

Water Right Number 3147-3

1. Considered 11-17, 1976
2. Name of Applicant CITY OF MITCHELL
3. Post Office Address _____
4. Amount of water claimed 25.
5. Source of water supply MISSOURI RIVER
6. Water to be used for MUNICIPAL FUTURE USE

Acres to be irrigated _____

7. Water to be diverted and used in BRUCE County
about NEAR CHAMBERLAIN of _____

8. Proof of Publication

Received 11-17-76

Not received _____

9. Application

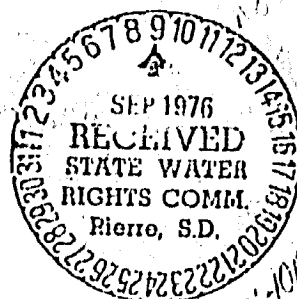
Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. 3142-3Map No. 2-134-3 Water Division No. 3 MISSOURI RIVER District
(Blank to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

FUTURE USE

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant City of Mitchell
 Postoffice address Mitchell, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) unknown
3. Name of diversion work unknown
4. Amount of water claimed (cubic feet per second) 25 c.f.s. (Future)
5. Source of water supply Missouri River
6. Location of point of diversion in the vicinity of Chamberlain, South Dakota
BETWEEN FRANKS IN THE SW 1/4 SECTION 30, T104N R71W AND IN THE
NE 1/4 SECTION 16, T106N R71W County BEDE
7. Annual period or periods during which water is to be used Year around as needed
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
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 a sheet if more space is needed

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

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

The type of system will most probably be a pumping station and pipeline, but this is being studied.

B. Works proposed to transport water to place of use

See "A" above

C. Works proposed to apply water to beneficial use.

City of Mitchell water distribution system

Estimated Total Cost \$ unknownAttachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

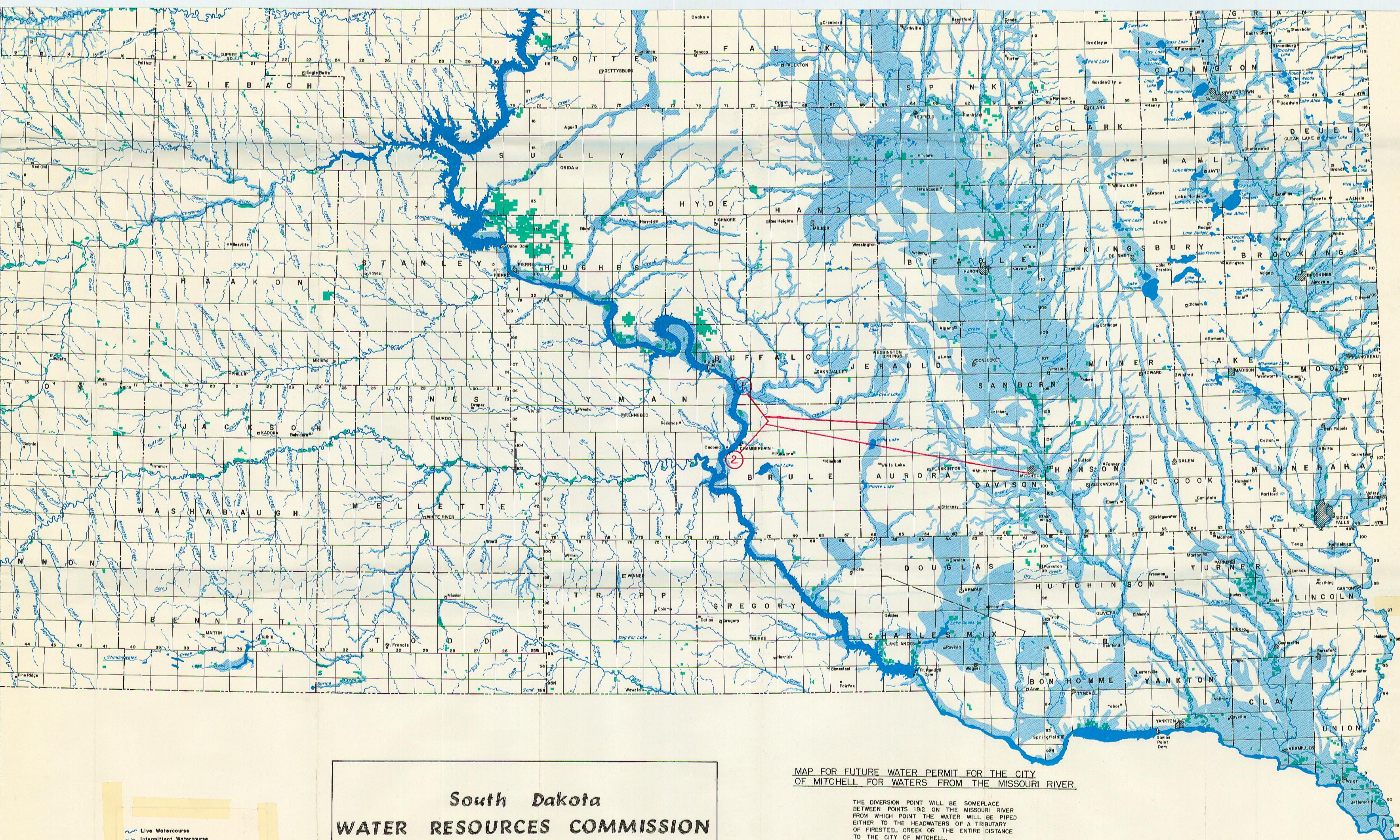
STATE OF SOUTH DAKOTA

County of DavisonI, R.G. Phillips

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 R.G. PhillipsSubscribed and sworn to before me this 7th day of September 19 76

Notary Public (or other qualified officer)



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

MAP FOR FUTURE WATER PERMIT FOR THE CITY
OF MITCHELL FOR WATERS FROM THE MISSOURI RIVER.

THE DIVERSION POINT WILL BE SOMEPLACE
BETWEEN POINTS 182 ON THE MISSOURI RIVER
FROM WHICH POINT THE WATER WILL BE PIPED
EITHER TO THE HEADWATERS OF A TRIBUTARY
OF FIRESTEEL CREEK OR THE ENTIRE DISTANCE
TO THE CITY OF MITCHELL.

MAP NO 2484-3 (APPL NO 3142-B)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3142-3
CITY OF MITCHELL Box 278
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57301 With the following modifications:
 (State)

FUTURE USE

This permit was approved with the total diversion of water limited to 10,000 acre feet of water annually.

At such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of facilities.

This Future Use Permit No. 3142-3 is approved with the stipulation that this Permit to Appropriate Water is subject to review by the Water Rights Commission as to accomplishment thereunder, upon expiration of Seven (7) years.

Date of first receipt of application SEPTEMBER 9, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved NOVEMBER 17, 19 76, Recorded in Book 20 Page 65

WATER RIGHT PERMIT NO. 3142-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3142-3 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 SEPTEMBER 9, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE
5. 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 25 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 ~~irrigation~~ irrigation and if for the irrigation purpose, said appropriation must be limited to not more than ~~three feet per acre per year~~ and is limited to not more than one inch of water per acre of land to which water is

WILL BE USED FOR MUNICIPAL PURPOSES
 actually and beneficially applied for irrigation as before and water to be used during the following described annual period _____

Witness my hand this 16th day of AUGUST, 19 78

WATER RIGHTS COMMISSION

By

John H. Hatcher
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

No. 31442

Publish first publication, on or before

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

Notice is hereby given that ~~the~~ the ~~1-1-1911~~ 1-1-1911

Where point of take address is Box 100, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a future permit to appropriate for beneficial use 250 cubic feet of water per

second of time from the Missouri River through the
Mitchell Missouri River diversion, the point of diversion of which is to
be located ~~in the~~ between points in the 1/4 Section 30, T104N, R21E
and in the NE 1/4

of Section 16, Twp. 10N, Range 7W. Said water to be used for the purpose of providing ~~irrigation on the following described lands:~~

Water supplies for future development for municipal use by the City
of Mitchell

This application No. 3142-3 will be considered by the Water Rights Commission at the Marvin Huggitt Hotel in Huron, South Dakota

upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

LATER RIGHTS COMMISSION

By :

BURTON F. JONES, Water Rights Specialist

BFJ/LW

cc:City of Mitchell, Box 276, Mitchell, SD 57301

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Davison) ss.

I, Gerald H. Putjenter hereby

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

Water was taken from the Daily Republic

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 Mitchell

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

November 3, 1976

November 10, 1976

Gerald H. Putjenter
(Signature)

Publisher
(Title)

November 10, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 29, 1976

Notice is hereby given that the
City of Mitchell, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a future permit to appropriate
for beneficial use 25.0 cubic feet

of water per second of time from
the Missouri River through the
Mitchell Missouri River diver-
sion, the point of diversion of
which is to be located between
points in the SW $\frac{1}{4}$, Section 30,
T104N, R71W and in the NE $\frac{1}{4}$ of
Section 16, Twp. 104N, Range
71W. Said water to be used for the
purpose of providing water
supplies for future development
for municipal use by the City of
Mitchell.

This application No. 3142-3 will
be considered by the Water
Rights Commission at the
Marvin Hughitt Hotel in Huron,
South Dakota upon the 17th day of
November, 1976, at 10:00 A.M. All
interested persons may appear
and be heard.

WATER RIGHTS
COMMISSION
By: BURTON F. JONES,
Water Rights Specialist



Feb. 31/2-3

To: Fild
From: Jack
Date: 12/1/76
Subject: Chamberlain - Sioux Falls Pipeline
Mitchell meeting- Chamberlain to Mitchell Portion

Dick Buse- Introduction- Preliminary Design Chamberlain to Mitchell

Warren Brown- Economics- Service Area was determined by the most probable and most interest. This includes: Brule, Aurora, Lettcher, Davison, NW 1/4 of Hutchison including Dimock and Parkston.

N. Douglas, Buffalo, Jerault indicated an interest too late to be included in this design, but may be included in later designs.

Population growth trends were used to determine peak and average day design. Mitchell's growth potential was assumed to be 25 M. Other cities would remain approximately the same as they are now.

78- 80% of the farmers along the route would hookup for in-house use. 60% of farmers would hookup for livestock use all or part of the time.

Water would be untreated except for some screening at diversion pt. No cost for treatment or transmission from main trunk lines included

There will be seven drop-off points between Chamberlain and Mitchell. Enough water would be dropped off for both municipal and farm use. This number (7) was used only for simplicity sake and there will probably be more.

Pipeline will stop along the Interstate. Leaving Options:

1. Dump water into Lake Mitchell
2. Split pipeline- part directly to treatment plant and part into the lake. * favored by city officials

Jim Olson- Engineering- The route follows the north side of I-90 68 miles in length.

Pipe size- Chamberlain to Mount Vernon* 24"
Max Mount Vernon to Mitchell at I 90= 18"

4 structures along pipeline

1. Intake north of Chamberlain
2. Intermediate Storage just outside of Chamberlain
3. Booster pump at Pukwana
4. 2 storage reservoirs at Kimball

Subject: Chamberlain to Mitchell pipeling (continued)

Flow Rates- Maximum 6.8 MGD to Mount Vernon
Average 6.1 MGD
Delivered to Mitchell- 4.6 MGD

Intake Structure

three pumps
400 horsepower motors
elevation intake to 1st storage res- 400'
pumps will be controlled by fluctuating levels in the storage
reservoirs
Size- Intake structure 34' X 56' 60' deep

Booster Pump Station - Pukwana

one story- on grade
34' X 38'
three pumps
2 pump maximum daily demand
1 pump standby
deisel generator will provide power for 1 pump

Storage Reservoirs - sized to provide for 3 1/2 hours storage under
no pump situation

1 million gallon storage capacity
main function is to operate and control pumps at intake and
booster pump station

Size- 30' X 80' diameter
ground storage reservoir= reinforced concrete

Distribution

1st storage reservoir to pukwana- Gravity
Pukwana to 2nd storage- Pump
2nd storage res. to Mitchell- Gravity
Ductile iron pipe
6' feet in ground
50' permanent easement adj. to 1 90 ROW
City connections are not part of cost estimate
Valve at each point is . . .

SUBJECT: Chamberlain to Mitchell pipeline (cont)

CAPITOL COST AT TODAYS PRICES

Intake structure	\$3,640,000	
Storage reservoir	300,000	
storage reservoir	300,000	
Booster station	440,000	
Pipeline system	20,460,000	
Real Estate cost	560,000	
	<u>25,720,000</u>	
	<u>+ %20</u>	contingency
	\$31,000,000	
Design and supervision	4,500,000	
	<u>4,500,000</u>	
TOTAL COST	\$35,500,000	

Power cost

Intake- \$86M
Booster- 38M
total O&M cost \$160M

PROJECT COST	\$35,500,000	
Annunal O&M	160,000	
Annual cost 5.58%	2,290,000	int.
annual cost	2,730,000	7% int.
annual cost	3,400,000	@ 9% int.

Assume 50 year repayment period

SOUTH DAKOTA
Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

December 3, 1976

Re: 3142-3

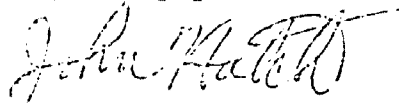
Keith Wysocki, City Engineer
City of Mitchell
Mitchell, South Dakota 57301

Dear Mr. Wysocki:

The City of Mitchell future use Water Right No. 3142-3 was approved by the Water Rights Commission at the November 17-18, 1976 meeting for 25.0 cfs with a 10,000 acre feet per year limitation. Above 10,000 acre feet per year must be submitted to the Legislature for approval.

Since 25 cfs on a continuous basis is 18,095 acre feet per year, we hope the 10,000 A.F. limitation will be satisfactory.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Commission

JH/rb

City of Mitchell

office of CITY ENGINEER



★ PHONE 605. 996-3662

★ MITCHELL, SOUTH DAKOTA 57301

September 7, 1976

Vern W. Butler
Dept. of Natural Resource Development
Office of the Secretary
Office Bldg. #2
Pierre, South Dakota 57501

Dear Mr. Butler:

Attached please find an application from the City of Mitchell, South Dakota for a future water right from the Missouri River for 25 cfs for the City of Mitchell. I did not send along a map because I did not feel that it was applicable at this time. If one is required, we will be glad to furnish you with one.

We will be glad to furnish you with any additional information which you will need to process this application.

Very truly yours,

Keith A. Wysocki
Keith A. Wysocki
City Engineer

By [Signature]

KAW:bp

City of Mitchell

office of CITY ENGINEER



★ PHONE 605, 996-3662

★ MITCHELL, SOUTH DAKOTA 57301

October 27, 1976

Vern W. Butler
Dept. of Natural Resource Development
Office of the Secretary
Office Bldg. #2
Pierre, South Dakota 57501

Dear Sir:

Attached please find a map which your office has requested to be attached to the future water permit the City of Mitchell has requested for waters from the Missouri River.

Also included is a request for a future water right permit from supplemental flows in the James River which would develop if at some time in the future an additional source of water would develop as the Oahe Project as an example.

Also included is a request for a water right from waters from the Dakota formation for use by the City of Mitchell in an emergency situation which appears to be forthcoming.

If there are any questions concerning these applications, please contact me at the earliest possible date.

Very truly yours,

Keith A. Wysocki
City Engineer

KAW:bp

Encl.

South Dakota
Department of
Water & Natural Resources

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

November 13, 1984

NOTICE

To : Paul Tobin, Mayor, City of Mitchell
From : John Hatch, Chief Engineer, Water Rights Division *John Hatch*
Subject : Review of Future Use Water Permit No. 3142-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 3142-3, City of Mitchell will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, December 5, 1984 at 2:30 pm in the Conference Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 3142-3, 2) future plans for development of the reserved water.

Future Permit No. 312-3 was approved November 17, 1976 with a priority date of September 9, 1976, for 10,000 acre feet annually from an area near Chamberlain, SD, with the following qualifications:

1. Under these conditions, this future use permit no. 3142-3 is approved with the stipulation that the permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.
2. At such time as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Following the hearing, the Board can:

- 1) Cancel Permit No. 3142-3 for no development and/or no planned future development,
- 2) Extend Future Use Permit No. 3142-3 for another seven years.

If the Water Management Board extends Permit No. 3142-3 for another seven (7) years you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 3142-3 in effect. The 10% fee based upon the remaining permit fee will be \$227.50.

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

cc: Kathleen Rudloff, Auditor

NOTICE.wr

December 4, 1984

Water Management Board
South Dakota Dept. of Water
& Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Mitchell Future Rights Permit #3142-3 from Missouri River

Gentlemen:

The City of Mitchell now uses the Firesteel Creek and the James River for its water supply.

We historically have had severe water shortages of water and feel that it is important to extend our Future Use Permit #3142-3 from the Missouri River for the following reasons:

1. The City of Mitchell needs to supplement the water received under existing permits to meet our existing needs.
2. The Missouri River water would be much better quality than James River water and if possible, should be used instead of James River water.
3. The City of Mitchell will be furnishing water to the Davison County Rural Water System which will increase our usage.
4. The City of Mitchell deems it of paramount importance to preserve its Future Use Permit to water from the Missouri River in the event that a project to extend water into eastern South Dakota is successfully undertaken, and the water could be accessed by the City of Mitchell as a supplemental source of domestic and industrial water supply. The proposition of providing Missouri River water to eastern South Dakota has been studied for years and remains under study, with the object of successfully providing Missouri River water to eastern South Dakota towns and cities. The City of Mitchell is vitally interested in such studies and plans, inasmuch as the City of Mitchell has struggled for years with the problems of unstable water supplies, and the City has lived with the limitations which have resulted from unstable water supply.

Page -2-

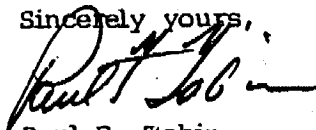
Water Management Board

SD Dept. of Water & Natural Resources

December 4, 1984

For all of the foregoing reasons, the City of Mitchell is most interested in preserving its Permit #3142-3 for future use of water from the Missouri River, as it is felt by many that the untapped resource of the Missouri River may ultimately be the solution to a quality and stable supply of domestic, industrial and municipal use in the future.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Paul F. Tobin", written over the typed name.

Paul F. Tobin
Mayor

PFT:dlk

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

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

Water Rights Division
605 773-3352

December 7, 1984

RE: Future Use Permits
No. 427-3 & 3142-3

Faul Tobin, Mayor
PO Box 278
Mitchell SD 57301

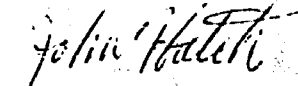
Dear Mayor Tobin:

This letter is in regard to the motion passed by the Water Management Board December 5, 1984 after review of the City of Mitchell's Future Use Permits No. 427-3 and 3142-3. The Board continued Permits No. 427-3 and 3142-3 and amended the permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 427-3 and 3142-3 will be subject to review after seven years.

Continuance of Permit No. 3142-3 is subject to payment of the required \$227.50 fee. Please remit within 30 days.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

ks

enclosures

cc: Kathleen Rudloff, Auditor

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 3142-2
FOR THE CITY OF MITCHELL

Future Use Permit No. 3142-3 was continued by the Water Management Board on December 5, 1984 and amended to add the following qualifications:

- a) Extend Future Use Permit No. 3142-3 for another seven years.
- b) Continuance of this Permit is subject to payment of the \$227.50 fee required by SDCL 46-2-13(2) and 46-5-38.1.

RECEIPT

Division of Water Rights

No 4 9865

South Dakota Department of Water and Natural Resources

Pierre, December 21, 1984

RECEIVED OF City of Mitchell, Box 278, Mitchell, SD 57301

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	227	50
Fee for Application for Permit No. 3142-3 to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____	227	50
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	

By

John Hatch

Chief Engineer

JOHN HATCH (ms)



3142-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1991

City of Mitchell
Leonard Williams, Mayor
P Box 278
Mitchell SD 57301-0278

Dear Mr. Williams:

I am writing in regard to the seven year review of Future Use Water Permit No. 427-3 from Firesteel Creek and No. 3142-3 from the Missouri River held by City of Mitchell. Currently, our records show that 23.2 cubic feet of water per second and 10,000 acre-feet remain in reserve under Future Use Permit Nos. 427-3 and 3142-3, respectively.

The permits will be scheduled for review by the Water Management Board on December 4, 1991 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit Nos. 427-3 and 3142-3.

Please respond in writing by October 15, 1991, regarding the City's intention for the future use permits. If the City of Mitchell 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

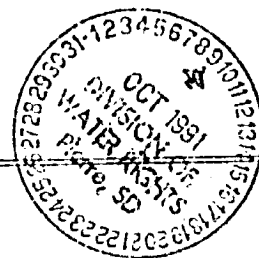
KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Alan Sherman, Water Superintendent

City of Mitchell

612 NORTH MAIN STREET • P.O. BOX 278 • MITCHELL, SOUTH DAKOTA 57301
(605) 995-6452 • FAX (605) 995-0605

October 8, 1991



3142-3

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

RE: Mitchell Water Rights
Permits #427-3 and #3142-3

Dear Ms. Schlaak:

This letter serves as the City of Mitchell's intention to protect its Water Permits #427-3 and #3142-3.

Water Permit No. 427-3 from Firesteel Creek:

This permit is on Firesteel Creek which has served as Mitchell's primary water source since 1927. As the uses on the permit state the purposes of Municipal Uses, Fire Protection, and Recreation, the City uses all water on the creek.

Water Permit No. 3142-3:

This future use permit is on the Missouri River near Chamberlain. The City of Mitchell is currently studying all water options for the future including the Missouri River. We are a member of the Lewis and Clark Rural Water System which is studying the Missouri River as a water source.

If you have any questions, please call.

Sincerely,

Tim McGannon, P.E.
Public Works Director

TM/deh-s

South Dakota

GREAT FACES. GREAT PLACES.

October 10, 1991

3142-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Tim McGannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301

Dear Mr. McGannon:

We have received your letter dated October 8, 1991 requesting that the City of Mitchell's future Use Permit Nos. 427-3 and 3142-3 be retained. As part of our review process, we are requesting that the City provide annual pumping records for the past three years. The pumping information is used to show need and to determine the recommended amount of water to be retained by the future use permits.

If you have any questions regarding the review process, please contact Eric Gronlund of this office. Thank you for your cooperation.

Sincerely,

Karen Schlaak

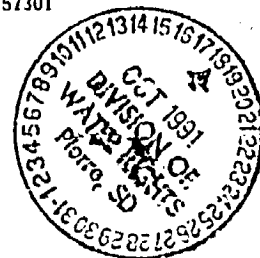
Karen Schlaak
Natural Resources Analyst
605 773-3352

3142-3

City of Mitchell

612 NORTH MAIN STREET • P.O. BOX 278 • MITCHELL, SOUTH DAKOTA 57301
(605) 996-6152 • FAX (605) 996-0605

October 16, 1991



Karen Schlaak
SD-DENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RE: Mitchell's Future Use Permits #427-3 & 3142-3

Dear Karen:

As requested, enclosed are the following pumping records for the past 3 years:

1. Monthly documentation of total water use from Lake Mitchell which is a manmade impoundment of Firesteel Creek.
2. Yearly pumping from the James River to Lake Mitchell.

This documentation represents all water pumped, from all sources, for municipal use.

If you have any questions, please call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim McGannon".

Tim McGannon, P.E.
Public Works Director

TM/deh-s

Enclosures

SERVICE & PARTS

SEWER WATER JETS
RODDER MACHINES
CABLE MACHINES
HIGH PRESSURE
CLEANERS



CHLORINATORS
METERING PUMP
PRESSURE REDUCING
VALVES
ALTITUDE VALVES

P. O. Box M 917 Fourth St.
Garretson, SD 57030 (605) 594-6475

DICK'S REPAIR SERVICE
DICK BARKER

James River Pumping

1988- NONE

1989- NONE

1990- 746.1 MG



"I AM HERE TO HELP YOU - 24 HOURS A DAY - 7 DAYS A WEEK"

MONTHLY WATER CONSUMPTION and YEARLY TOTALS

MONTH	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
January	71,328 MG	30,485 MG	58,190 MG	48,395 MG	49,140 MG	50,398 MG	55,866 MG	50,500 MG	50,350 MG	51,070 MG
February	41,250 MG	36,927 MG	43,329 MG	42,072 MG	45,273 MG	45,344 MG	51,892 MG	45,650 MG	44,040 MG	46,660 MG
March	47,180 MG	39,024 MG	45,340 MG	46,999 MG	49,539 MG	49,669 MG	58,665 MG	54,134 MG	50,080 MG	56,050 MG
April	44,893 MG	43,152 MG	43,141 MG	50,542 MG	52,022 MG	48,891 MG	56,926 MG	53,440 MG	52,160 MG	53,100 MG
May	51,774 MG	42,841 MG	63,145 MG	49,372 MG	58,076 MG	58,433 MG	63,555 MG	66,940 MG	79,640 MG	65,235 MG
June	51,801 MG	51,310 MG	79,030 MG	51,570 MG	72,881 MG	79,797 MG	62,980 MG	84,050 MG	55,610 MG	75,050 MG
July	91,041 MG	79,640 MG	72,743 MG	61,215 MG	36,863 MG	105,445 MG	80,280 MG	113,240 MG	96,200 MG	93,460 MG
August	72,302 MG	77,220 MG	59,076 MG	63,716 MG	80,063 MG	87,765 MG	80,230 MG	82,212 MG	93,401 MG	96,070 MG
September	58,004 MG	58,530 MG	52,309 MG	52,360 MG	58,120 MG	65,909 MG	53,890 MG	58,807 MG	66,510 MG	66,700 MG
October	43,356 MG	51,030 MG	46,070 MG	49,774 MG	56,428 MG	65,972 MG	52,209 MG	36,560 MG	56,600 MG	56,506 MG
November	45,464 MG	40,360 MG	46,978 MG	48,991 MG	49,179 MG	76,438 MG	49,150 MG	55,450 MG	48,370 MG	49,450 MG
December	40,748 MG	38,370 MG	48,225 MG	48,536 MG	52,777 MG	57,713 MG	48,980 MG	52,800 MG	48,608 MG	48,260 MG
YEARLY TOTAL	668,140 MG	601,389 MG	646,613 MG	614,063 MG	710,456 MG	791,774 MG	714,633 MG	773,750 MG	748,669 MG	757,592 MG
MONTH	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
January	48,430 MG	51,711 MG	49,280 MG	52,358 MG	49,255 MG	52,542 MG	52,070 MG	52,610 MG	46,560 MG	51,590 MG
February	45,386 MG	46,300 MG	51,980 MG	51,900 MG	44,720 MG	46,800 MG	48,330 MG	45,320 MG	40,273 MG	51,620 MG
March	49,570 MG	51,480 MG	51,760 MG	54,020 MG	51,980 MG	52,300 MG	50,310 MG	50,210 MG	49,290 MG	63,110 MG
April	53,160 MG	53,670 MG	50,820 MG	53,390 MG	51,200 MG	54,835 MG	50,650 MG	44,940 MG	49,609 MG	58,170 MG
May	55,630 MG	72,070 MG	57,350 MG	59,060 MG	67,400 MG	60,330 MG	73,050 MG	51,740 MG	66,210 MG	59,490 MG
June	61,119 MG	30,740 MG	74,430 MG	63,360 MG	97,520 MG	74,300 MG	69,680 MG	70,050 MG	71,977 MG	86,050 MG
July	73,910 MG	117,510 MG	76,160 MG	84,451 MG	105,080 MG	131,920 MG	115,570 MG	68,460 MG	102,040 MG	89,750 MG
August	92,880 MG	103,350 MG	99,760 MG	100,500 MG	117,575 MG	102,400 MG	75,476 MG	66,330 MG	70,410 MG	86,210 MG
September	60,440 MG	76,870 MG	72,330 MG	72,369 MG	60,190 MG	79,940 MG	62,640 MG	57,780 MG	55,600 MG	63,610 MG
October	50,010 MG	60,900 MG	64,735 MG	56,370 MG	54,340 MG	64,210 MG	58,830 MG	52,765 MG	54,630 MG	59,240 MG
November	44,840 MG	46,230 MG	49,416 MG	50,830 MG	49,220 MG	51,390 MG	49,670 MG	44,860 MG	50,010 MG	53,934 MG
December	47,030 MG	42,110 MG	51,730 MG	50,010 MG	48,070 MG	52,790 MG	52,020 MG	48,240 MG	59,070 MG	53,934 MG
YEARLY TOTAL	577,250 MG	701,041 MG	749,801 MG	750,008 MG	797,050 MG	823,757 MG	758,466 MG	653,805 MG	710,939 MG	787,436 MG

MONTHLY WATER CONSUMPTION and YEARLY TOTALS

MONTH	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
January	53.486 MG	43.070 MG	42.429 MG	48.576 MG	51.463 MG	57.442 MG	45.657 MG	45.187 MG	50.426 MG	50.100 MG
February	50.130 MG	41.070 MG	39.254 MG	45.115 MG	45.454 MG	52.023 MG	39.216 MG	30.074 MG	52.110 MG	54.502 MG
March	54.081 MG	45.445 MG	46.269 MG	50.227 MG	48.710 MG	54.640 MG	48.644 MG	45.044 MG	55.233 MG	50.300 MG
April	47.310 MG	57.077 MG	48.865 MG	52.127 MG	49.274 MG	56.049 MG	46.932 MG	44.640 MG	62.640 MG	60.894 MG
May	58.510 MG	76.931 MG	67.931 MG	58.622 MG	60.453 MG	65.025 MG	56.793 MG	49.230 MG	60.448 MG	77.110 MG
June	66.080 MG	77.666 MG	79.249 MG	65.164 MG	76.087 MG	60.702 MG	66.420 MG	54.055 MG	118.028 MG	122.156 MG
July	83.780 MG	113.226 MG	91.673 MG	85.817 MG	80.258 MG	103.721 MG	93.999 MG	94.229 MG	103.020 MG	174.675 MG
August	68.660 MG	71.258 MG	69.256 MG	101.513 MG	107.578 MG	93.974 MG	65.404 MG	73.170 MG	93.337 MG	114.430 MG
September	68.934 MG	66.493 MG	62.248 MG	72.727 MG	79.481 MG	75.522 MG	49.222 MG	54.763 MG	73.610 MG	70.603 MG
October	59.208 MG	55.841 MG	53.081 MG	61.508 MG	61.611 MG	60.527 MG	49.056 MG	51.506 MG	63.577 MG	63.120 MG
November	44.260 MG	39.649 MG	50.224 MG	60.644 MG	51.724 MG	52.297 MG	43.516 MG	46.573 MG	51.316 MG	53.004 MG
December	43.941 MG	38.732 MG	47.604 MG	48.553 MG	47.695 MG	52.079 MG	44.352 MG	46.129 MG	55.044 MG	57.047 MG
YEARLY TOTAL	698.430 MG	726.458 MG	698.085 MG	750.593 MG	759.783 MG	784.001 MG	643.721 MG	645.131 MG	870.238 MG	937.976 MG
MONTH	1989	1990	1991	1992	1993	1994	1995	1996	1998	1999
January	56.216 MG	54.660 MG								
February	50.715 MG	49.979 MG								
March	57.664 MG	54.731 MG								
April	67.080 MG	65.960 MG								
May	89.215 MG	65.093 MG								
June	121.043 MG	77.407 MG								
July	122.508 MG	99.368 MG								
August	110.381 MG	104.845 MG								
September	74.663 MG	93.805 MG								
October	68.256 MG	64.053 MG								
November	52.908 MG	54.620 MG								
December	55.778 MG	53.852 MG								
	926.517 MG	839.273 MG								



3142-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 23, 1991

Tim McGannon, Public Works Director
City of Mitchell
612 North Main Street
PO Box 278
Mitchell, SD 57301

Dear Mr. McGannon:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 427-3 and 3142-3 from Firesteel Creek and the Missouri River which are held by the City of Mitchell. We have received your October 9, 1991 letter requesting the retention of these permits. A copy of the **draft recommendations** are enclosed for your review.

As a part of reviewing future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This policy is to increase the city's flexibility when placing reserved water to beneficial use. We have estimated pumping 60% of the time on an annual basis to convert from a diversion rate to annual acre-feet. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Administrative Rule of South Dakota 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you feel the recommended amount to remain in reserve does not adequately meet your communities future development needs, please provide this office with additional justification for a greater amount. These draft recommendations are being sent to provide you an opportunity to comment on the review of the city's future use permit prior to publishing the notice of hearing.

I would appreciate hearing your comments regarding the draft recommendations at your earliest convenience. If I do not receive your comments by January 15, 1992, I will schedule the publication of the notice of hearing with the recommendations as enclosed so that the review of these permits can take place at the March 4 & 5, 1992 Water Management Board meeting.

Please feel free to contact me if you have any questions.

Sincerely,
Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3142-3, CITY OF MITCHELL

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3142-3, City of Mitchell.

The Chief Engineer is recommending that Future Use Permit No. 3142-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3142-3, 2) the City of Mitchell has demonstrated a reasonable need for the water reserved by Permit No. 3142-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 3142-3 reserves for future use 5,756 acre-feet annually. The diversion rate of 25 cfs and the withdrawal limitation of 10,000 acre feet annually is deleted from Permit No. 3142-3.

And that maintaining the effectiveness of Future Use Permit No. 3142-3 is subject to payment of the \$137.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Mitchell.



JOHN HATCH, Chief Engineer
January 22, 1992

NOTE: The maximum annual acre-feet of full-time pumping reserved by No. 3142-3 is 10,000 acre-feet. Assuming that the total amount pumped annually would equal 60% of 10,000 acre-feet, then expected developed pumping of water reserved under Permit No. 3142-3 would be about 6,000 acre-feet per year.

The maximum annual water usage in 1988 by the City of Mitchell was 2,878 acre-feet. Doubling this annual use (5,756 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 10,000 acre-feet under Permit No. 3142-3. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 3142-3 should be allowed to remain in effect for 5,756 acre-feet as outlined in the above qualifications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1992

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

Tim McGannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301

Dear Mr. McGannon:

Future Use Permit Nos. 427-3 and 3142-3 will be reviewed for progress in the development and future plans for use of the water reserved. Notice has been sent to the following papers: The Daily Republic-Mitchell, Chamberlain Register-Chamberlain, South Dakota Mail-Plankinton and the True Dakotan-Wessington Springs. Please review the 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

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

January 27, 1992

Chamberlain Register
Box 28
Chamberlain SD 57325

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on February 5, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Mitchell, PO Box 278, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. _____

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

Date _____

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

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1992

The Daily Republic
PO Box 1288
Mitchell SD 57301

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on February 5, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Mitchell, PO Box 278, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Natural Resources, Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

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

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1992

South Dakota Mail
Box 367
Plankinton SD 57368

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on February 6 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Mitchell, PO Box 278, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1992

True Dakotan
Box T
Wessington Springs SD 57382

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on February 4, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Mitchell, PO Box 278, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper-Publish first publication of the following Notice on February 4, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by City of Mitchell, PO Box 278, Mitchell SD 57301 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. 427-3 was approved December 22, 1960 to reserve 23.2 cfs from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal purposes.

Permit No. 3142-3 was approved November 17, 1976 to reserve 10,000 acre feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W and in the NE 1/4 Section 16-T106N-R71W to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 427-3 REMAIN in EFFECT for 5,756 acre-feet annually and Permit No. 3142-3 REMAIN in EFFECT for 5,756 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. 427-3 and 3142-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 4, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 1992. 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. 427-3 and 3142-3 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 the permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 21, 1992.



3142-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1992

The Daily Republic
PO Box 1288
Mitchell SD 57301

Dear Sir:

Enclosed is the bill and an extra copy of the Notice of Hearing which ran in your paper on February 5 & 12. As stated in our January 27, 1992 letter to you, the cost of the publication is to be paid by the City of Mitchell, PO Box 278, Mitchell SD.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minors) ss.

Edward Van Lender, Bookkeeper

certify that the attached printed Notice
from the South Dakota Mail

A newspaper which during the whole time
said notice herein after stated, has been ar
published in the South Dakota Mail

_____ of Minors

County of Minors and State of
that the said notice was published in said newspaper
following two dates:

February 6, 1992
February 13, 1992

Edward Van Lender
(Signature)

Bookkeeper
(Title)

February 13, 1992
(Date Signed)

Cost of Printing: 56.54

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NOS. 427-3
and 3142-3

Notice is given, that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by City of Mitchell, PO Box 278, Mitchell, SD 57301 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. 427-3 was approved December 22, 1960 to reserve 23.2 cfs from Firesteel Creek located in the NEW SEA Section 5-T103N-R60W to be used for municipal purposes.

Permit No. 3142-3 was approved November 17, 1976 to reserve 10,000 acre feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W and in the NW 1/4 Section 16-T106N-R71W to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 427-3 REMAIN in EFFECT for 3,756 acre feet annually and Permit No. 3142-3 REMAIN in EFFECT for 3,756 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. 427-3 and 3142-3 at the Floyd Matthew Building, 200 South 4th Street, Pierre, SD on March 4, 1992 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 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 21, 1992. 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, Rod Hays
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

Town of Chamberlain

County of Brule and St
that the said notice was published in s
following two dates:

Feb. 6, 1992

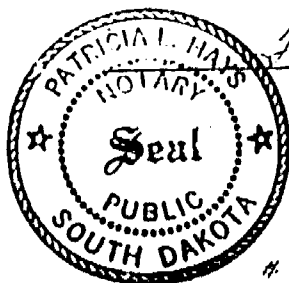
Feb. 13, 1992

Any person wishing a copy of the Chief
Engineer's recommendations, further in-
formation on the permits or to assure ac-
cess to the hearing by the handicapped
can contact the Water Rights Division,
DENR, Joe Ross Building, Pierre, SD 605
773-3352 for assistance prior to the hear-
ing date. The time of the hearing will be
automatically delayed for at least 20 days
upon written request of the permit owner
or any person who has filed a petition to
oppose or support continuance of the Fu-
ture Use permits. The request for a delay
must be filed with the Chief Engineer by
February 21, 1992.

(Feb. 6-Feb. 13)

Patricia L. Hays
(Signature)

(Title)



February 13, 1992
(Date Signed)
Notary Public
My Commission
expires Oct. 1, 1999

Cost of Printing: 49.37

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3142-3

Notice is given that the Water Man-
agement Board will review Future Use
Permit Nos. 427-3 and 3142-3 held by City
of Mitchell, PO Box 278, Mitchell SD
57301 for progress made in the develop-
ment of the water reserved by the Permit
and future plans for development of the
water reserved by the Permits.

Permit No. 427-3 was approved De-
cember 22, 1960 to reserve 23.2 cfs from
Pineapple Creek located in the NE 1/4 SE
1/4 Section 9-T103N-R60W to be used for
municipal purposes.

Permit No. 3142-3 was approved
November 17, 1976, to reserve 10,000 acre
feet of water from the Missouri River be-
tween points in the SW 1/4 Section 30-
T104N-R71W and in the NE 1/4 Section
16-T106N-R71W to be used for municipal
purposes.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends that Permit No. 427-3 RE-
MAIN IN EFFECT for 5,756 acre-feet an-
nually and Permit No. 3142-3 REMAIN IN
EFFECT for 5,756 acre-feet annually be-
cause 1) the reserved water may be devel-
oped, 2) there is need for the reserved wa-
ter, 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. 427-3 and 3142-3 at the Floyd
Matthew Training Center, Joe Ross
Building, 523 E. Capitol, Pierre, SD on
March 4, 1992 at 10:00 a.m.

The recommendation of the Chief En-
gineer is not final or binding upon the
Board and the Board is authorized to 1)
allow the permits to remain in effect, 2)
attend the permits by adding qualifica-
tion, 3) cancel the permits for no devel-
opment or no planned future develop-
ment, or 4) take no action after it reaches
a conclusion based upon facts presented
at the public hearing. Any interested per-
son who may be affected by a Board deci-
sion and who intends to participate in the
hearing before the Board and present evi-
dence or cross-examine witnesses accord-
ing to SDCL 1-26, must file a written peti-
tion with BOTH the permit owner and the
Chief Engineer by February 21, 1992. The
petition may be informal, but it must in-
clude a statement describing the petition-
er's interest in the future use permits, the
reasons for petitioner's opposition to or
support of continuing the future use per-
mits, and the signature and mailing ad-
dress 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 Per-
mit Nos. 427-3 and 3142-3 will be con-
ducted pursuant to the provisions of
SDCL 46-1-14, 46-2-3, 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.

This hearing is an adversary proceed-
ing. The permit owner or any person, af-
ter 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. Deci-
sions of the Board may be appealed to the
Circuit Court and State Supreme Court as
provided by law.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gerrald) ss.



1. Karen Wenzel

certify that the attached printed Notice was taken
from the True 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 True Dakotan

113 E. Main of Wessington Springs

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

February 4, 1992

February 11, 1992

Karen Wenzel
(Signature)

Bus. Mgr.
(Title)

2/13/92
(Date Signed)

Cost of Printing: \$ 70.18

NOTICE OF HEARING
TO REVIEW FUTURE USE WATER PER-
MIT NOS. 427-3 AND 3142-3

Notice is given that the Water Manage-
ment Board will review Future Use Permit
Nos. 427-3 and 3142-3 held by City of
Mitchell, PO Box 278, Mitchell SD 57301
for progress made in the development of
the water reserved by the Permit and fu-
ture plans for development of the water
reserved by the Permits.

Permit No. 427-3 was approved Decem-
ber 22, 1960 to reserve 23.2 cfs from Fires-
teel Creek located in the NE 1/4 SE 1/4
Section 9-T103N-R60W to be used for
municipal purposes.

Permit No. 3142-3 was approved
November 17, 1976 to reserve 10,000 acre
feet of water from the Missouri River be-
tween points in the SW 1/4 Section 30-
T104N-R71W and in the NE 1/4 Section
16-T106N-R71W to be used for municipal
purposes.

Pursuant to SDCL 46-2A-2 the Chief En-
gineer of the Water Rights Division recom-
mends that Permit No. 427-3 REMAIN IN
EFFECT for 5,756 acre-feet annually and
Permit No. 3142-3 REMAIN IN EFFECT for
5,756 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 con-
duct the hearing to review Future Use
Permit Nos. 427-3 and 3142-3 at the Floyd
Matthew Training Center, Joe Foss Build-
ing, 523 E. Capitol, Pierre SD on March 4,
1992 at 10:00 a.m.

The recommendation of the Chief En-
gineer 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 qualifica-
tions, 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 inter-
ested persons who may be affected by a
Board decision and who intends to par-
ticipate 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 21, 1992. 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. 427-3 and 3142-3 will be conducted
pursuant to the provisions of SDCL 46-1-
14, 46-2-5, 46-2-9, 46-2-11, 46-5-26.1;
Board Rules ARSD 74:02:01:25.01 thru
74:02:01:25.03; and contested case pro-
cedures contained in SDCL 1-26.

This hearing is an adversary proceed-
ing. 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. 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 in-
formation on the permits or to assure ac-
cess to the hearing by the handicapped
can contact the Water Rights Division,
DENR, Joe Foss Building, Pierre SD 575
773-3352 for assistance prior to the hear-
ing date. The time of the hearing will be
automatically delayed for at least 20 days
upon written request of the permit owner
or any person who has filed a petition to
oppose or support continuance of the Fu-
ture Use Permits. The request for a delay
must be filed with the Chief Engineer by
February 21, 1992.

c. 15.16

Affidavit of Publication

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by City of Mitchell, PO Box 278, Mitchell SD 57301 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. 427-3 was approved December 22, 1960 to reserve 3.2 cfs from Firesteel Creek located in the NE 1/4 Sec 4 Section 9-T103N. SW to be used for municipal purposes.

Permit No. 3142 was approved November 17, 1974 to reserve 10,000 acre feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W and in the NE 1/4 Section 16-T106N-R71W to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 427-3 REMAIN IN EFFECT for 5,756 acre-feet annually and Permit No. 3142-3 REMAIN IN EFFECT for 5,756 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. 427-3 and 3142-3 at the Floyd Matthews Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on March 4, 1992 at 10:00 am.

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

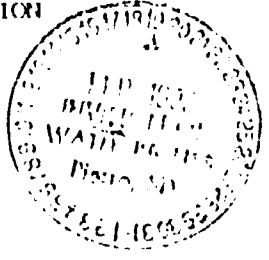
Any interested person who may be affected by a Board decision and who intends to participate in the hearing, before the Board and present evidence or cross-examine witnesses, according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 1992. The 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. 427-3 and 3142-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 46-2-4, 46-5-30, 1) Board Rules ARSD 74:02:01(25.0) 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 opposing 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 permit or to assure access to the hearing by the hand-copied can contact the Water Rights Division, DENR 306 Foss Building, Pierre SD 57505 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 21, 1992.

AFFIDAVIT OF PUBLICATION



AKOTA)
OF DAVISON)

I, D Shields of said county being first duly sworn, says that he is the publisher of The Daily Ac, and that The Daily Republic is, and during all times hereinafter mentioned was, a daily legal news-s defined in SDCL 17-2-2, as amended, published in Wells, Davison County, South Dakota; that affiant during all of said times was, an employee of such and has personal knowledge of the facts stated in said affidavit; that the notice, order or advertisement, of which is attached, was published in said for 2 successive issues, bearing the following dates:

February 5	, 19 <u>92</u> ;		, 19 <u> </u>
February 12	, 19 <u>92</u> ;		, 19 <u> </u>
	, 19 <u> </u> ;		, 19 <u> </u>
	, 19 <u> </u> ;		, 19 <u> </u>

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 126.82 , insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this 18 day of February A.D., 19 92 .
David J. Shields
Notary Public
County of Davison, S.D.

AMENDMENT TO FUTURE USE PERMIT NO. 3142-3

CITY OF MITCHELL

Pursuant to the March 4, 1992 Water Management Board hearing, Future Use Permit No. 3142-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3142-3 reserves for future use 5,756 acre-feet annually. The diversion rate of 25 cfs and the withdrawal limitation of 10,000 acre-feet are deleted from Permit No. 3142-3.



March 9, 1992

NOTICE

Tim McGannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in response to action taken by the Water Management Board at the hearing on March 4, 1992 to review Future Use Permit Nos. 427-3 and 3142-3. 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. 427-3 and 3142-3 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3142-3 is \$137.50 for each permit (\$275.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

enclosures

3142-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

④

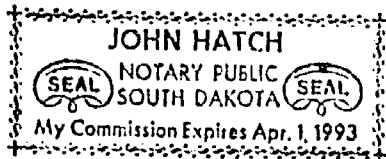
Tim McGannon, Public Works Director, City of Mitchell, PO Box 278,
Mitchell, SD 57301

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 1992.

John Hatch
Notary Public



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 9, 1992

RECEIVED OF City of Mitchell, Mitchell, SD 57301

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. <u>3142-3</u> after period of seven years.	132	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	132	50

By *John H. [Signature]*
Chief Engineer



3142-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 20, 1998

Tim McCannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301-0278

Dear Mr. Wallace:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 427-3 and 3142-3 held by the City of Mitchell. By law, all future use permits are to be reviewed by the Water Management Board every seven years. These permits reserve water for future water supply needs for the city. Currently, our records show that 5,756 acre-feet of water from Firesteel Creek remain in reserve under Permit No. 427-3 and 5,756 acre-feet of water from the Missouri River remain in reserve under Permit No. 3142-3. Both permits were last reviewed in 1992.

Please respond in writing by January 15, 1999, 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. 427-3 and 3142-3 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

City of Mitchell

612 NORTH MAIN STREET • P.O. BOX 278 • MITCHELL, SOUTH DAKOTA 57301 • (605) 995-8420 • FAX (605) 995-8410
ENGINEER (605) 995-8435 • WATER (605) 995-8449 • STREET (605) 995-8465 • WASTE WATER (605) 995-8446
PUBLIC WORKS/PLANNING/ZONING/INSPECTOR (605) 995-8433

November 25, 1998

Karen Schlaak
Water Rights Program
SD Dept. Of Environment & Natural Resources
Joe Foss Bld
523 E. Capitol
Pierre, SD 57501-3181



RE: Permit Nos. 427-3 and 3142-3

Dear Karen:

With regards to permit #427-3 showing 5756 acre-feet of water for Firesteel Creek: The City of Mitchell currently uses Firesteel Creek through an impoundment called Lake Mitchell for its water supply. The waters of Lake Mitchell are and have been since 1928 used for drinking water purposes for the City of Mitchell.

With regards to permit #3142-3: The City of Mitchell is continuing exploring options to bring Missouri Water to Mitchell. Currently we are working B-Y Rural Water System to bring an estimated 3 million gallons per day to Mitchell.

Please maintain both permits for the City of Mitchell.

If you have any questions, please call.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Tim McGannon".

Tim McGannon, P.E.
Public Works Director

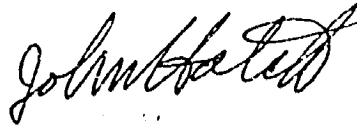
scl

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3142-3, City of Mitchell 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. 3142-3, City of Mitchell, PO Box 278, Mitchell SD 57301-0278.

The Chief Engineer is recommending that Future Use Permit No. 3142-3 REMAIN in EFFECT for 5,756 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3142-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 3142-3, 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. 3142-3 is subject to payment of the \$137.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Mitchell after the Board hearing.

A handwritten signature in black ink, appearing to read "John Hatch", is written above the printed name.

JOHN HATCH, Chief Engineer
January 21, 1999

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

COUNTY OF AURORA)

ss

J. P. Studeny, Jr.

of said County and State, being first duly sworn, on his/her oath says:



THE SOUTH DAKOTA MAIL, is a weekly newspaper of general circulation, printed and published in Plankinton, in Aurora County and State of South Dakota by John Paul Studeny, Jr. and Gayle A. Van Genderen and has been such newspaper during the times hereinafter mentioned, that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 250 copies weekly, that it has been published within said county of Aurora in the English language for more than fifty-two successive weeks next prior to the publication of the notice hereinafter mentioned, and has been printed during said period and at the present time, in whole or in part in an office maintained at the said place of publication, and that I, the undersigned, am

Publisher

of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts in this affidavit, that the advertisement headed

Notice of Hearing to Review the Future Use
of Water Permit Nos. 427-3 and 3142-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for TWO WEEKS, that said notice was published in the issues of said newspaper on the dates as follows, to-wit:

The first publication being made on JAN. 28 1991

the second publication on FEB. 4 1991

the third publication on _____ 19____

the fourth publication on _____ 19____

and subsequent publications on _____ 19____

that \$22.35 the full amount of the fee charged for publication of the annexed notice, insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to be any person whomsoever.

[Signature]
subscribed and sworn to before me this 17
day of FEBRUARY 1991

Notary Public, [Signature] County

My Commission Expires 10-21-97

Notice of Hearing to Review the Future Use of Water Permit Nos. 427-3 and 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by the City of Mitchell, PO Box 278, Mitchell, SD 57301 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permits.

Permit No. 427-3 was approved December 22, 1970 and currently reserves 1,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9 T103N-R20W to be used for municipal purposes.

Permit No. 3142-3 was approved November 17, 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W (Bridle County) and in the NE 1/4 Section 16-T104N-R71W (Buffalo County) to be used for municipal purposes.

Pursuant to SDCL 46-2A-1 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3142-3 each REMAIN IN EFFECT FOR 5,765 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. 427-3 and 3142-3 at the Floyd Matthew Training Center, Joe Foss Building, 323 E. Capitol, Pierre, SD on March 3, 1991 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 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 19, 1991. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 323 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 427-3 and 3142-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 46-2-8, 46-2-11, 46-3-30.1; Board Rules, ARSD 74:02.01:33.01 thru 74:02.01:35.03 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 afforded if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by February 19, 1991. 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 19, 1991.

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

2tc. F-4



AFFIDAVIT OF PUBLICATION

STATE OF)
 SOUTH DAKOTA)
 COUNTY OF DAVISON)

Noel Hamiel of said county being first duly sworn, on oath says that he is the publisher of The Daily Republic, and that The Daily Republic is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2, as amended, published at Mitchell, Davison County, South Dakota; that affiant is and during all of said times was, an employee 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 attached, was published in said newspaper for 2 ~~successive~~ issues, bearing the following dates:

January 28, 1999

_____, 19____

February 4, 1999

_____, 19____

_____, 19____

_____, 19____

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$236.50, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Noel Hamiel

Subscribed and sworn to before me this
4 day of February, A.B., 1999.

Kathy Hoggan
 Notary Public

County of Hanson, S.D.

My Commission Expires: 10.8.2003

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brule) SSI, Mark Nesladek

certify that the attached printed Notice was taken

from the Chamberlain OccasionRegisterprinted and published in ChamberlainCounty of Brule and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 23, 1999February 4, 1999Cost of Printing 61.42Storia Grube

(Signature)

Publisher

(Title)

February 4, 1999

(Date Signed)

NOTICE OF HEARING TO REVIEW
FUTURE USE OF WATER PERMIT
NOS 427-3 and 3142-3

NOTICE IS GIVEN that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by the City of Mitchell, PO Box 278, Mitchell, South Dakota 57301 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. 427-3 was approved December 22, 1960, and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal purposes.

Permit No. 3142-3 was approved November 17, 1976, and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30 T-104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3142-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3142-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on March 3, 1999 at 10 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 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 fact 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 to cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 19, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, South Dakota 57301 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reason for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

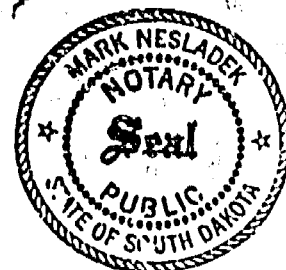


The hearing to review Future Use Permit Nos. 427-3 and 3142-3 will be conducted pursuant to the provisions SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-14, 46-5-38.1; Board Rules ARS 74:07:01:25.01 thru 74:07:01:25.03 and contested case procedures contained SDCL 1-26.

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 these permits, to a sure access to the hearing by the hand-capped or obtain an interpreter for the hearing, impaired, may contact Er. Gronlund, Water Rights Program, (605 773-3352) by February 19, 1999. 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 Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1999. Nettie H. Myers, Secretary, Department of Environment and Natural Resources (Jan. 28, Feb. 2, 1999)

Notary Public
My Commission Expires
June 2, 2005





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 5, 1999

NOTICE

Tim McGannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 1999 to review Future Use Permit Nos. 427-3 and 3142-3. The Board allowed each permit to remain in effect for 5,756 acre-feet of water annually. Future Use Permit Nos. 427-3 and 3142-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3142-3 is \$137.50 each (\$275.00 total) 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 March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding action taken by the Water Management Board at the hearing on March 3, 1999, to review the following Future Use Permits, addressed as stated below:

427-3 & 3142-3: Tim McGannon, Public Works Director, City of Mitchell, P.O. Box 278, Mitchell, SD 57301.

3371-3: P. Eric Swanson, City Manager, City of Yankton, P.O. Box 176, Yankton, SD 57078-0176.

3428-3: Rick Wahlen, Superintendent, Aberdeen Water Works, City of Aberdeen, 123 S. Lincoln St., Aberdeen, SD 57401.

4051-3: Pat Grygiel, Finance Officer, Town of Florence, P.O. Box 137, Florence, SD 57235-0137.

4052-3: Judy Fos, Finance Officer, Town of Henry, P.O. Box 27, Henry, SD 57243-0027.

5522-3 & 5523-3: Lyle D. Johnson, Directory of Public Works, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57104-6407.

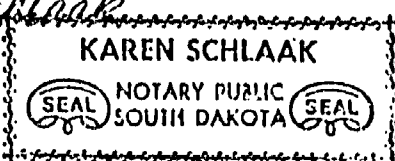
A Notice and a copy of the amendment to Future Use was sent to the following:

4039-3: Connie Zimmer, Finance Officer, City of Montrose, P.O. Box 97, Montrose, SD 57048.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1999


Notary Public
KAREN SCHLAAK, Notary Public
My Commission Expires




DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 13, 1999

Tim McCannon, Public Works Director
City of Mitchell
PO Box 278
Mitchell SD 57301-0278

Dear Mr. McCannon:

On March 5, 1999 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3142-3. To date, we have not received this payment.

Please submit the \$275.00 fee (\$137.50 for each permit) as soon as possible to avoid jeopardizing the City's future use permits. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

Frost, Cheryl

F.U. 3142-3

From: Verhelst, Sandy
Sent: Tuesday, June 08, 1999 11:51 AM
To: Frost, Cheryl
Subject: RE:

I deposited \$275.00 from the City of Mitchell 6/7/1999 C2099156 in Water Rights Fee Funds.

\$137.50 For F.U. 427-3 and

\$137.50 For F.U. (3142-3)



3142-3
**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 29, 2005

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in regard to the seven year review of Future Use Water Permit No. 427-3 (from Firesteel Creek) and No. 3142-3 (from Missouri River) which are held by the City of Mitchell. 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 5,765 acre-feet remain in reserve under each of these future use permits which were last reviewed in 1999.

Please respond in writing by January 31, 2006, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 427-3 and 3142-3 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 the review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

Schlaak, Karen

From: Tim McGannon [tmcgannon.cityofmitchell@midconetwork.com]
Sent: Thursday, February 02, 2006 10:54 AM
To: Schlaak, Karen
Subject: Future Use Water Permit No. 427-3

Dear Karen:

I just noticed that I missed your deadline for written response to the seven year review of Future Use Water Permits nos. 427-3 (Firesteel Creek) and 3142-3 (Missouri River).

By the DENR's grace, I hope my comments will be taken into consideration even though I am a couple days late.

The City of Mitchell wishes to retain Future Use Water Permit No. 427-3 (Firesteel Creek). As the Department is aware, the City of Mitchell constructed Lake Mitchell Dam and Spillway in 1928 to hold water for Domestic Use. Since that time, Lake Mitchell has become a well used recreation water. Activities include fishing, full contact recreation as well as Domestic Water Supply.

While the City of Mitchell has invested millions of dollars to obtain Missoure River Water from Lewis and Clark Lake, we are all aware of the looming problem of sedimentation in the Main Stem Dams of the Missouri River. Without Millions of dollars of work (some say Billions), Lewis and Clark Lake appears to be doomed by siltation over the next 50-75 years.

Therefore, Mitchell's future water right to Firesteel Creek is important to our region.

Thank you for your consideration.

Tim McGannon, P.E.
Director of Public Works
City of Mitchell
612 N. Main
Mitchell, SD 57301
(605) 995-8433

2/2/2006

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 427-3 and 3124-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3124-3 held by the City of Mitchell, 612 N Main St, Mitchell SD 57301 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. 427-3 was approved 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3124-3 was approved 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between point in the SW 1/4 Section 30-T104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3124-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3124-3 at 10:00 am, May 3, 2006 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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 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 April 21, 2006. 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 No. 427-3 and 3124-3 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 hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendations, further information on 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 April 21, 2006. 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 April 21, 2006. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Noel Hamiel of said county, being, first duly sworn, on oath, says; that he is the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he 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 Davison 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, order or advertisement, 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 issues(s), to wit:

March 29, 2006

April 5, 2006

That the full amount of the fee charged for the publication of the attached public notice insures 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: \$180.48

Signed: Noel Hamiel

Subscribed and sworn to before me this 10 day of April, 2006

Kathy Hoggman
Notary Public

County of Nelson

My Commission Expires: 10.8.2009

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

RECEIVED
APR 12 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper-Publish first publication of the following Notice on March 29, 2006 with 2nd publication 7 days later. The City of Mitchell is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3124-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3124-3 held by the City of Mitchell, 612 N Main St, Mitchell SD 57301 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. 427-3 was approved 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9-T103N-R60W to be used for municipal use.

Permit No. 3124-3 was approved 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW $\frac{1}{4}$ Section 30-T104N-R71W (Brule County) and in the NE $\frac{1}{4}$ Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3124-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3124-3 at 10:00 am, May 3, 2006 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 21, 2006. 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 No. 427-3 and 3124-3 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.

(continued)

Any person wishing a copy of the Chief Engineer's recommendations, 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 April 21, 2006. 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 April 21, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



March 20, 2006

The Daily Republic
PO Box 1288
Mitchell SD 57301-1288

Dear Sir:

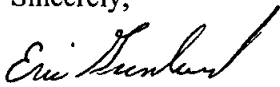
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on March 29, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mitchell, 612 N Main St, Mitchell SD 57301.

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 March 20, 2006 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 which was first published in our issue of _____.
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
www.state.sd.us/denr

March 20, 2006

Central Dakota Times
PO Box 125
Chamberlain SD 57325-0125

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 to be published twice. Please publish the first notice on March 29, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mitchell, 612 N Main St, Mitchell SD 57301.

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 March 20, 2006 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3142-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



March 20, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

Future Use Permit Nos. 427-3 and 3142-3 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 these reviews has been sent to the following papers:

Central Dakota Times, Chamberlain SD 605-234-0266 (Brule and Buffalo Counties)
The Daily Republic, Mitchell SD 605-996-5514 (Davison County)

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

BE SURE TO CONTACT THE ABOVE 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
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3124-3, City of Mitchell 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. 3124-3, City of Mitchell, 612 N Main St, Mitchell SD 57301.

The Chief Engineer is recommending that Future Use Permit No. 3124-3 REMAIN in EFFECT for 5,765 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3124-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3124-3, 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. 3124-3 is subject to payment of the \$137.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
March 20, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2006

NOTICE

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in response to action taken by the Water Management Board at the hearing on May 3, 2006 to review Future Use Permit Nos. 427-3 and 3124-3. The Board allowed each permit to remain in effect for 5,765 acre-feet of water annually. Future Use Permit Nos. 427-3 and 3124-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3124-3 is \$137.50 each (\$275.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on May 4, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2006 regarding Notice of Future Use Permit Nos. 5522-3, 5523-3, 4053B-3, 4039-3, 3428-3, 427-3, 3124-3, and 1289-3, addressed as stated below:

5522-3 & 5523-3
City of Sioux Falls
Randy Janssen Water Superintendent
224 W 9th St
Sioux Falls SD 57104-6407

4053B-3
Town of South Shore
Staci Bucholz Finance Officer
PO Box 57
South Shore SD 57263-0057

4039-3
City of Montrose
Carol Flickinger Finance Officer
PO Box 97
Montrose SD 57048

3428-3
Janel Ellingson Water Supt
City of Aberdeen
12668 391 Ave
Aberdeen SD 57401

427-3 & 3124-3
Tim McGannon Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

1289-3
Craig Nussbaum Utility Superintendent
City of Garretson
PO Box 370
Garretson SD 57030-0370



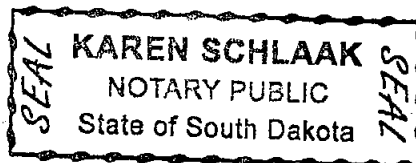
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



NOTES

RECEIPT

DATE 5/18/06

NO. 4028

RECEIVED FROM City of Mitchell

ADDRESS

Future Use # 427-3-137.50 + \$13,896.85

FOR # 3142-3-137.50 to loan payment

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK		✓
BALANCE DUE			MONEY ORDER		

#109518

BY R. M. Ch

©2001 REDIFORM 8L806



3142-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 4, 2013

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in regard to the seven year review of Future Use Water Permit No. 427-3 (from Firesteel Creek) and Future Use Permit No. 3142-3 (from the Missouri River) held by the city. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 5765 acre-feet remain in reserve under each of these future use permit that were last reviewed in 2006.

Please respond in writing by April 1, 2013 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. 427-3 and 3142-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 5765 acre-feet remains in reserve for each permit, the fee for each permit will be \$545.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Mitchell

612 NORTH MAIN STREET • MITCHELL, SOUTH DAKOTA 57301 • (605) 995-8420 • FAX (605) 995-8410
ENGINEER (605) 995-8435 • WATER PLANT (605) 995-8449 • STREET (605) 995-8465 • WASTE WATER (605) 995-8446
WATER/UTILITIES (605) 995-8498 • PUBLIC WORKS/PLANNING/ZONING/INSPECTOR (605) 995-8433
www.cityofmitchell.org

March 7, 2013

Karen Schlaak
SD-DENR PMB 2020
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3182

RECEIVED

MAR 11 2013

WATER RIGHTS
PROGRAM

Re: Water Rights 427-3 and 3142-3

Dear Ms. Schlaak:

Re: 427-3: The City of Mitchell wishes to retain Future Use Water Permit No. 427-3 (Firesteel Creek). As the Department is aware, the City of Mitchell constructed Lake Mitchell Dam and Spillway in 1928 to hold water for Domestic Use. The City of Mitchell has also taken extreme measures in the past TWO (2) decades including: moving animal feeding operations from the creek bed; moving grazing operations; installing buffer strips to act as filters for the water; Alum treatment of Lake Mitchell and other measures in an effort to keep Lake Mitchell as clean and useable as possible.

For the past Decade, the City has been taking most of its treated drinking water from the B-Y water system, but has maintained Lake Mitchell and its Water Treatment facilities as a backup to the B-Y system. We have heard reports of the siltation of the Lewis and Clark impoundment, and this progression seems to keep progressing. Therefore, keeping a backup plan seems very important to the Citizens of Mitchell.

In addition, Lake Mitchell is an important impoundment for recreational uses, including boating, fishing, habitat, etc.

For these reasons, and others, Water Permit 427-3 should be extended.

Re: 3142-3: This reservation of 5765 acre-feet of water from the Missouri River above Chamberlain is approximately 2/3 of a Lake Mitchell. While I can personally not predict the need for this water in the near future, the need may arise as it appeared to do in the mid 1970's when Mitchell was nearly out of water, Lake Mitchell was nearly dry, and emergency planning was taking place to try to get water to the City of Mitchell. The retention of Water Right 3142-3 does not appear to be causing a hardship for any other party, and the City of Mitchell would like to retain this Water Right.

The prudent course of action, we in Mitchell believe, is to preserve both water rights at their current level. We understand the Department will bill the City approximately \$545.00 for each reserved water right.

Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'T. McGannon', with a long horizontal stroke extending to the right.

Tim McGannon, P.E.
Director of Public Works

Cc: Mayor Tracy and City Council



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3142-3, City of Mitchell 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. 3142-3, City of Mitchell, 612 N Main St, Mitchell SD 57301.

The Chief Engineer is recommending that Future Use Permit No. 3142-3 REMAIN in EFFECT for 5,765 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3142-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 3142-3, 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. 3142-3 is subject to payment of the \$545.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
March 28, 2013

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 Permits

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:

April 10, 2013: _____, 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:

\$ 36.08

Signed: Des. Ruiz

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

James H. 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 PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3124-3 held by the City of Mitchell, 612 North Main Street, Mitchell, SD, 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3124-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3124-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3124-3 at 9 a.m., May 2, 2013, 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 April 22, 2013. 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 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. 427-3 and 3124-3 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 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 April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 22, 2013.

Steven M. Pirner, Secretary

Department of Environment and Natural Resources

(Published one week, April 10, 2013, at total approximate cost of \$36.08.)

(April 10)

RECEIVED

APR 15 2013

WATER RIGHTS
PROGRAM

RECEIVED

APR 12 2013

WATER RIGHTS
PROGRAM

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMITS**

Notice is given that the later Management card will review Future Use Permit Nos. 427-3 and 3124-3 held by the City of Mitchell, 612 N Main St, Mitchell, SD 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved. Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Little Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use. Permit No. 3124-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-71W (Brule County) and the NE 1/4 Section 16-106N-R71W (Buffalo County) to be used for municipal use. Pursuant to SDCL 6-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3124-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3124-3 at 9:00 a.m. May 2, 2013, at Lloyd Mathew Training Center, Joe Foss Bldg, 23 E Capitol, Pierre SD. The recommendation of the Chief Engineer is of 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 must 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 April 22, 2013. The Chief Engineer's address is: Water Rights Program, Joe Foss Building, 523 E Capitol

Ave, Pierre SD. 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the 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. 427-3 and 3124-3 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 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 April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$97.32.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Annette Kroger of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, 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 Davison 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, order or advertisement, 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 issues(s), to wit:

Wednesday April 10, 2013

That the full amount of the fee charged for the publication of the attached public notice insures 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: \$ 9732

Signed: Annette Kroger

Subscribed and sworn to before me this 10 day of April

Kathy Hoxson

Notary Public
County of Hanson

My Commission Expires: 10.8.2013

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

Instruction to Newspaper-Publish the following Notice on April 10, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3124-3 held by the City of Mitchell, 612 N Main St, Mitchell SD 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3124-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3124-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3124-3 at 9:00 am, May 2, 2013, at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 427-3 and 3124-3 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 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 April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the 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

April 1, 2013

The Daily Republic
PO Box 1288
Mitchell SD 57301

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3124-3 to be published on April 10, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mitchell, c/o Tim McGannon, Public Works Director, 612 N Main St, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 1, 2013

Central Dakota Times
PO Box 125
Chamberlain SD 57325

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 427-3 and 3124-3 to be published on April 10, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mitchell, c/o Tim McGannon, Public Works Director, 612 N Main St, Mitchell SD 57301.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 1, 2013

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

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

Future Use Permit Nos. 427-3 and 3124-3 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. Notice of the reviews have been sent to the following papers:

The Daily Republic, Mitchell SD 605 996-5514 (Davison County)
Central Dakota Times, Chamberlain SD 605 234-0266 (Brule and Buffalo Counties)

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

BE SURE TO CONTACT THE ABOVE 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 April 10, 2013. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 6, 2013

NOTICE

Tim McGannon, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. McGannon:

I am writing in response to action taken by the Water Management Board at the hearing on May 2, 2013 to review Future Use Permit Nos. 427-3 and 3142-3. The Board allowed each permit to remain in effect for 5,765 acre-feet of water annually. The permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3142-3 is \$545.00 for each permit pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days (total \$1,090.00).

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

Sincerely,

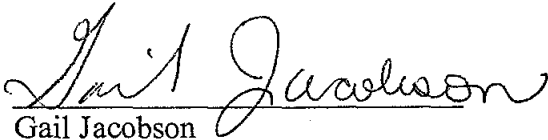
A handwritten signature in cursive script that reads "Jeanne Goodman".

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

CERTIFICATION

I hereby certify that on May 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 6, 2013 regarding Future Use Permits addressed as stated below:

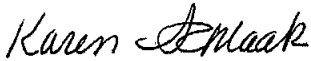
Tim McGannon, City of Mitchell, 612 N Main St, Mitchell SD 57301 #'s 427-3 & 3142-3
Craig Nussbaum, City of Garretson, PO Box 370, Garretson SD 57030 # 1289-3
Kyle Goodman, City of Yankton, PO Box 176, Yankton SD 57078 # 3371-3
Janel Ellingson, City of Aberdeen, 12668 391st Ave, Aberdeen SD 57401 # 3428-3
Donald Whitman, City of Flandreau, 1005 W Elm Ave, Flandreau SD 57028 # 3977-3
Kathleen Meyer, Town of South Shore, PO Box 57, South Shore SD 57263 # 4053B-3
Greg Anderson, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104 --
#'s 5522-3 & 5523-3



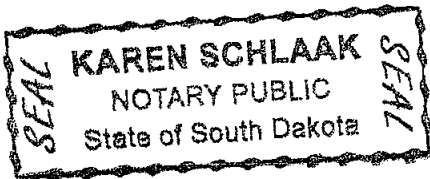
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 20 13.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/23, 20 13

RECEIVED OF City of Mitchell PO Box 987 Mitchell SD 57301

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	545	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>31423</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 _____	545	00
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	545	00

No. 06346

By *Jeanne L. Anderson*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2020

Kyle Croce, Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. Croce:

I am writing in regard to the seven year review of Future Use Water Permit No. 427-3 (from Firesteel Creek) and Future Use Permit No. 3142-3 (from the Missouri River) held by city. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 5,765 acre-feet of water remains in reserve under each of these future use permits that were last reviewed in 2013.

Please respond in writing by March 1, 2020 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. 427-3 and 3142-3 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 the 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 5,765 acre-feet remains in reserve for each permit, the fee for each permit will be \$545.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Mitchell | Public Works
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8433 | Fax: 605-995-8410
CityOfMitchell.org

RECEIVED

FEB 10 2020

WATER RIGHTS
PROGRAM



February 7, 2020

Karen Schlaak
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre SD 57501

RE: Future Use Water Permits No. 427-3 and No. 3142-3

Dear Mrs. Schlaak:

The City of Mitchell would like to retain Future Use Water Permit No. 427-3 (from Firesteel Creek) and Future Use Water Permit No. 3142-3 (from the Missouri River).

Future Use Water Permit No. 427-3 (from Firesteel Creek) is the City of Mitchell backup water source that is used for Emergency use if B-Y Rural Water cannot meet the City of Mitchell water needs. No water has been used from Permit No. 427-3 in the past three years.

Future Use Water Permit No. 3142-3 (from the Missouri River) is currently being looked at as one of several options in a second source study for water to the City of Mitchell. Future source study shows that the City of Mitchell will need 5.4 MGD/Day. No water has been used from Permit No. 3142-3.

Again, the City of Mitchell would like to retain Future Use Water Permit No. 427-3 (from Firesteel Creek) and Future Use Permit No. 3142-3 (from the Missouri River). Please let me know if there are any questions or concerns.

Sincerely,

Jon Vermeulen
Utilities Superintendent
City of Mitchell
612 North Main
Mitchell, SD 57301

Outside expectations



DENR
SOUTH DAKOTA

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 427-3, City of Mitchell 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. 427-3, City of Mitchell, 612 N Main, Mitchell SD 57301.

The Chief Engineer is recommending that Future Use Permit No. 427-3 REMAIN in EFFECT for 5,765 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 427-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 427-3, 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. 427-3 is subject to payment of the \$545.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund, Chief Engineer
August 4, 2020



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2020

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

Jon Vermeulen, Utilities Superintendent
City of Mitchell
612 North Main
Mitchell SD 57301

Dear Mr. Vermeulen:

Future Use Permit Nos. 427-3 and 3142-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the counties where water will be diverted or used. Notice of this review has been sent to the following papers:

† Daily Republic, Mitchell (605 996-5514),^x Central Dakota Times, Chamberlain (605 234-0266) and
‡ Daily Plainsman, Huron (605 353-7414).

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

BE SURE TO CONTACT THE ABOVE 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 August 12, 2020. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 8:28 AM
To: Ruby Crandall
Subject: 427-3 & 3142-3, City of Mitchell
Attachments: 427-3 3124-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

City of Mitchell, Jon Vermeullen, Utilities Supt, 612 N Main, Mitchell SD (605 995-8433) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 8:29 AM
To: 'cdt@midstatesd.net'
Subject: 427-3 & 3142-3, City of Mitchell
Attachments: 427-3 3124-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

City of Mitchell, Jon Vermeullen, Utilities Supt, 612 N Main, Mitchell SD (605 995-8433) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 8:27 AM
To: 'dailyclass@mitchellrepublic.com'
Subject: 427-3 & 3142-3, City of Mitchell
Attachments: 427-3 3124-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

City of Mitchell, Jon Vermeullen, Utilities Supt, 612 N Main, Mitchell SD (605 995-8433) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the following Notice on August 12, 2020. The City of Mitchell is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by the City of Mitchell, c/o Jon Vermeulen, Utilities Supt., 612 N Main, Mitchell SD 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3142-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71 W (Brule County) and in the NE 1/4 Section 16-T106N-R71 W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3142-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3142-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use 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. 427-3 and 3124-3 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published once at the approximate cost of_____.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

ss.

COUNTY OF DAVISON

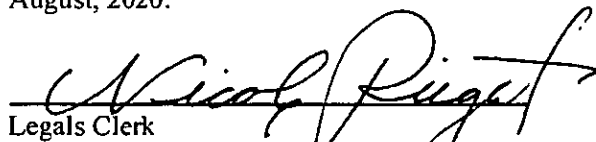
Nicole Riegert, of said county, being first duly sworn, on oath, states as follows:

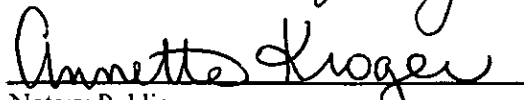
1. I am the designated agent of the *Mitchell Republic*, a daily newspaper published in the city of Mitchell, in said County of Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: *Legal Notice; (1) time: August 12, 2020*, as required by law or ordinance.

3. That the full amount of the fee charged for the publication of the attached public notice insures 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: \$45.06

Subscribed and sworn to before me this 12th day of August, 2020.


Legals Clerk


Notary Public
My Commission Expires: May 15, 2026

ANNETTE KROGER
Seal
Notary Public
South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 and 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by the City of Mitchell, c/o Jon Vermeulen, Utilities Supt., 612 N Main, Mitchell SD 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3142-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3142-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3142-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use 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. 427-3 and 3142-3 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 pro-

vided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published one time at the approximate cost of \$45.06. (Aug. 12, 2020)

2852298

RECEIVED

AUG 24 2020

WATER RIGHTS
PROGRAM

RECEIVED

AUG 24 2020

WATER RIGHTS
PROGRAM

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 395

I, McKendzie Castillo, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: 0395 WATER RIGHTS-CITY OF MITCHELL, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 8/12/20. That the full amount of the fee charged for the publishing \$ 47.41 insures 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 thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this date 8/19/20.



Notary Public, South Dakota

My Term Expires 03/11/2022

F.P. 06-12-20

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
Nos. 427-3 and 3142-3
Notice is given that
the Water Management
Board will review Future
Use Permit Nos. 427-
3 and 3142-3 held by
the City of Mitchell, c/o
Jon Vermeulen, Utilities
Dept., 602 N. Main,
Mitchell SD 57201 for
progress made in the
development of the water
reserved by the permits
and future plans for
development of the water
reserved.

Permit No. 427-3 was
approved in 1960 and
currently reserves 5,765
acre-feet of water from
Frostad Creek located
in the NE 1/4 SE 1/4
Section 16-T09N-R09W
to be used for municipal
use.

Permit No. 3142-3
was approved in 1978
and currently reserves
5,765 acre-feet of water
from the Missouri River
between points in the SW
1/4 Section 30-T10N-
R17W (Duke County) and
in the NE 1/4 Section
16-T09N-R17W (Butte
County) to be used for
municipal use.

Pursuant to SDCL 48-
2A-2 the Chief Engineer
of the Water Rights
Program recommends
that Permit Nos. 427-
3 and 3142-3 each
REMAIN IN EFFECT for
5,765 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. 427-3
and 3142-3 at 10:00 am,
October 7, 2020, Floyd
Matthew Training Center,
Joe Foss Bldg, 523 E
Capitol, Pierre SD.

The recommendation
of the Chief Engineer
is not final or binding
upon the Board and
the Board is authorized
in 1) allow the permits
to remain in effect, 2)
annul 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 4-2-6,
must file a written petition

with BOTH the permit
owner and the Chief
Engineer by September
28, 2020. The Chief
Engineer's address is
"Water Rights Program",
Joe Foss Building, 523
E Capitol Ave., Pierre
SD 57501 (805 773-
3352) and the permit
holder's mailing address
is given above. The
petition may be informal,
but it must include a
statement describing the
petitioner's interest in the
future use permit, the
reasons for petitioner's
opposition to or support
of continuing the future
use permit, and the
signature and mailing
address of the petitioner
or his legal counsel if
legal counsel is obtained.
The permit owner need
not file a petition.

The hearing to review
Future Use Permit Nos.
427-3 and 3142-3 will
be conducted pursuant
to the provisions of
SDCL 48-14, 48-2-5,
48-2-8, 48-2-11, 48-
5-36 1). Board Rules
ARSD 74 02 01 25 01
thru 74 02 01 25 03
and pertinent case
precedents contained in
SDCL 4-2-6.

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

wanting a copy of
the Chief Engineer's
recommendation, or
further information on
these permits, to assure
access to the hearing
by the handicapped or
obtain an interpreter for
the hearing impaired
may contact Ron Duval,
Water Rights Program,
(805 773-3352) by
September 28, 2020.
The time of the hearing
will be automatically
delayed for at least
20 days upon written
request of the permit
owner or any person
who has filed a petition
to oppose or support
continuance of the
Future Use Permits. The
request for a delay must
be filed with the Chief
Engineer by September
28, 2020.

According to SDCL
4-2-6 1), 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 August 24, 2020.
No. 0385 (rev.)
Published one time at
the total approximate
cost of \$47.41.

RECEIVED
AUG 24 2020
WATER RIGHTS
PROGRAM

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. 427-3 and 3142-3

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:
August 12, 2020; _____, 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:

\$ 40.66

Signed: Debi Ruiz

Subscribed and sworn to before me this 13th day

of August, 2020

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

JANET L. PETRAK
Notary Public
SEAL
South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 427-3 AND 3142-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 427-3 and 3142-3 held by the City of Mitchell, c/o Jon Vermeulen, Utilities Superintendent, 612 North Main, Mitchell, SD 57301 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 427-3 was approved in 1960 and currently reserves 5,765 acre-feet of water from Firesteel Creek located in the NE 1/4 SE 1/4 Section 9-T103N-R60W to be used for municipal use.

Permit No. 3142-3 was approved in 1976 and currently reserves 5,765 acre-feet of water from the Missouri River between points in the SW 1/4 Section 30-T104N-R71W (Brule County) and in the NE 1/4 Section 16-T106N-R71W (Buffalo County) to be used for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit Nos. 427-3 and 3142-3 each REMAIN in EFFECT for 5,765 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. 427-3 and 3142-3 at 10 a.m. Oct. 7, 2020, 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 Sept. 28, 2020. 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 permit, 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. 427-3 and 3142-3 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 recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605-773-3352) by Sept. 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future use permits. The request for a delay must be filed with the Chief Engineer by Sept. 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500. 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 East Capitol Avenue, Pierre, SD) by Aug. 24, 2020. (Published one week, August 12, 2020, at a total approximate cost of \$40.66.)

(August 12)



DENR
SOUTH DAKOTA

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

October 13, 2020

NOTICE OF ENTRY OF ORDER

Jon Vermeulen, Utilities Supt
City of Mitchell
612 N Main St
Mitchell SD 57301

Dear Mr. Vermeulen:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2020 to review Future Use Permit Nos. 427-3 and 3142-3. The Board allowed the permits to remain in effect for 5,765 acre-feet of water annually each. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 427-3 and 3142-3 is \$545.00 each (\$1,090.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on October 13, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated October 13, 2020 addressed as stated below:

Sioux Rural Water System Inc, c/o Heath Thompson, Mgr, 45703 176th St, Watertown SD 57201
TM RWD, c/o Jay Jorgenson, Mgr, PO Box 445, Parker SD 57053
Kingbrook RWS, Erin Hayes, Mgr, PO Box 299, Arlington SD 57212
Charles Werner, Water Supt, Town of South Shore, PO Box 57, South Shore SD 57263
Craig Nussbaum, Utilities Mgr, City of Garretson, PO Box 370, Garretson SD 57030
Patrick Callan, Mayor, City of Florence, PO Box 137, Florence SD 57235
Rick Nighbert, Water Supt, City of Madison, 116 W Center St, Madison SD 57042
Jon Vermeulen, Utilities Mgr, 612 N Main St, Mitchell SD 57301
Steve Nafus, Interim City Eng, City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717

Eric Gronlund

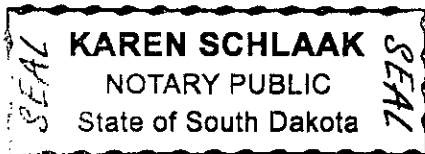
Eric Gronlund, Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2020

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 5, 2020

RECEIVED OF City of Mitchell 100 E Havens Mitchell SD 57301

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>3142-3</u> after period of seven years.	\$545.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$545.00

By Eric Gronlund
Chief Engineer