

Water Right Number 3427-3

1. Considered 1-26, 19 77
2. Name of Applicant CITY OF ABERDEEN
3. Post Office Address _____
4. Amount of Water claimed 10.00
5. Source of Water supply GROUND WATER
6. Water to be used for FUTURE MUNICIPAL USE
Acres to be irrigated _____
7. Water to be diverted and used in BROWN County
about 2E, 8N miles _____ of ABERDEEN
8. Proof of Publication
Received 1-20-77
Not Received _____
9. Application
Approved 7-78-77
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3427-3Map No. 2-108-3 Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. H. 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 Aberdeen
Postoffice address P. O. 1299, State South Dakota
if a corporation show date and place of incorporation Contract
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Aberdeen Water Supply
4. Amount of water claimed (cubic feet per second) 10
5. Source of water supply Ground water - Elm Aquifer
6. Location of point of diversion In Sec 6, NW $\frac{1}{4}$; In Sec 5, NW $\frac{1}{4}$ & SW $\frac{1}{4}$ & SE $\frac{1}{4}$; In Sec 8, NE $\frac{1}{4}$; In Sec 4, S $\frac{1}{2}$; In Sec 9, E $\frac{1}{2}$; In Sec 15, W $\frac{1}{2}$; In Sec 16, NE $\frac{1}{4}$. All in Township 124, Range 63. (See Attached Exhibit "A") County Brown
7. Annual period or periods during which water is to be used Year Around - daily
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal - Domestic
9. For irrigation use, _____ Total number of acres to be irrigated _____

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

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

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 10 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent appropriate Water publication Aberdeen American News
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Well FieldsB. Works proposed to transport water to place of use. Undertermined at this time. Options include the use of Elm River for transporting flows or construction of pipeline collection and delivery system to the treatment facility.C. Works proposed to apply water to beneficial use. Existing Treatment and Distribution Works.Estimated Total Cost \$ 400,000Attachments: 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 Brown) ss.I, Jeff Solem, Mayor 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 Jeff Solem
Mayor, City of AberdeenSubscribed and sworn to before me this 27th day of October 1926.W. H. C.
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3427-3
CITY OF ABERDEEN P.O. Box 1299-
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57401 With the following modifications:
 (State)

THIS FUTURE USE PERMIT NO 3427-3 IS APPROVED WITH THE
 STIPULATION THAT AT SUCH TIME AS DEFINITE PLANS ARE MADE,
 SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE WATER
 GRANTED UNDER THIS WITHDRAWAL, MUST BE SUBMITTED PRIOR
 TO CONSTRUCTION OF FACILITIES.

Date of first receipt of application DECEMBER 30, 1976
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JULY 20 19 77, Recorded in Book 19 Page 71
 WATER RIGHT PERMIT NO. 3427-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3427-3 authorizing the construction of
 the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right
 Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 30, 1976
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 FUTURE 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 10.0 cubic feet per second; neither shall it
 exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~household use and~~
~~and for the irrigation purposes, said appropriation must be limited to not more than 2000 feet per year and be~~
~~limited to not more than 1000 feet per year and be~~

DEVELOPED FOR FUTURE MUNICIPAL USE
 will be actually and beneficially applied CONTINUOUSLY said water to be used during the
 following described annual period:

Witness my hand this 14TH day of AUGUST 1977

WATER RIGHTS COMMISSION

by: John Hatch
 Civil Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates The following are estimates only based upon existing information.

(1) Drill Hole, Diameter 60-inch, Depth 40' - 60'

(2) Casing, Type Concrete Diameter 42" Thickness 5"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter 42", Length 25'

(4) Gravel Pack, Thickness 24", Length of gravel pack 25'

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sands/Gravels; fine to coarse

Depth to top of water bearing material 2' - 12'

Depth to bottom of water bearing material 40' - 60'

Thickness of water bearing material 25' - 40'

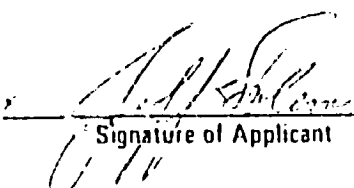
Depth to water (ground surface to water level) 10' - 12'

(2) Distance to nearest existing household or livestock watering wells. - Varies

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map


Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water:

No. 3427-3

Publish first publication, on or before January 13, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 3, 19 77

Notice is hereby given that the City of Aberdeen
~~where post office address is~~ South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a future use permit to appropriate for beneficial use
10.0 cubic feet of water per second of time from the ground water through the
Aberdeen Water Works, the area of diversion of which is to be located in the
S¹/₄, Section 4; S¹/₄ & NW¹/₄, Section 5; NE¹/₄, Section 6; NE¹/₄, Section 8;
E¹/₄, Section 9; W¹/₄, Section 15 and NE¹/₄
of Section 16, Twp. 124N, Range 63W. Said water to be used for domestic
~~XXXXXX~~
providing irrigation on the following described land:
reserved for future municipal use by the City of Aberdeen.

This application No. 3427-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

City of Aberdeen, P. O. Box 1299, Aberdeen, SD 57401

H. F. JACOBS & SON CONSTRUCTION, INC.

Roads — Streets — Soil Conservation

HARVEY F. JACOBS
ROBERT L. JACOBS

1-26-77

Area Code 605 229-0271
1510 Cedar Drive
ABERDEEN, SOUTH DAKOTA 57401

Dept. of Natural Resource Dev.
Water Rights Commission
Pierre, S. Dak. 57501

Dear Commissioners:

Concerning the City of Aberdeen's application no. 3427-3 requesting 10.0 c.f.s. from ground water through the Aberdeen Water Works, we formally protest by this letter, the above application for the following two reasons:

1. Our application #2658-3 for .50 c.f.s. was denied on Nov. 17, 1976 on the basis that the City of Aberdeen's prior permit #2551-3 for 5.0 c.f.s. would be seriously influenced.

2. If the above be true and the City of Aberdeen in their application # 3427-3 is asking for 10.0 c.f.s. from the same area, then their permit should be denied or considered on the same basis.

Also, on Nov. 18, 1976 we phoned Burton Jones at the Marvin Hughit Hotel in Huron and he assured us that at that time we would not have to reapply for our permit #2658-3, but could attend the Jan. 26, 1977 commission meeting between 9:00 - 10:00 A.M. and request a reversal on the denied application.

We would like you to review this situation and consider all aspects on an equal basis.

Sincerely,

Robert L. Jacobs, V.P.

Robert L. Jacobs
H.F. Jacobs & Son Const., Inc.

Clarence J. Hughes

Jan 26, 1977

Alfred J. Jones
Notary Public

Comm: 6/2/80

July 20, 1977

TO: Persons Concerned With Water Right Application No. 3477-3
City of Aberdeen, P.O. Box 1299, Aberdeen, SD.

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Notice of Reconsideration Hearing on Application No.
3427-3

The Water Rights Commission will reconsider Future Use Water Right Application No. 3427-3 at 9:00 a.m., July 28, 1977 at the Stauro-lite Inn, Brookings, South Dakota.

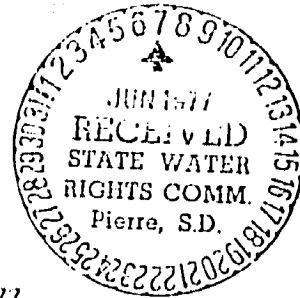
This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01m thru 52:01:01:13, 52:01:01:21.

Application No. 3427-3 was deferred by the Water Rights Commission January 26 and 27, 1977 pending Staff investigation.

After reconsideration of Future Use Application No. 3427-3, the Commission can approve, defer, or deny all or part of the Application.

JOHN HATCH, Chief Engineer
Water Rights Commission

WATER AND SEWER DEPARTMENT
CITY OF ABERDEEN
SOUTH DAKOTA 57401



June 5, 1977

Mr. John Hatch
Dept. of Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Dear John:

SUBJECT: GROUND WATER

On your recent trip to Aberdeen you viewed the Eyestone pit and the 26 acres we purchased adjacent to it to develop as a ground water supply for the City.

We have a permit pending for 10 CFS of ground water. Our application is limited to the area between the gravel pits and the water treatment plant along the Elm River.

Would the Department honor a permit request for ground water ranging from the water treatment plant to the North Dakota border along the Elm River? This would give us a larger area to draw from.

Your early reply would be appreciated.

Sincerely yours,

A. J. Jethy
Water & Sewer Commissioner
City of Aberdeen, South Dakota

cc: Francis Brink, City Engineer
cc: Mayor Jeff Solen

P. S. What is the language and limits of our permit in the Pickus Pits, if any?

June 15, 1977

A.G. Westby
Water and Sewer Commissioner
City of Aberdeen
Aberdeen, South Dakota 57401

Dear Mr. Westby:

This will acknowledge your letter concerning the possibility of the City of Aberdeen obtaining water rights to develop shallow wells along the Elm River between the City water treatment plant and the North Dakota border. Members of the Water Rights Commission have already indicated that proposals by municipalities to pump water from wells into flowing streams such as the Elm River for subsequent withdrawal downstream would not be approved. Such development would result in considerable loss of water, thus a waste of water, prior to the water being put to beneficial use.

Development of wells above the pooled water behind your No. 1 dam should not be considered unless the development will include transmission facilities.

Concerning the limits to your permit for the Pickus gravel pits, Future Use Water Right No. 192-3 with a priority date of May 4, 1956 includes the Pickus gravel pits. H. M. Pickus does have an earlier priority for water from the Pickus gravel pit. A future diversion of 11.0 c.f.s. of ground water along the Elm River (shallow gravel deposits) between Section 19, T125N, R63W and Section 15, T124N, R63W is authorized by No. 192-3. Any wells developed in this area should be at least 1/8 mile (660 feet) from the Elm River to keep any interference with the River to a minimum.

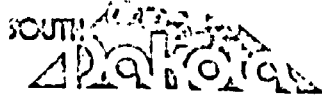
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Francis Brink, City Engr.

3427-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

August 22, 1977

City of Aberdeen
Box 1259
Aberdeen, SD 57401

Gentlemen:

Enclosed herewith is your Water Right Permit No. 3427-3 as approved by the Water Rights Commission, to withdraw 10.0 cubic feet per second of time for future use.

Approval of this Permit does not in any way grant property rights to the land involved.

Respectfully
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/gy

Enclosure

8/ **Department of
Water & Natural Resources**

Iron Foss Building
123 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Delphine Janusz, Mayor, City of Aberdeen
From : *for* John Hatch, Chief Engineer, Water Rights Division *James H. Hinton*
Subject : Review of Future Use Water Permit No. 3427-3

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. 3427-3, City of Aberdeen will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-25, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 3427-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 3427-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 3427-3 was approved July 28, 1977 with a priority date of December 30, 1976, for 10.0 cubic feet per second (cfs) from the following area: Sections 4, 5, 6, 8, 9, 15, 16 all in T124N-R63W with the following qualifications:

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

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 3427-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 3427-3 with the following qualifications:
 - a) Permit No. 3427-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This permit is approved for groundwater from the Elm Aquifer.

* At the end of seven years, the permit will again be reviewed and if it is extended you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 3427-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$168.00.

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

cc: Bruce Nelson, Finance Officer

Department of Water & Natural Resources

Joe Foss Building
523 West Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

August 24, 1983

NOTICE

TO: Delphine Janusz, Mayor, City of Aberdeen

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

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

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 192-3 and 3427-3 are being changed because of a conflict with the Municipal League Meeting that starts October 5, 1983. The Water Management Board will now review Future Use Permits No. 192-3 and 3427-3 at 1:30 pm, November 30, 1983, Joe Foss Building, Pierre, South Dakota. The hearing will be conducted pursuant to the notice dated August 8, 1983.

cc: Bruce Nelson, Finance Officer

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



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 11, 1984

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

Delphine Janusz, Mayor
PO Box 1299
Aberdeen SD 57401

Dear Mayor Janusz:

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Bruce Nelson, Finance Officer
Francis Brink

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 3427-3

FOR CITY OF ABERDEEN

Future Use Permit No. 3427-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 3427-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) The permit is approved for groundwater from the Elm Aquifer.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3121

October 31, 1990

American News
Box 4430
Aberdeen SD 57402-4430

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Aberdeen, Box 1420, Aberdeen SD 57402-1420.

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 _____

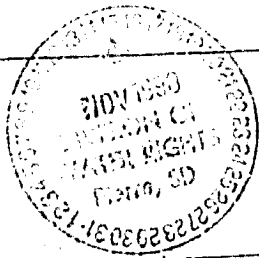
We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.



I, Wanda Brown
certify that the attached printed Notice was taken
from the American News

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

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

11-1-90

11-14-90

Wanda Brown
(Signature)

Wanda Brown
(Title)

11/14/90

(Date Signed)

Cost of Printing: 167.33

(No 410-Hor. 7, 14 3T)
NOTICE OF HEARING to Review
Future Use Water Permit
Nos. 1923 & 3427.3

Notice is given that the Water Management Board will review Future Use Permits Nos. 1923 and 3427.3 held by City of Aberdeen for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 1923 was approved July 9, 1956, to reserve 110 cubic feet of water per second (cfs) for municipal use from alluvium along the Elm River located between Section 19, T125N, R43W and Section 15, T124N, R43W.

Permit No. 3427.3 was approved July 28, 1977 to reserve 10.0 cfs for municipal use from the Elm Aquifer located in the S 1/2 Section 6, T 1/2 & NW 1/4 Section 5; N 1/2 Section 8; NE 1/4 Section 9; E 1/2 Section 9; W 1/2 Section 15 and NE 1/4 Section 16, all in T124N, R43W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1923 REMAIN IN EFFECT for 3,423 acre feet annually and Permit No. 3427.3 REMAIN IN EFFECT for 4,344 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed uses will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 1923 and 3427.3 at the Miller Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 8:45 a.m.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit Nos. 1923 and 3427.3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-7, 46-2-11, 46-3-38, 1-13, Board Rules ARSD 74 02.01:25.01 thru 74 02.01:25.03; and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DNR, Joe Foss Building, Pierre, SD 57503-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 28, 1980

RECEIVED OF City of Aberdeen, Box 1420, Aberdeen, SD 57402-1420

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. 3427-5 after period of seven years.	110	00
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	110 00

By Carol Hatchford
Chief Engineer

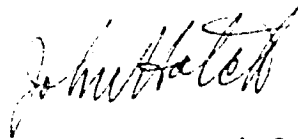
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3427-3, City of Aberdeen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 3427-3, City of Aberdeen.

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

1. That Permit No. 3427-3 reserves for future use 4,344 acre-feet annually. The diversion rate of 10 cfs is deleted from Permit No. 3427-3.

And that maintaining the effectiveness of Future Use Permit No. 3427-3 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Aberdeen.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 10.0 cubic feet of water per second (cfs) reserved by No. 3427-3-3 is 7,440 acre-feet. Assuming that the total amount pumped annually would equal 60% of 7240 acre-feet, then expected developed pumping of water reserved under Permit No. 3427-3 would be about 4,344 acre-feet per year.

South Dakota

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

GREAT FACES GREAT PLACES

December 10, 1990

NOTICE

Timothy Rich, Mayor
PO Box 1420
Aberdeen SD 57402

Dear Mayor Rich:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 192-3 and 3427-3. The Board allowed the permits to remain in effect and amended the Permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 192-3 and 3427-3 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 192-3 is \$97.50 and No. 3427-3 is \$110.00 pursuant to SDCL 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

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

enclosures

cc: Francis Frank, City Engineer

AMENDMENT TO FUTURE USE PERMIT NO. 3427-3

City of Aberdeen

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 3427-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3427-3 reserves for future use 4,344 acre-feet annually. The diversion rate of 10 cfs is deleted from Permit No. 3427-3.

3427-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

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

Dear Mr. Porter:

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

Please respond in writing by November 1, 1997, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 192-3 and 3427-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

c: Robin Bobzien, Public Works Director



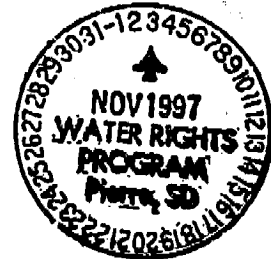
CITY OF ABERDEEN

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

ENGINEERING DEPARTMENT

October 30, 1990

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



Dear Karen:

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

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

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

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

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

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

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

Respectfully Submitted,

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

Robin Bobzien PE
City Engineer/PWD

CITY OF ABERDEEN 1993 BOOSTER DISCHARGE

JANUARY			FEBRUARY			MARCH			APRIL			MAY			JUNE		
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	
1	12780866	1997	12850793	1990	12911285	2112	12980651	1981	13053230	2707	13157982	2496					
2	12782863	2769	12852773	2132	12913397	2517	12982612	1837	13055837	2889	13160478	3169					
3	12785632	2347	12854905	2368	12915914	1972	12984449	2655	13058826	4040	13163847	3897					
4	12787979	2384	12857273	2055	12917886	2226	12987104	2172	13062886	3406	13167644	3737					
5	12790343	2153	12859328	2242	12920112	2181	12989278	2353	13066272	4148	13171281	4095					
6	12792496	2118	12861570	2446	12922273	2426	12991629	2091	13070416	3122	13175376	3045					
7	12794614	2389	12864016	1919	12924699	2140	12993720	2278	13072540	3275	13178421	3118					
8	12797003	1945	12865935	2422	12926839	2322	12995996	2259	13076816	2719	13181537	2645					
9	12798948	2924	12868367	1942	12929161	2219	12998255	1941	13079534	2718	13184182	2717					
10	12801872	1490	12870309	2444	12931380	2515	13000196	2115	13082252	3185	13186899	3120					
11	12803362	2622	12872753	1899	12933895	1860	13002311	2121	13085437	2748	13190019	3395					
12	12805984	1826	12874652	1999	12935755	2047	13004432	2185	13088183	3511	13193414	3634					
13	12807810	2125	12876651	1983	12937802	1840	13006617	2325	13091694	3559	13196948	3723					
14	12809935	2391	12878634	2074	12939842	2446	13008942	2363	13095253	3784	13200671	3406					
15	12812316	1982	12880708	2358	12942088	2451	13011305	2168	13099047	3315	13204077	3293					
16	12814298	2186	12883066	1986	12944539	2101	13013473	2504	13102382	4063	13207370	2810					
17	12816484	2209	12885052	2501	12946640	2104	13015977	2350	13106425	3981	13209980	2731					
18	12818693	2634	12887553	1860	12948744	2519	13018327	2534	13110386	3749	13212711	2943					
19	12821327	2040	12889413	2128	12951263	2017	13020861	2694	13114135	3273	13215854	2641					
20	12823367	2600	12891541	2473	12953280	2647	13023555	2023	13117408	4179	13218285	3086					
21	12825967	1042	12894014	1872	12955927	2002	13025578	2611	13121587	4148	13221381	3337					
22	12827909	2234	12895686	2160	12957929	2255	13028189	2974	13125735	3991	13224718	3457					
23	12830143	2101	12898046	2412	12960184	2347	13031163	2313	13129726	2853	13228165	2774					
24	12832244	2433	12900458	1936	12962531	2076	13033476	2801	13132879	2822	13230939	3196					
25	12834677	2174	12902394	2133	12964607	2505	13036137	2786	13135001	3180	13234134	2810					
26	12836851	2476	12904627	2301	12967112	2294	13038923	2377	13138181	3906	13236944	3432					
27	12839327	2011	12906828	2321	12969408	1803	13041300	3181	13142089	3177	13240376	2841					
28	12841338	2312	12909149	2134	12971209	2725	13044481	2722	13145266	3091	13243017	2803					
29	12843650	2178			12973934	1971	13047183	3469	13148357	3168	13245820	3350					
30	12845828	2166			12975901	2386	13050652	2578	13151525	2564	13249170	3157					
31	12847994	2799			12978291	2360			13154089	3893							

CITY OF ABERDEEN 1993 BOOSTER DISCHARGE

JULY			AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	13252327	2649	13340931	2828	13451722	3130	13546028	2534	13630715	2568	13702864	1872
2	13254978	3025	13343759	3090	13454752	3346	13546580	3116	13633281	2530	13707738	2434
3	13258001	3175	13346849	2791	13458198	3184	13551728	2969	13635511	2661	13707170	2229
4	13261176	2491	13349640	3178	13461382	3160	13554695	3273	13638472	2590	13700399	2000
5	13263667	2980	13352818	2801	13464542	2862	13557968	3233	13641032	2552	13711399	2805
6	13266647	3158	13355619	3637	13467204	3217	13561201	3268	13643584	2644	13714094	2485
7	13269805	2695	13359258	3097	13470421	3293	13564169	2813	13646228	2697	13716489	2088
8	13272501	2602	13362353	3067	13473714	3394	13567082	2384	13648525	2234	13718577	2506
9	13275102	3489	13365420	4529	13477108	3373	13569468	2633	13651159	2680	13721083	2562
10	13278691	2235	13369949	4552	13480481	3963	13572099	1367	13653652	2085	13723645	2340
11	13280826	2600	13374501	4091	13484444	3537	13574466	3243	13655924	2664	13725985	2220
12	13283428	2908	13378552	3344	13487981	3409	13577709	2603	13658586	2251	13728206	2258
13	13286334	2533	13381938	3116	13491390	3265	13580312	3147	13660839	2427	13730493	2692
14	13288867	2973	13385052	3118	13494655	2652	13583459	2570	13663286	2510	13733185	1956
15	13291840	2710	13388170	3195	13497307	3234	13586029	2802	13665776	2275	13735141	2861
16	13294550	2968	13391365	3323	13500541	3289	13588831	2500	13668051	2517	13738002	2084
17	13297518	2858	13394688	3390	13503830	3141	13591331	2479	13670509	2269	13740086	2817
18	13300378	2738	13398078	3825	13506971	3457	13593810	2774	13672957	2450	13742903	2116
19	13303114	2784	13401903	3413	13510426	3307	13596584	2573	13675407	2456	13745019	2699
20	13305898	3233	13405118	3686	13513735	2550	13599157	2521	13677883	2153	13747718	2681
21	13309131	2631	13409002	3740	13516285	2890	13601781	2609	13680028	2697	13750399	1944
22	13311762	2698	13412742	3483	13519175	2638	13604390	2594	13682725	2427	13752343	2442
23	13314400	2870	13416225	4318	13521813	2996	13606984	2741	13685152	2187	13754785	2630
24	13317330	2658	13420541	4657	13524809	3191	13609725	2757	13687339	1854	13757415	1722
25	13319988	2415	13425198	4425	13528000	3166	13612482	2686	13689193	2072	13759137	2378
26	13322403	3331	13429623	3817	13531166	2850	13615160	2831	13691286	2446	13761516	1943
27	13325734	2746	13433240	4328	13533816	3207	13617799	2481	13693711	2004	13763458	2553
28	13328480	2952	13437568	4387	13537023	2995	13620280	2672	13695715	2257	13768011	2416
29	13331432	3334	13441935	3113	13540018	2938	13622852	2571	13697972	2346	13768427	1943
30	13334766	3364	13445048	3309	13542856	3070	13625423	2723	13700318	1646	13770370	2584
31	13338130	2801	13448357	3365			13628146	2569			13772934	2002

CITY OF ABERDEEN 1994 BOOSTER DISCHARGE

DATE	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	13774936	2173	13851823	2714	13927158	2756	14011006	2556	14099519	2687	14232207	4445
2	13777109	2560	13854537	2397	13929812	2746	14013562	2487	14103206	2903	14236852	5077
3	13779669	2374	13856934	2578	13932658	3295	14016049	2820	14105109	3014	14241729	6009
4	13782043	2136	13859512	2619	13935853	2669	14018869	2801	14108123	3119	14247738	5191
5	13784181	2673	13862131	3208	13938622	2956	14021670	2190	14111242	3013	14252929	4416
6	13786854	2026	13865339	2156	13941576	2953	14023860	2764	14114255	3006	14257345	4510
7	13788882	2035	13867497	2622	13944531	2674	14026644	2920	14117263	3104	14261855	3451
8	13790917	3248	13870119	2510	13947205	2657	14029564	2123	14120387	3276	14265308	4079
9	13794165	2083	13872629	2633	13949862	2646	14031687	2719	14123645	3752	14269385	4117
10	13796249	2357	13875252	2540	13952506	2646	14034406	3267	14127397	3740	14273602	4547
11	13798605	2257	13877802	2365	13955154	2551	14037673	3297	14131137	4249	14278049	5598
12	13800862	2209	13880167	2923	13957704	3012	14040970	3221	14135356	3609	14283647	4649
13	13803071	2647	13883090	3145	13960716	2927	14044191	3091	14138395	4168	14288196	3945
14	13805718	2059	13886235	2552	13963643	2912	14047282	3091	14143163	3411	14292141	5781
15	13807777	2260	13888827	2819	13966555	2745	14050373	3274	14146574	3567	14297722	5509
16	13810037	3220	13891646	2945	13969300	2891	14053847	3338	14150141	3471	14303231	3518
17	13813257	2732	13894591	2815	13971991	2900	14056985	3500	14153612	4197	14306749	3314
18	13815989	2524	13897406	2730	13974891	2897	14060485	3594	14157809	4400	14310063	3553
19	13818513	2457	13900136	3081	13977788	2544	14064079	3440	14162209	4882	14313616	4421
20	13820970	2573	13903217	3255	13980332	2664	14067619	2780	14167091	5218	14317037	5147
21	13823543	2203	13905472	2838	13983196	2952	14070299	3105	14172309	5387	14323184	5991
22	13825748	2492	13908310	2825	13986148	2807	14073404	3315	14177696	5229	14328175	5319
23	13828238	2724	13911135	2396	13988755	2438	14076719	3602	14182925	5783	14334494	6264
24	13830962	2740	13913531	2583	13991193	2616	14080321	3116	14186708	6116	14340768	6639
25	13833702	2710	13916114	2950	13993809	1958	14083436	2745	14194324	4103	14347397	5829
26	13836412	2415	13919084	2947	13995767	2564	14086181	2742	14198427	5189	14353226	6234
27	13838827	2805	13922011	2390	13998331	2525	14088923	2749	14203616	5711	14359460	5559
28	13841632	2332	13924401	2755	14000856	2606	14091672	2689	14209327	5428	14365019	6587
29	13843964	2824			14003462	2053	14094361	2490	14214755	5897	14371586	8163
30	13846781	2427			14005515	2723	14096851	2666	14220652	5428	14378749	7634
31	13849215	2608			14008238	2768			14226080	6127		

CITY OF ABERDEEN 1994 BOOSTER DISCHARGE

	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	14387583	6448	14525986	6226	14659681	3356	14787045	3289	14851065	2491	14922169	2395
2	14394031	6263	14532212	5295	14683037	3165	14770334	3243	14853558	2548	14924564	2329
3	14400294	4684	14537507	6617	14666202	2664	14773577	2667	14856104	2584	14926893	2445
4	14404978	5035	14544124	6410	14688866	3042	14776244	2724	14858658	2453	14929338	2354
5	14410813	6454	14550534	4811	14671908	3173	14778968	2738	14861131	2535	14931692	2215
6	14417067	5405	14555345	5934	14675081	3813	14781704	3076	14863686	2411	14933007	2438
7	14422472	3559	14561279	4673	14678894	3535	14784779	2470	14866077	2095	14936345	2419
8	14426031	3182	14565952	5150	14682429	2445	14787249	2898	14868172	2514	14938764	2116
9	14429213	3210	14571102	3476	14686674	4231	14790087	2223	14870688	2417	14940880	2137
10	14432423	3344	14574578	2709	14690005	4475	14792310	2593	14873103	2405	14943017	2346
11	14435767	3443	14577287	3527	14695380	4533	14794903	3088	14875508	2299	14945365	2799
12	14439210	3506	14580814	2797	14699913	4240	14797991	2625	14877807	2078	14948164	2187
13	14442716	3489	14583611	3327	14704153	3392	14800616	2833	14879885	2474	14950351	2315
14	14446205	3084	14586938	2841	14707645	4220	14803440	2974	14882359	2469	14952606	2413
15	14450189	3726	14589779	3775	14711765	3156	14806423	2743	14884828	2386	14955079	2140
16	14453915	3751	14593554	3800	14714921	3378	14809186	2769	14887214	2580	14957219	2210
17	14457666	3978	14597354	4166	14718299	3460	14811935	2864	14889704	2483	14959429	2650
18	14461644	4207	14601520	3628	14721759	3664	14814599	2646	14892277	2011	14962079	2104
19	14465851	3412	14605148	4132	14725423	3818	14817245	3152	14894288	2483	14964183	2500
20	14469263	3505	14609280	4759	14729241	3997	14820397	2476	14896771	2360	14966683	2705
21	14472768	3393	14614039	4223	14733238	3233	14822873	2806	14899131	2379	14969388	2053
22	14478161	4178	14618262	4476	14736471	3071	14825679	2643	14901510	2469	14971441	2608
23	14480339	4199	14622738	4344	14739542	3065	14828327	2445	14903979	2423	14974049	2380
24	14484538	4333	14627082	4939	14742807	3317	14830772	2881	14906402	1890	14976439	1954
25	14488871	4754	14632021	3359	14745924	3400	14833433	2465	14908292	2311	14978393	1781
26	14493625	5050	14635380	4183	14749324	3793	14836896	2665	14910603	2320	14980174	2626
27	14498675	5028	14639563	4050	14753117	3223	14838583	2521	14912823	2321	14982800	2554
28	14503703	5851	14643613	4179	14756340	4028	14841084	2802	14915244	2250	14985384	2046
29	14510384	4282	14647792	4432	14760368	3411	14843586	2621	14917504	2361	14987400	2668
30	14514666	6318	14652224	3465	14763779	3266	14846207	2408	14919865	2304	14990088	2636
31	14520984	5002	14655689	3992			14848615	2450			14992704	2759

CITY OF ABERDEEN 1995 BOOSTER DISCHARGE

JANUARY			FEBRUARY		MARCH		APRIL		MAY		JUNE	
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
1	14995463	2117	15071758	2249	15142180	2295	15219484	2591	15298857	2606	15389176	3520
2	14997580	2945	15074007	2099	15144475	2411	15222075	2495	15301463	2656	15392696	3970
3	15000525	1949	15076106	2670	15146886	2606	15224570	2590	15304329	2657	15396666	4228
4	15002474	2538	15078778	2044	15149492	1890	15227160	2560	15306986	3016	15400984	3188
5	15005012	2672	15080820	2631	15151382	2620	15229740	2672	15310002	3125	15404082	3721
6	15007684	1940	15083451	2827	15154002	2472	15232412	2630	15313127	2736	15407803	4137
7	15009644	2545	15086278	2076	15156474	1895	15235042	2657	15315863	2967	15411940	3383
8	15012190	2661	15088354	2624	15158369	2473	15237699	2713	15318630	2687	15415323	3287
9	15014871	2119	15090978	2456	15160842	2027	15240412	2393	15321517	2698	15418610	3547
10	15016990	2425	15093434	2685	15162869	2486	15242805	2487	15324215	2254	15422157	2606
11	15019415	2181	15098119	2400	15165355	2274	15245292	2200	15326469	2622	15425063	3207
12	15021598	2592	15098519	2286	15167829	3000	15247492	3162	15329091	2623	15428270	3334
13	15024188	2406	15100805	2655	15170629	2422	15250644	2437	15331914	3323	15431604	3578
14	15026594	2356	15103460	2092	15173051	2794	15253391	2433	15335237	3259	15435180	4475
15	15028950	2500	15105552	2470	15175845	3007	15255514	3294	15338496	3276	15439655	4547
16	15031450	3153	15108022	2223	15178652	2278	15258808	2078	15341772	2751	15444202	5000
17	15034606	2362	15110245	2850	15181130	2749	15260886	2650	15344523	3038	15448202	5000
18	15036968	2576	15113095	2445	15183879	2581	15263536	2246	15347561	3041	15454202	5079
19	15039544	2131	15115540	2705	15186460	3065	15265782	2716	15350602	3150	15459281	5862
20	15041675	2653	15118245	2814	15189525	1997	15268498	2736	15353752	3045	15465143	6187
21	15044328	2265	15121129	3131	15191522	2628	15271234	2633	15356797	2975	15471330	5260
22	15046593	2511	15124260	2735	15194150	2303	15273867	2633	15359772	2559	15478590	5711
23	15049104	2540	15126995	3275	15196453	2383	15276502	2828	15362331	2739	15482301	4955
24	15051644	2597	15130270	1781	15198836	2435	15279330	2564	15365070	3186	15487256	4221
25	15054241	2100	15132031	2322	15201271	2474	15281894	3285	15368258	2732	15491477	4914
26	15056341	2583	15134353	3115	15203745	2721	15285179	2719	15370990	2538	15496391	5602
27	15058929	2273	15137468	2218	15206466	2319	15287898	2732	15373528	2090	15501993	7056
28	15061202	2216	15139886	2494	15208785	2657	15290670	2731	15375618	3000	15509049	6167
29	15063417	2723			15211442	2631	15293361	2772	15378618	3012	15514216	6354
30	15066140	2728			15214073	2680	15296133	2724	15381630	4097	15520570	4460
31	15068868	2890			15216753	2731			15385727	3449		

CITY OF ABERDEEN 1995 BOOSTER DISCHARGE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
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2	15531442	4779	15688337	5484	15842940	4183	15960083	3160	16043216	2552	16120428	2827
3	15536221	5380	15693821	5528	15847123	4176	15963249	2814	16045768	2356	16123255	2731
4	15541601	3828	15699347	5544	15851299	4476	15968063	2819	16048124	2694	16125986	2733
5	15545220	4421	15704893	5695	15855777	4712	15968973	2841	16050818	2662	16128719	2449
6	15548650	3105	15710588	5603	15860489	3577	15971614	2496	16053480	2703	16131188	2535
7	15552755	4580	15716251	6370	15864066	3416	15974110	2615	16056183	2505	16133703	2651
8	15557335	5138	15722821	6022	15867482	4014	15976725	2185	16058688	2587	16136354	2176
9	15562473	5376	15728643	6578	15871496	4106	15978910	2800	16061255	2420	16138530	2275
10	15567849	6283	15735221	6700	15876802	3941	15981710	2837	16063675	2714	16140805	2579
11	15574132	6013	15741921	4000	15879543	4297	15984347	3079	16066389	2526	16143384	2987
12	15580145	7059	15745921	4000	15883840	5058	15987426	2591	16068915	2473	16146371	2237
13	15587204	6307	15749921	3794	15888898	4790	15990017	2660	16071388	2520	16148608	2333
14	15593511	4243	15753715	4781	15893688	4386	15992677	2642	16073908	2526	16150941	2688
15	15597754	5181	15758476	5125	15898076	3878	15995319	2660	16076434	2496	16153629	2056
16	15602935	4442	15763601	5105	15901954	4165	15997979	2683	16078930	2591	16155835	2285
17	15607377	5667	15768708	5624	15906119		16001062	2651	16081521	2625	16157970	2863
18	15613044	5000	15774330	4943			16003713	2683	16084166	2673	16160833	2589
19	15618044	5854	15779273	5624	15914017	3140	16006296	2778	16086819	2591	16163401	2504
20	15623898	4560	15784897	5394	15917157	3822	16009074	2811	16089410	2617	16165905	2156
21	15628467	4956	15790291	5613	15920979	3144	16011685	2708	16092027	3350	16168061	2816
22	15633423	5578	15795904	5555	15924123	2687	16014393	2599	16095377	2516	16170877	2381
23	15639001	6322	15801459	5787	15926810	3296	16016992	2845	16097093	2205	16173258	2393
24	15645323	6528	15807246	3751	15930106	3177	16019637	2722	16100098	2336	16175651	2183
25	15650851	3638	15810997	4000	15933283	4659	16022359	2771	16102434	2507	16177834	1993
26	15654489	4255	15814997	3000	15937942	4821	16025130	2578	16104941	2492	16179827	2558
27	15658744	4186	15817997	4684	15942863	2904	16027708	2750	16107433	2542	16182385	2520
28	15662930	5021	15822681	3389	15946787	4382	16030458	2733	16109975	2778	16184905	2603
29	15667951	4357	15828050	3929	15950149	3389	16033191	2561	16112753	2450	16187508	2670
30	15672903	5230	15829979	3491	15953538	3409	16035772	2509	16115202	2605	16190178	2255
31	15677538	5011	15833470	4500	15956947		16038281	2416			15192433	2573

CITY OF ABERDEEN 1996 BOOSTER DISCHARGE

JANUARY			FEBRUARY			MARCH			APRIL			MAY			JUNE		
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	
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2	16197467	2238	16274637	2842	16358140	3343	16446394	2470	16546723	3487	16645427	2540					
3	16199705	2542	16277379	2019	16361483	3029	16448664	2895	16550210	2863	16647957	3437					
4	16202247	2256	16279398	3378	16364512	3091	16451759	2438	16553073	3401	16651404	3342					
5	16204503	2651	16282776	2403	16367603	2432	16454197	3212	16556474	3202	16654746	3493					
6	16207154	2241	16285179	2834	16370030	2980	16457409	3000	16559676	3157	16658239	3421					
7	16209395	2560	16288013	2854	16373015	2495	16460409	3371	16562833	3243	16661660	3671					
8	16211955	2339	16290867	3177	16375510	2344	16463780	3526	16566076	3415	16665331	3998					
9	16214294	2372	16294044	3619	16377854	2970	16467306	3121	16569491	2828	16669239	3867					
10	16216686	2589	16297663	2925	16380824	2570	16470427	3734	16572319	3392	16673106	4811					
11	16219255	2195	16300588	2974	16383394	2989	16474161	2606	16575711	3287	16677917	5498					
12	16221450	2606	16303682	2609	16386383	3173	16476767	2827	16578978	2730	16683416	5072					
13	16224056	2312	16306171	2860	16389556	3146	16479594	2538	16581714	3451	16688487	5572					
14	16225368	2576	16309031	3261	16392702	3510	16482132	3511	16585165	2846	16694059	6126					
15	16228944	2563	16312292	2628	16396212	2553	16485643	3439	16588011	3526	16699167	3045					
16	16231507	2609	16314920	2665	16399765	3188	16489082	3194	16591637	3414	16702232	3639					
17	16234116	2100	16317585	2831	16401953	3355	16492276	3467	16594951	3614	16705871	5113					
18	16236216	2610	16320410	3222	16405308	2656	16495743	3393	16598565	3051	16710984	4891					
19	16238826	2227	16323638	3033	16407968	2879	16499136	3798	16601616	3567	16715875	3642					
20	16241053	2665	16326671	3080	16410845	2700	16502934	3023	16605163	3272	16719617	3994					
21	16243718	2690	16329731	2602	16413545	2865	16505957	3707	16608411	3389	16723511	3393					
22	16246408	2344	16332333	2772	16416410	2506	16509664	3506	16611800	3358	16728904	3620					
23	16248752	2779	16335105	2651	16418916	2844	16513170	3681	16615158	3407	16730524	3088					
24	16251631	2379	16337758	3204	16421760	2809	16516861	3819	16618585	3009	16733612	3336					
25	16253910	2406	16340960	2899	16424569	2340	16520670	3320	16621574	2849	16736948	3524					
26	16256115	2529	16343659	2883	16426900	2921	16523990	3699	16624423	2176	16740472	4653					
27	16258845	2543	16346742	3690	16429830	2272	16527689	3736	16626599	2944	16745125	5080					
28	16261368	2449	16350432	2909	16432102	2674	16531425	3630	16629543	3304	16750215	6280					
29	16263837	2400	16353341	2000	16434776	2428	16535055	3846	16632847	3253	16755495	4233					
30	16266237	3002			16437204	3184	16538901	3728	16636100	3350	16759726	6307					
31	16269239	2456			16440388	2925			16639450	3059							

CITY OF ABERDEEN 1996 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
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2	16770847	5254	16934474	5995	17130960	4988	17255696	2796	17342670	2307	17417169	2511
3	16776101	4233	16940472	4790	17135948	5019	17258494	2561	17344977	2300	17419680	2660
4	16780334	3906	16945262	5286	17140967	5822	17261055	2856	17347277	3442	17422340	2773
5	16784240	5075	16950548	6101	17146789	5430	17263911	3388	17350719	2191	17425113	2414
6	16789315	4006	16955649	6778	17152219	4606	17267299	3246	17352910	2653	17427527	2986
7	16793321	4667	16963427	6428	17156825	4811	17270545	3003	17355563	2894	17430513	3065
8	16797988	5067	16969855	7080	17161636	5093	17273546	3329	17358457	2250	17433578	2186
9	16803055	5610	16976935	6011	17166729	5664	17276877	2967	17360707	2520	17435744	2443
10	16808665	4907	16982946	6123	17172393	5440	17279644	3123	17363227	2073	17438187	2651
11	16813572	5174	16989139	5781	17177833	5351	17282967	2564	17365300	2624	17440838	3187
12	16818746	4623	16994920	6724	17183184	5110	17285531	3590	17367924	2276	17444025	2816
13	16823369	5246	17001644	6752	17188294	4952	17289121	3145	17370200	2584	17446841	2368
14	16828615	5795	17008396	6671	17193246	4895	17292266	3838	17372784	2376	17448209	2715
15	16834410	6078	17015067	6867	17198141	5008	17296104	3318	17375160	2132	17451924	2623
16	16840488	6175	17021934	6553	17203149	4803	17299422	2879	17377282	2371	17454547	2474
17	16846663	5903	17028487	6182	17207952	4731	17302301	2429	17379663	2681	17457021	2780
18	16852566	6182	17034669	6321	17212683	3860	17304730	2886	17382344	2222	17459801	3318
19	16858728	5259	17040990	5849	17216543	3436	17307616	2175	17384566	2559	17463119	2893
20	16863987	5049	17046839	5995	17219979	3273	17309791	2580	17387125	2009	17465012	2537
21	16869036	4389	17052834	6494	17223252	2834	17312371	2660	17389134	2000	17468549	3218
22	16873425	5201	17059328	7321	17226086	3032	17315031	2630	17391134	3366	17471767	2645
23	16878726	4922	17065649	6611	17229118	3231	17317681	2702	17394490	2051	17474412	2690
24	16883616	5540	17073260	6370	17232349	3210	17320363	2469	17396541	2866	17477102	2812
25	16889188	6175	17079630	6688	17235550	2879	17322832	2374	17399407	2978	17479714	3472
26	16895363	5277	17086318	6382	17238438	2633	17325206	2638	17402386	2365	17483186	3146
27	16900640	4650	17092700	6702	17241071	2916	17328044	2386	17404750	2212	17486332	1771
28	16905290	5682	17099402	6660	17243987	2852	17330430	2596	17406962	2447	17488103	2914
29	16910952	5193	17106062	6364	17246839	2819	17333026	2369	17409409	2646	17491017	2912
30	16916145	6170	17112726	6331	17249658	3296	17335395	2669	17412055	2268	17493929	2650
31	16922315	6171	17119057	6347			17338064	2522			17496579	2160

CITY OF ABERDEEN 1997 BOOSTER DISCHARGE

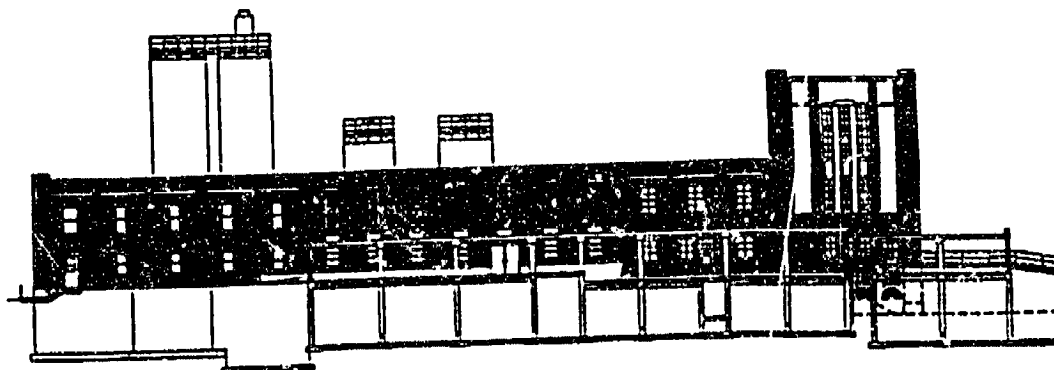
JANUARY			FEBRUARY		MARCH		APRIL		MAY		JUNE	
DATE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE	METER	DIFFERENCE
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3	17504627	2744	17597946	3519	17689044	3203	17790760	3207	17883468	3351	17993285	3118
4	17507371	3289	17601465	3171	17692517	2822	17793957	2924	17882819	3359	17988383	3330
5	17510660	2559	17604636	3105	17695139	2919	17796891	2575	17890178	3321	17999713	3810
6	17513219	2735	17607742	3355	17698088	3096	17799466	2494	17893499	3357	18003523	3992
7	17515954	2860	17611097	3010	17701184	3083	17801900	2682	17896856	2830	18007515	4308
8	17518814	2768	17614107	3020	17704287	3494	17804642	2118	17899686	2990	18011823	4450
9	17521582	2567	17617127	3281	17707761	3674	17808760	2815	17902876	3558	18018273	4930
10	17524149	2821	17620388	3192	17711435	3626	17809375	2103	17906234	3295	18021203	4551
11	17526970	2860	17623580	3010	17715061	3317	17811478	2571	17909529	3018	18025754	4724
12	17529830	2704	17626590	3162	17718378	3164	17814049	3041	17912547	3352	18030478	5081
13	17532534	2825	17629772	3215	17721542	2889	17817090	2914	17915899	3185	18035539	5152
14	17535359	2870	17632987	3387	17724431	2758	17820004	3371	17919084	3177	18040691	5095
15	17538229	2746	17636374	3189	17727189	2829	17823375	3099	17922281	3421	18045788	4735
16	17540975	2995	17639563	2764	17730018	2886	17826474	3336	17925082	4680	18050521	5732
17	17543970	2580	17642327	3451	17732804	2980	17829810	3015	17930362	3997	18056253	4384
18	17546550	3078	17645778	3475	17735884	3051	17832825	3152	17934350	3451	18060637	4582
19	17549628	3393	17649253	3335	17738935	3363	17835977	3057	17937810	3463	18065219	5743
20	17553021	3833	17652588	3580	17742298	3704	17839011	3694	17941273	4361	18070982	5128
21	17556854	3206	17656168	3490	17746002	3185	17842718	3014	17945634	4146	18076090	5405
22	17560060	3146	17659658	3304	17749187	3652	17846742	3491	17949780	3872	18081495	5519
23	17563206	2943	17662962	3366	17752839	3747	17849233	3178	17953652	2875	18085014	4227
24	17566149	2080	17666328	3125	17756586	3450	17852411	3580	17956527	2824	18089241	5160
25	17569129	3077	17669453	3479	17760036	3587	17855991	3260	17959451	3154	18094401	5351
26	17572208	3183	17672932	3314	17763623	3542	17859251	3224	17962805	2691	18099752	6601
27	17575389	3224	17676246	3290	17767165	3826	17862475	3763	17965298	3370	18106353	6059
28	17578613	2773	17679536	2870	17770894	3023	17866238	3529	17968660	3924	18112412	5076
29	17581386	2969			17774017	3475	17869767	3449	17972650	4165	18117487	5294
30	17584355	3580			17777492	2998	17873216	3405	17976815	4179	18122781	4325
31	17587944	2841			17780490	3694			17980994	4628		

CITY OF ABERDEEN 1997 BOOSTER DISCHARGE

DATE	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
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3	18133759	3453	18296398	6410	18449930	3896						
4	18137212	3282	18302808	6447	18453826	3867						
5	18140494	4065	18309255	6051	18457693	5099						
6	18144559	3851	18315306	6556	18462792	3953						
7	18148410	3836	18321862	6249	18466745	4173						
8	18152248	4391	18328111	5894	18470918	3612						
9	18156637	5280	18334005	4147	18474530	3969						
10	18161917	5953	18338152	4653	18478499	4711						
11	18167870	4824	18342810	4623	18483210	4016						
12	18172694	4393	18347433	5494	18487228	3585						
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18	18208710	6718	18378442	4338	18510036	4388						
19	18215428	6242	18382780	3189	1851424	3205						
20	18221670	5177	18385969	3781	18517629	3723						
21	18226847	6188	18389750	4412	18521352	3956						
22	18233035	6383	18394102	4098	18525308	3034						
23	18239418	6789	18398260	5028	18528342	3764						
24	18246207	5012	18403288	5743	18532106	4163						
25	18251219	5580	18409031	5126	18536269	5173						
26	18258790	3992	18414157	5226	18541442	2862						
27	18260791	4603	18419383	6174	18544404	3931						
28	18265394	5236	18425557	5656	18548335	3901						
29	18270630	5382	18431213	4476	18552236	3390						
30	18276012	4587	18435689	3114	18556134							
31	18280599	5086	18438803	3764								

ABERDEEN

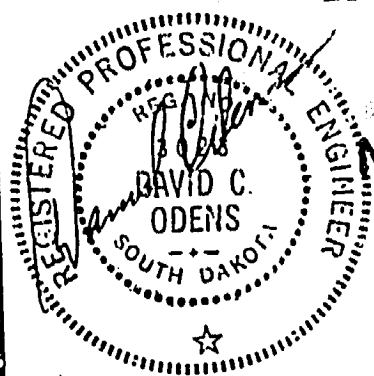
WATER SYSTEM STUDY



Prepared By

BANNER ASSOCIATES

*CONSULTING ENGINEERS AND ARCHITECTS
BROOKINGS, SOUTH DAKOTA*



NOVEMBER, 1995

07718

TABLE 3-2
SUMMARY OF APPROPRIATED WATER RIGHTS

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

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

TABLE 3-3

SUMMARY OF FUTURE USE WATER RIGHTS

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

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

9.04. WATER RIGHTS AND PERMITS

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

1. NPDES stormwater discharge permit for discharges of stormwater from the treatment plant site. The present stormwater management system includes a pump station which discharges the water from the plant site to the Elm River. Plant sites larger than five acres require a storm water discharge permit.
2. Permit for the disposal site or method used for disposal of the sludge from the water treatment plant. At the present time the sludge is hauled to a City owned site for disposal. If this site is to continue to be used, a permit is required in order to comply with solid waste regulations.

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

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

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

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

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

9.05 Other Planning and Water Source Management Activities

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

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

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 192-3, City of Aberdeen, PO Box 1420, Aberdeen SD 57402-1420.

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

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

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

JOHN HATCH, Chief Engineer
January 20, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

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

Dear Mr. Bobzien:

Future Use Permit Nos. 192-3 and 3427-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the American News (Phone 225-4100). For your information, copies of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

American News
PO Box 4430
Aberdeen SD 57402-4430

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 192-3 and 3427-3 to be published twice. Please publish the first notice on January 28, 1998 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Aberdeen, c/o Robin Bobzien, City Engineer, PO Box 1420, Aberdeen SD.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 192-3 & 3427-3

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

Date _____

We are in receipt of your letter of January 20, 1998 enclosing Notice of Hearing to Review Future Use Water Permits which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on January 28, 1998 with 2nd publication 7 days later. The City of Aberdeen is responsible for payment.

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

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427-3 held by the City of Aberdeen, PO Box 1420, Aberdeen SD 57401 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 192-3 and 3427-3.

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

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

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

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 192-3 and 3427-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

Notice of Hearing
Page 2

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 16, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brown) SS

I, Alice Rantz

certify that the attached printed Notice was taken

from the Wednesday, February 4, 1998

printed and published in Aberdeen American News

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 28, 1998 and
February 4, 1998

Cost of Printing \$91.58

Alice Rantz
(Signature)

Financial Team Member
(Title)

2-4-98
(Date Signed)



(No. 6378 - Jan. 28, Feb. 4 - 27) NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 192-3 AND 3427-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 192-3 and 3427-3 held by the City of Aberdeen, PO Box 1420, Aberdeen, SD 57301 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 192-3 and 3427-3.

Permit No. 192-3 was approved July 9, 1956 to reserve 11.0 cubic feet of water per second (cfs) from a stream along the Elm River located between Section 18-T125N-R23W and Section 15-T124N-R63W for municipal use.

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

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 192-3 REMAIN in EFFECT for 3,623 acre-feet annually and Permit No. 3427-3 REMAIN in EFFECT for 4,344 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD on February 25, 1998 at 10:00 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 1-28, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 192-3 and 3427-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-8, 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 1-28.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gundlund, Water Rights Program, (605-773-3352) by February 16, 1998. 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 Permit. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nellie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

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

Dear Mr. Bobzien:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit Nos. 192-3 and 3427-3. The Board allowed Permit No. 192-3 to remain in effect for 3,823 acre-feet of water annually and Permit No. 3427-3 to remain in effect for 4,344 acre-feet of water annually. The permits are subject to another review in seven years.

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

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

Very truly yours,

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

CERTIFICATION

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

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

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

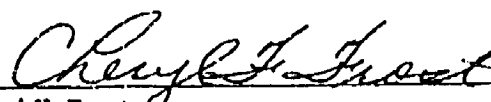
217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.

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

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

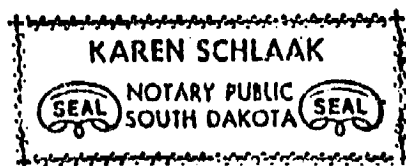
A copy of the Amendment to the Future Use Permit was sent with the following Notice:

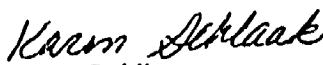
1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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




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

3427-3

NO 415726

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18 19 98

RECEIVED OF City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. 3427-3 after period of seven years.

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

110 00

110 00

By _____
Chief Engineer

John Hatcher

Future Use

Ground Water, Elm Aquifer

City of Aberdeen, South Dakota

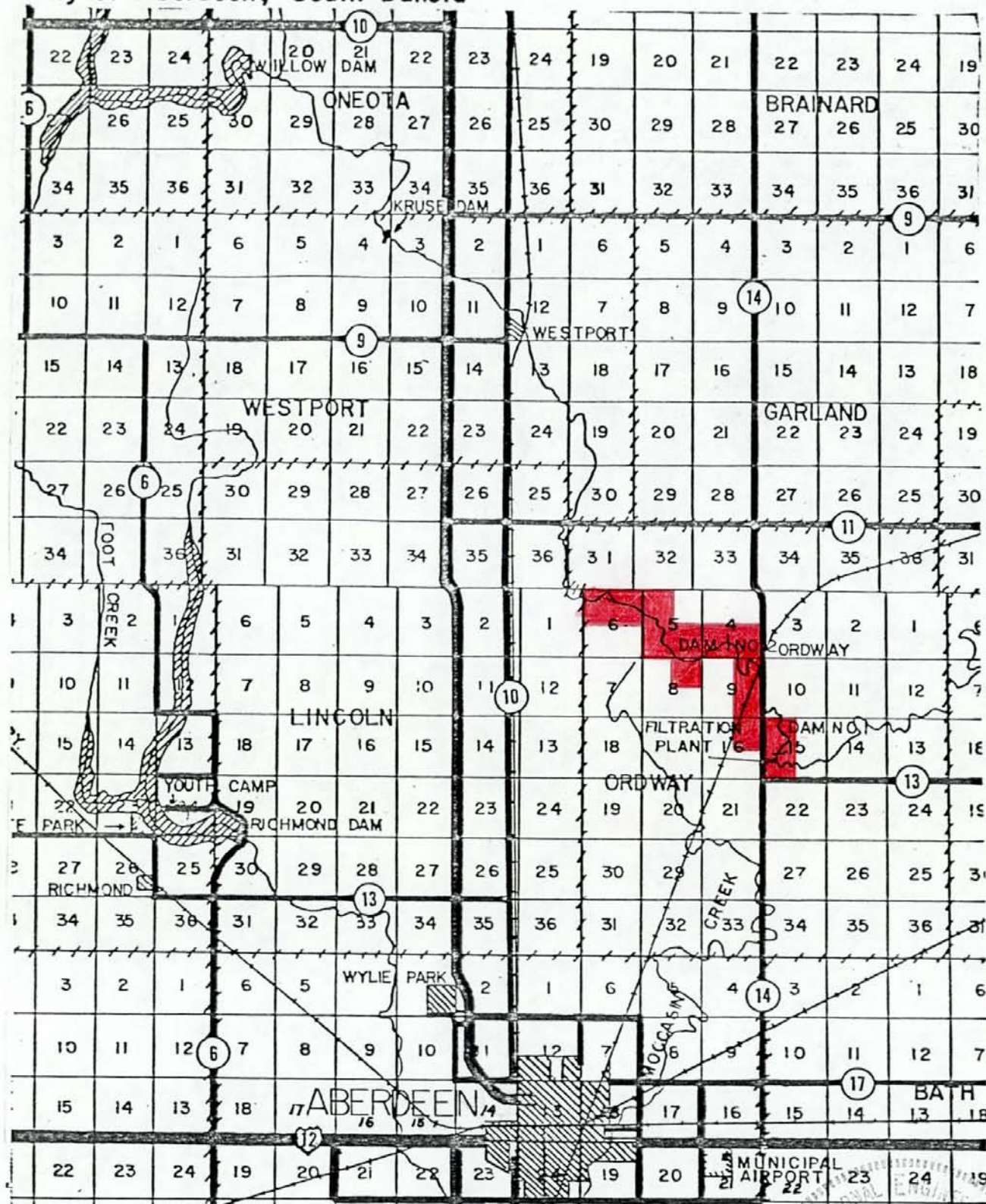
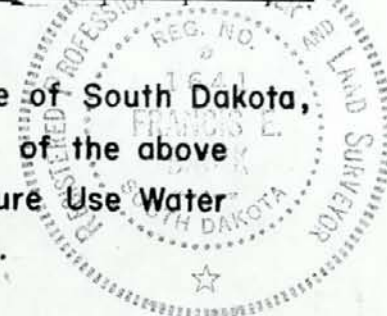


EXHIBIT "A"

I, Francis E. Brink, Registered Land Surveyor in the State of South Dakota, do certify that I have personally directed the preparation of the above Exhibit "A" for the purposes of showing locations of Future Use Water Right Application being applied for by the City of Aberdeen.

Francis E. Brink
Francis E. Brink, P.E., L.S. 1641

12/28/76
Date



11/11/23 APR 12 3427-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2018

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

Dear Mr. Braun:

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

Currently, our records show that 3,823 acre-feet remain in reserve under Permit No. 192-3 and 1,824 acre-feet remain in reserve under Permit No. 3427A-3. Both future use permits were last reviewed in 2012.

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

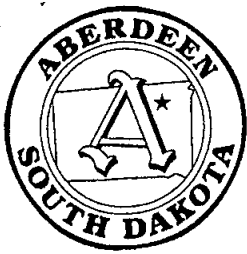
The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire acre-feet amounts remain in reserve on each permit, the total fee will be \$590.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CITY OF ABERDEEN

12668 391 Ave
Aberdeen, South Dakota 57401-4215

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

December 28, 2018

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

RECEIVED

JAN 04 2019

**WATER RIGHTS
PROGRAM**

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

Dear Ms. Schlaak:

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

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

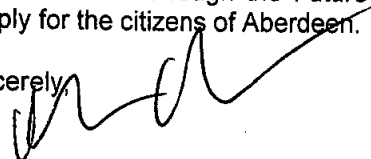
Water License No. 6546-3 allows for a daily total of 2.25 MGD or about three quarters of the average water used daily by the citizens of Aberdeen. If the quantity or quality of the water available from our main source, the Elm River, should change, we will require additional ground water to meet the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

Our treatment facility capability is 12 MGD with room for expansion up to 18 MGD. Our current operation uses groundwater for $\frac{1}{4}$ - $\frac{1}{2}$ of our total daily flow. A flow of 4 - 6 MGD from wells would be required to maintain that blend resulting in an additional 1.75 or 3.75 MGD to be converted to beneficial use. If we make no adjustments to our blend formula, the conversion of 3.75 MGD from future use to beneficial use would be required resulting in a minimum of 1.293 MGD, or 1448 acre-feet, in Future Use in reserve.

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

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

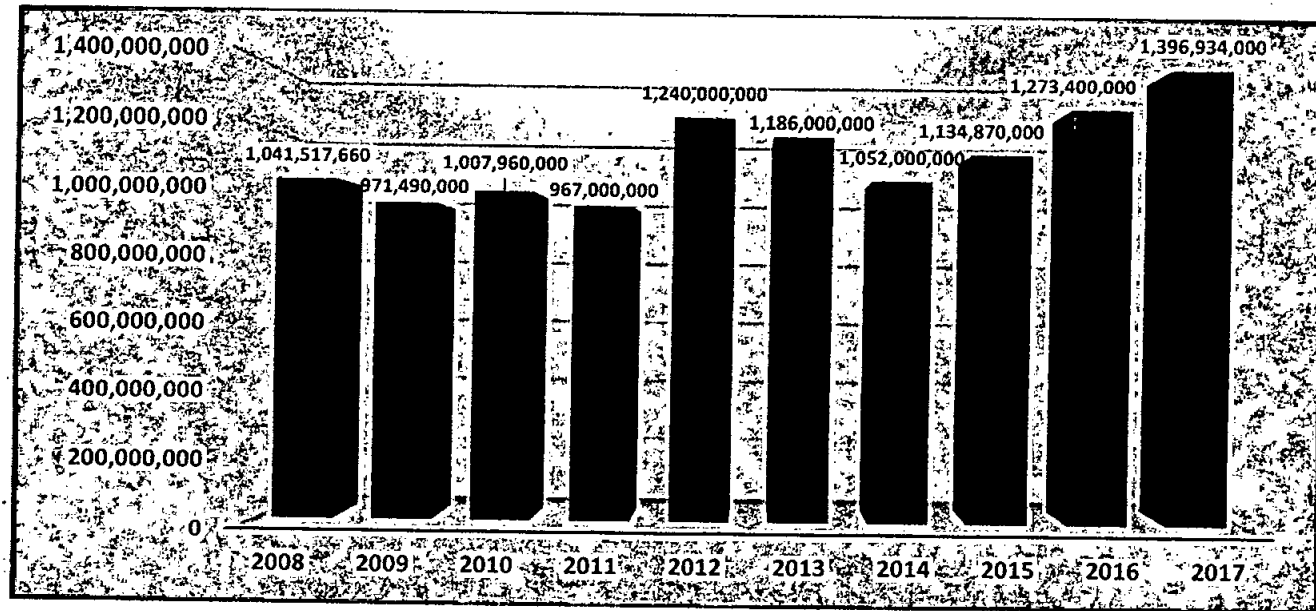
Sincerely,


Robert Braun
Superintendent
Aberdeen Water Works

attachment (1): Pumping Records 2008 -2017

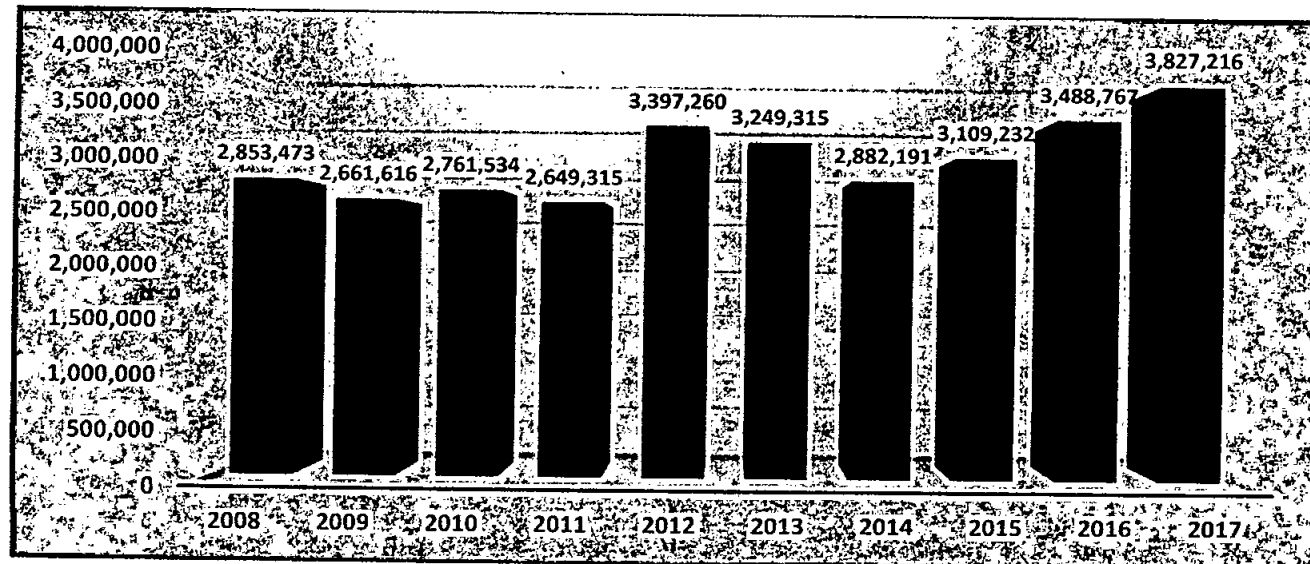
Annual Gallons of Water Pumped from Water Treatment Plant

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



Average Daily Gallons of Water Pumped From Water Treatment Plant

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



City of Aberdeen: WATER TREATMENT

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

Schlaak, Karen

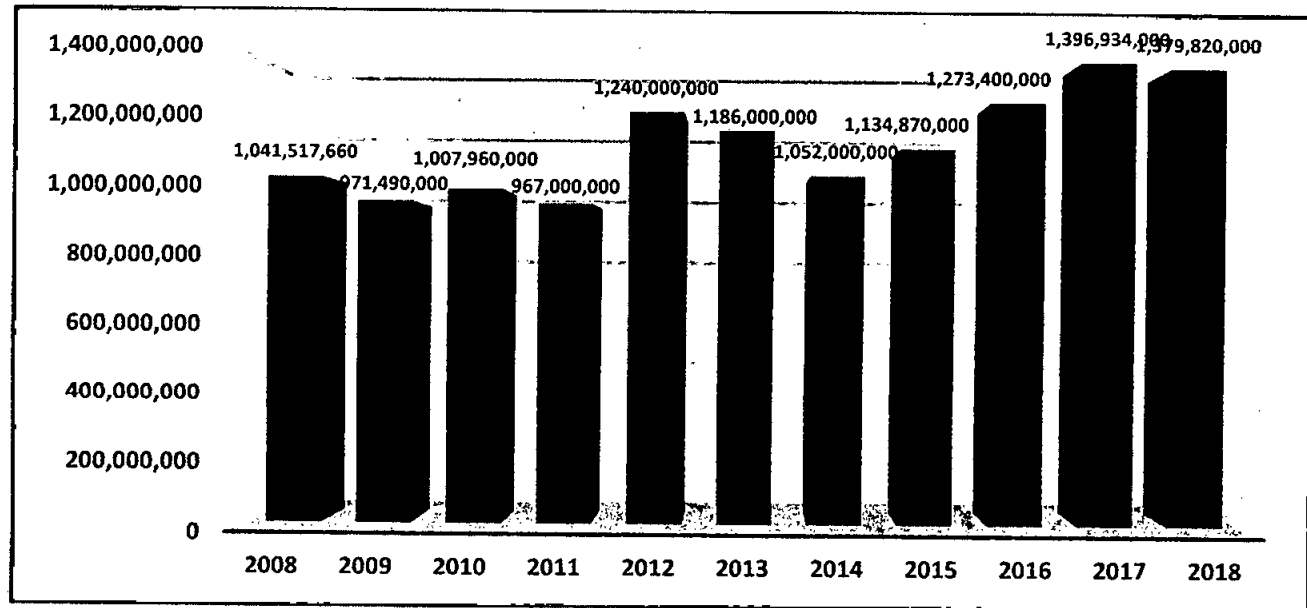
From: Bob Braun <bob.braun@aberdeensd.us>
Sent: Friday, January 11, 2019 3:30 PM
To: Schlaak, Karen
Subject: [EXT] Water rights update
Attachments: 2018 water pumped records.doc; Copy of Annual Daily Gallons of Water Pumped from Water Treatment Plant (00031949xDCD92).xlsx

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

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

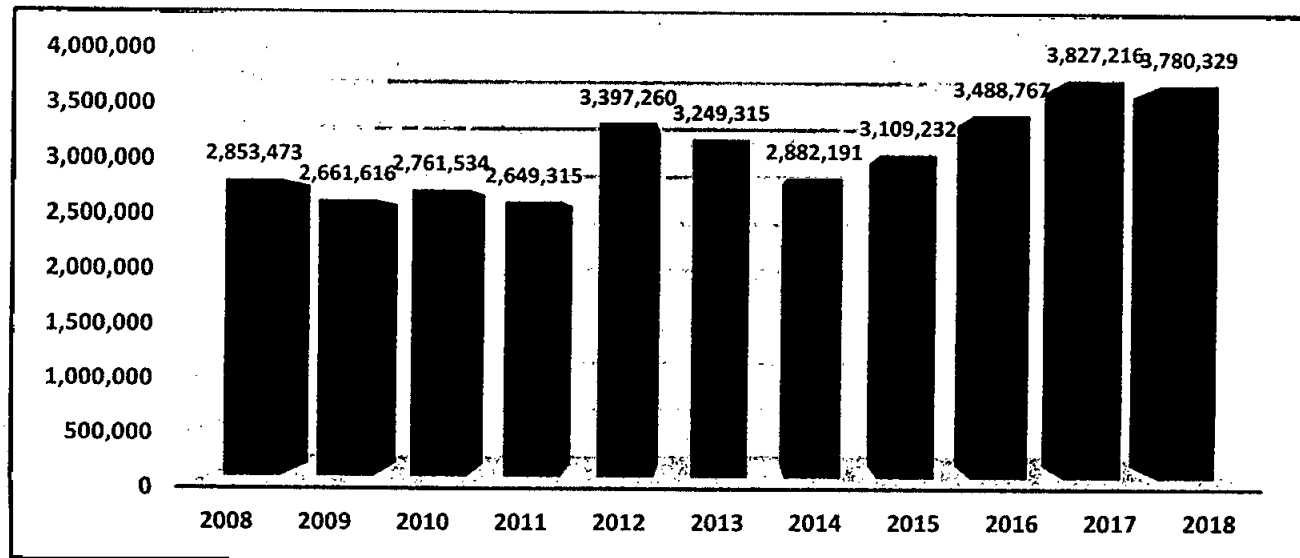
Annual Gallons of Water Pumped from Water Treatment Plant

2008	1,041,517,660
2009	971,490,000
2010	1,007,960,000
2011	967,000,000
2012	1,240,000,000
2013	1,186,000,000
2014	1,052,000,000
2015	1,134,870,000
2016	1,273,400,000
2017	1,396,934,000
2018	1,379,820,000



Average Daily Gallons of Water Pumped From Water Treatment Plant

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



City of Aberdeen WATER TREATMENT

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 192-3, City of Aberdeen, 123 Lincoln St, Aberdeen SD 57401

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

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

Jeanne Goodman, Chief Engineer
January 11, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

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

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3427A-3, City of Aberdeen, 123 Lincoln St, Aberdeen SD 57401

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

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

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

Jeanne Goodman, Chief Engineer
January 11, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2019

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

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

Dear Mr. Braun:

Future Use Permit Nos. 192-3 and 3427A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Aberdeen American News (225-4100). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on January 23, 2019. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA}

FEB 11 2019

COUNTY OF BROWN;

WATER RIGHTS
PROGRAM

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

Legal # 609186

Notice of Hearing to Review

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

day for 1 successive day.
The first publication being made on the 23rd day of Jan., 2019.
The second publication being made on the day of , 2019.
The third publication being made on the day of , 2019.
The fourth publication being made on the day of , 2019.
The fifth publication being made on the day of , 2019.
The sixth publication being made on the day of , 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 80.94, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Pomroy

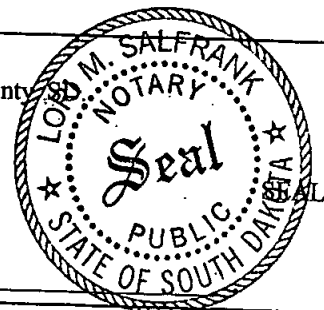
Subscribed and sworn to before me this 23rd day of Jan., 2019.

Daily Circulation 10,000

Amelia

Notary Public, Brown County

My commission expires March 20, 2019



(No. 609186)
(January 23, 2019 - 1T)

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

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

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

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

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427A-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Schlaak, Karen

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

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

City of Aberdeen, c/o Robert Braun, Aberdeen Water Works, 123 Lincoln St, Aberdeen SD 57401 (605 626-7011) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



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

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

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

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

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

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 192-3 and 3427A-3 REMAIN in EFFECT for 3,823 acre-feet annually and Permit No. 3427A-3 REMAIN in EFFECT for 1,824 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 192-3 and 3427A-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2019. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 192-3 and 3427A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 22, 2019. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2019.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2019

NOTICE OF ENTRY OF ORDER

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

Dear Mr. Braun:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" and last name "Goodman" clearly distinguishable.

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

CERTIFICATION

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

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

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

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

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

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

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

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

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

Vickie Maberry
Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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

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

