality of Life for You!

RECEIVED

JAN 02 2018 9

WATER RIGHTS
PROGRAM

December 28, 2018

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

Dear Karen Schlaak:

Regarding your letter dated December 7th of 2018, it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 with 3,842 acre-feet from the Big Sioux: Sioux Falls Aquifer and Future Water Use Permit No. 2042-3 with 28,236 acre-feet from the Missouri River.

The population and commercial needs of Sioux Falls continue to grow, which in turn increases the demand for potable water. In December of 2011, the population of Sioux Falls was listed at 158,200. Current population total is listed at 183,200. This is a total population growth of 25,000 over the prior seven years. Population projections from Sioux Falls Planning continue to project the population total for Sioux Falls by the year 2060 could be as low as 331,700 and as high as 412,900.

Demand for water in 2018 will be more than 7,149.042 million gallons for a daily average of 19.586 million gallons, all during a year with record precipitation. By the year 2060, the daily average demand for water has been projected to be as high as 66.400 million gallons per day. The City currently owns property over the Big Sioux Aquifer for the development of future wells including an additional 124 acres purchased in 2017 to accomplish our well field expansion goals. It will be essential to keep Permit No. 448-3 with the 3,842 acre-feet to develop wells in the future and to meet the needs of the growing population of the City of Sioux Falls.

Long term water needs required a visionary approach to water resources. City leaders looked to one of the largest and most stable water supplies within South Dakota. One day when the existing ground water future use water rights are placed into beneficial use, the next and best location for reliable water supply expansion will be the Missouri River. Sioux Falls will need the water from the Missouri River to meet the needs of the City. This surface water supply retained under Future Use Permit No. 2042-3 will be essential to insure the future growth and sustainability of the City of Sioux Falls.

If you have any questions or comments, please contact me.

Sincerely,

Greg Anderson
Superintendent, Water Division
2100 North Minnesota Avenue
Sioux Falls, SD 57104
(605) 373-6940



**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. 448-3, City of Sioux Falls**

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. 448-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 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. 448-3 is subject to payment of the \$385.00 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**

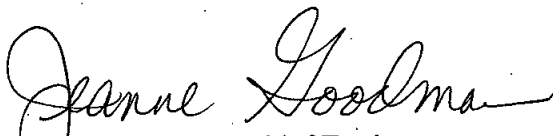
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls**

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. 2042-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$2,415.00 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 NEWSPAPERS RIGHT AWAY.

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

Dear Mr. Anderson:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water may be diverted or used. The notice of this review has been sent to the following papers:

- ✓ Minnehaha County – Argus Leader, Sioux Falls 605 331-2200. *Sent email 2/7/19*
- ✓ Brule County – Central Dakota Times, Chamberlain 605 234-0266
- ✓ Charles Mix County – Platte Enterprise, Platte 605 337-3101
- ✓ Bon Homme County – Tyndall Tribune & Register, Tyndall 605 589-3242
- ✓ Yankton County – Daily Press & Dakota, Yankton 605 665-7811

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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 23 or 24, 2019. We must receive Proof of Publication from each paper before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 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. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux:Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 448-3 and 2042-3 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 Nos. 448-3 and 2042-3 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 Permit. 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 _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:33 AM
To: allegals@argusleader.com
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

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

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:34 AM
To: cdt@midstatesd.net
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

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

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:35 AM
To: Platte Enterprise (eprise@midstatesd.net)
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 24, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:35 AM
To: tyndalltribune@gmail.com
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

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

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:36 AM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

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

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:48 AM
To: 'ganderson@SIOUXFALLS.org'
Subject: Public Notice for Future Use Permits
Attachments: future use review.pdf

Greg,
Attached is the information which is being mailed today regarding Future Use Permit Nos. 448-3 and 2042-3. For your information, water rights law requires the notice to be published in each county where the water may be diverted or used. Therefore, the notice needs to be in the Argus Leader and the other 4 papers listed as well.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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JAN 25 2019

WATER RIGHTS
PROGRAM

CITY OF SIOUX FALLS
ATTN: GREG ANDERSON
PO BOX 7402
SIOUX FALLS SD 57117

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

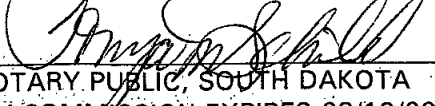
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1+23 NOTICE OF HEARING TO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 23rd DAY OF January, 2019
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$47.00 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/23/2019

FILED ON: 01/23/2019


SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF January, 2019


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 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. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux:Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 448-3 and 2042-3 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 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.

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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 Permit. 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 \$ 47.00

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss.

County of Brule

Debi Ruiz of said county, being first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice and that the Notice of Hearing To Review
Future Use Water Permit
Nos. 448-3 and 2042-3

a printed copy of which, taken from the paper in which the same was published and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

January 23, 2019; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

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

\$ 43.70

Signed: Debi Ruiz

Subscribed and sworn to before me this 24th day

of January, 2019

Janet L. Petrak
Notary Public In and For The County of Brule,
South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, P.O. Box 7402, Sioux Falls, SD 57117 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. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux: Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 448-3 and 2042-3 at 10:30 a.m. on March 6, 2019, at Floyd Mathew Training Center, Joe Foss Building, 523 East 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 Feb. 22, 2019. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, 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

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JAN 25 2019

WATER RIGHTS
PROGRAM

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. 448-3 and 2042-3 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 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

(Published one week, January 23, 2019, at a total approximate cost of \$43.70.)
(January 23)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

Affidavit of Publication RECEIVED

State of South Dakota }
County of Bon Homme } SS

FEB 04 2019

WATER RIGHTS
PROGRAM

Rebecca Upz.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota; and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

*Notice of Hearing - Future Use
Water Permit*
129 @ 38

a printed copy of which is hereto attached, was printed and published in said newspaper for ~~one~~ successive weeks, upon the following dates:

<i>Jan. 23</i> 2019.....	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$ *49.00*, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Upz, publisher

Subscribed and sworn to before me this
23 day of *January* 20*19*.

Peggy H. Helgeson
Notary Public, South Dakota
My Comm. Expires Oct. 24, 2021

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 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. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux:Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33: T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 448-3 and 2042-3 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.

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FEB 06 2019

WATER RIGHTS
PROGRAM

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, is said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 242-3

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise for one issue/s, the first publication being made on Thursday, the 24th day of Jan, A.D., 20 19 and succeeding publications were made severally on

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

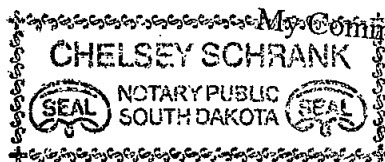
and the last publication being made on Thursday, the _____ of _____ A.D., 20 _____

That the publication fee for publishing said notice is the sum of \$ 43.50

Sharon Huizenga
Subscribed and sworn to before me this 31st day of January, A.D., 20 19

Chelsey Schrank
Notary Public for Charles Mix County, SD

My Commission Expires on 7-8-23



LEGAL NOTICES

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

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The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 Permit. 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 \$43.70.

Argus Leader

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

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FEB 11 2019

WATER RIGHTS
PROGRAM

Account No.: SFA-078011

Ad No.: 0003338732

PO #: 448-3 and 2042-3

Lines : 178

Ad Total \$108.79

SF, CITY OF
235 W 10TH ST
SIOUX FALLS, SD 57104

of Affidavits: 1

Account No.: SFA-078011

Ad No.: 0003338732

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

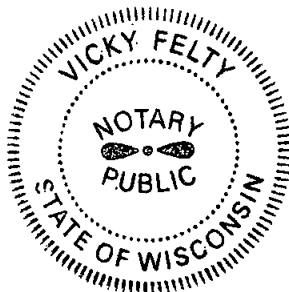
Wednesday, January 23, 2019

Sworn to and subscribed before me this 7 day of February, 2019.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT

NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 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. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux/Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 448-3 and 2042-3 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 must be informal, but it must include a statement describ-

ing 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 Nos. 448-3 and 2042-3 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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Published once at the approximate cost of \$108.79.
3338732 Jan. 23, 2019



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

Dear Mr. Anderson:

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. 448-3 and 2042-3. The Board allowed the Permit No. 448-3 to remain in effect for 3,842 acre-feet of water annually and Permit No. 2042-3 to remain in effect for 28,236 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. 448-3 is \$385.00 and Future Use Permit No. 2042-3 is \$2,415.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$2,800.00 within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on 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

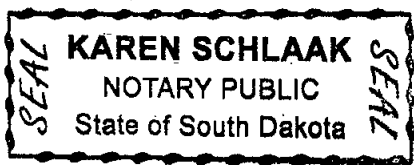
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268

Vickie Maberry
Vickie Maberry
Water Rights

[illegible]

Sworn to, before me, this 7th day of March, 2019.

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 25

, 20 19

City of Sioux Falls PO Box 7402 Sioux Falls SD 57117

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 and to put water to beneficial use	2415	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2042-3f</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	2415 00

No. **09102**

By

Jeane Goodman
Chief Engineer
277