

Water Right Number 3981-3

1. Considered 7-27 19 77
2. Name of Applicant CITY OF SIOUX FALLS
3. Post Office Address _____
4. Amount of Water Claimed 52,000 AC.Ft.
5. Source of Water Supply SIOUX RIVER
6. Water to be used for F.U. - MUNICIPAL
7. Acres to be Irrigated --- maximum --- acre/feet
8. Water to be diverted and used in MINNEHAHA County
about 2 E. 2. miles NORTH of SIOUX FALLS
9. Proof of Publication Received 10-5-77
Not received Board action 11-27-79 Final approval 1-30-80
10. Application Approved 11-27-79
Low flow by pass 7 yrs old Subject to Wd for Jan-Mty F.F.C.L.
Not approved _____
Action deferred _____

Priority _____ Date Received 6-6-77 Application Complete yes X no _____
Date Returned or additional information or fee requested _____
Remarks _____

Date information and/or
fee or corrected Application received _____

FEE Amount N/A

Diversion Location _____

W 1/2 33-102-49

Lands to be
Irrigated _____

Period of annual use CONTINUOUSLY -

MAP

Type of Map DRAWN

Prepared by BUREAU OF REC.

Map No. 3230-3

Map located in W/R X

Map file _____

4-ELL-LOG Received yes _____ no _____ Date of request _____

N/A

Remarks _____

Date Returned _____

Driller _____ Licensed in SD yes _____ no _____

Depth and Formation _____

WATER
QUALITY
N/A

Date Received _____ Approved/Conditional (circle one)

Date Disapproved _____ Reason _____

Date Disapproved Application returned _____

WI-1 Land Description - same as Application yes _____ no _____ Remarks _____

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on July 27, 1977.

James Wentz
(Signed)

This Application was unable to be completed - Reason _____

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

STAFF
RECOMMEN-
DATIONS

Legislature w/ approval by WRC - 1979 Legislature approved appl.

BOARD
ACTION

Date Approved _____ Qualifications _____

Deferred - Date July 27, 1977 Reason Investigation

Denied - Date _____ Reason _____

REMARKS
F.F. & C.
OF LAW,
FINAL
DECISIONS,
ETC.

Date Final Decision, including F.F. & C of Law was adopted _____

Date Final Decision mailed to parties and/or parties notified that Final Decision was adopted 1-30-80

Remarks 47 & CL approved 1/30/80

Map No. 3230-3 Water Division No. 3 BIG SIOUX RIVER District 1
(Blanks to be Filled by the Engineer for the W. R. C.)FUTURE USE
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant City of Sioux Falls - Water Department
Postoffice address City Hall - Sioux Falls, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract with Bureau of Reclamation
3. Name of diversion work Big Sioux Pumping Plant (see 12A)
4. Amount of water claimed (cubic feet per second) 170 cfs pump capacity (see 12A)-Maximum Pumpage - 50,000 ac./yr.
5. Source of water supply Unappropriated Big Sioux River flows when available
6. Location of point of diversion see attached map (W₂ Sec. 33, T102N, R40W)

7. Annual period or periods during which water is to be used year around, when river flows or reservoir storage is available
County Minnehaha
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal, industrial, commercial and recreation
9. For irrigation use, _____
Total number of acres to be irrigated NA

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 20 years. Additional time required to complete application of water to the proposed beneficial use NA years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sioux Falls Argus Leader
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. See attached schematic diagram.
Big Sioux Pumping Plant with Slip-Up Pump Units (120 cfs capacity) to divert and pump water to Slip-Up Creek Reservoir and Sioux Falls Pump Units (50 cfs capacity) to pump water directly to purification plant.
- B. Works proposed to transport water to place of use. See schematic diagram
Slip-Up Creek Pumping Plant, Sioux Diversion Pipeline, and Sioux Falls Pipeline
- C. Works proposed to apply water to beneficial use.

Sioux Falls Purification Plant and distribution system.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

County of MINNEHAHAI, Lester Hash, 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 Lester HashSubscribed and sworn to before me this 30 day of June, 19 77My Commission Expires
January 22, 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3981-3
CITY OF SIOUX FALLS 229 W. 9th STREET
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57101 With the following modifications:
 (State)

Natural flows in the Big Sioux River are not a dependable source of water during some years. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals of water whenever 50 cfs of water or more is flowing past the City's diversion point after diversions have been made.

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.

This future use permit No. 3981-3 is approved with the stipulation that the permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

Date of first receipt of application JUNE 6, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved JANUARY 30, 19 80, Recorded in Book 21 Page 126

WATER RIGHT PERMIT NO. 3981-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3981-3 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 JUNE 6, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before N/A, 19 ____
3. The whole of said work is to be completed on or before N/A, 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is N/A, 19 ____
5. The water appropriated shall be used for the purpose of MUNICIPAL USE
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 170 (50,000 AC. FT. ANNUALLY) cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served, and if for the irrigation purpose, said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before 19, said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 19th day of MARCH, 19 82

WATER RIGHTS COMMISSION

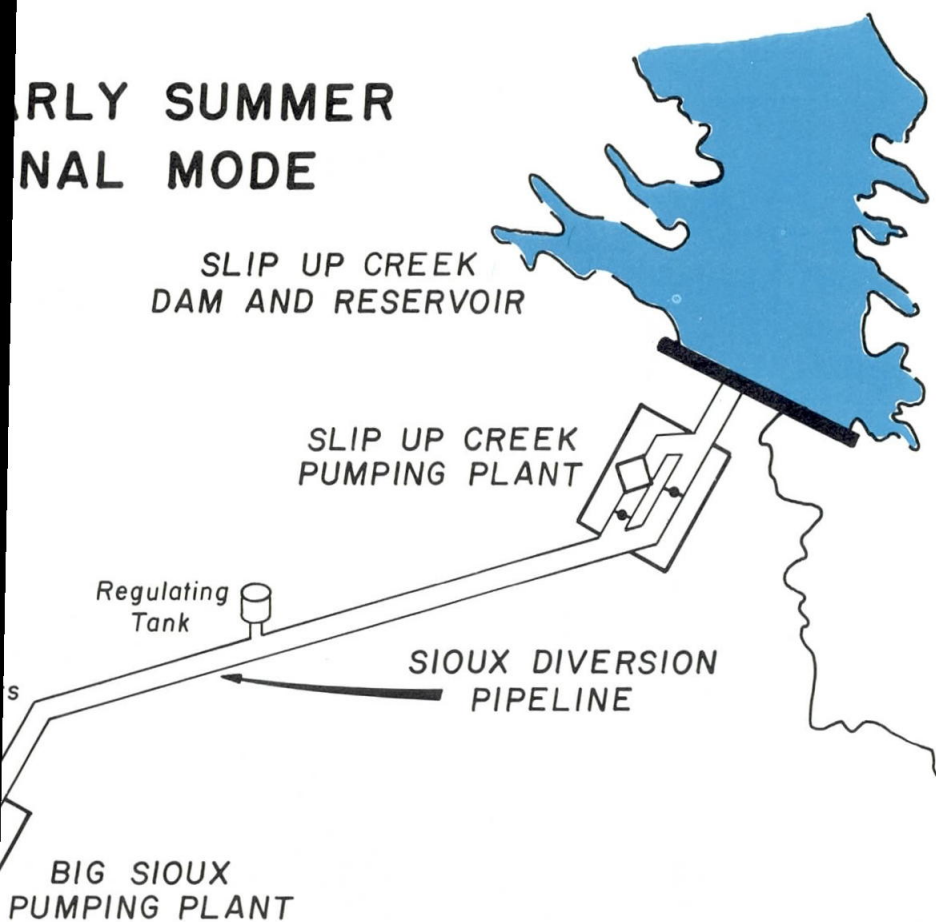
By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

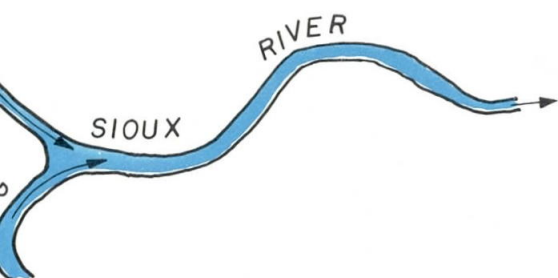
Water License Issued _____, 19 ____

EARLY SUMMER NORMAL MODE

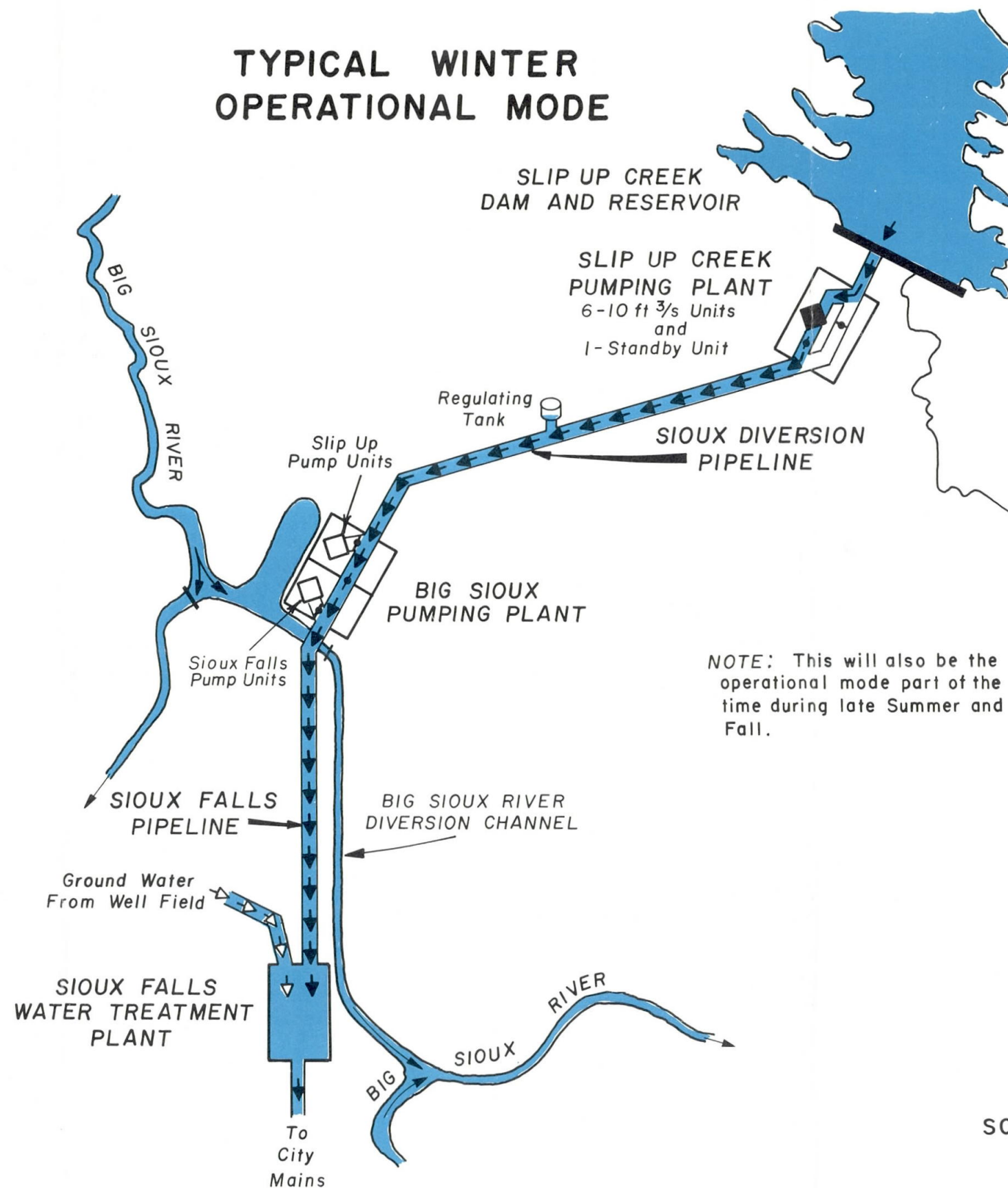


NOTE: This will also be the operational mode part of the time during late Summer and Fall.

BIG SIOUX RIVER
DIVERSION CHANNEL



TYPICAL WINTER OPERATIONAL MODE



NOTE: This will also be the operational mode part of the time during late Summer and Fall.

EXPLANATION

Pumping Units

- ◆ Operational
- ◇ Idle

Pipelines

- ▶▶▶ Ground Water
- ▶▶▶ Surface Water
- No Water Flowing

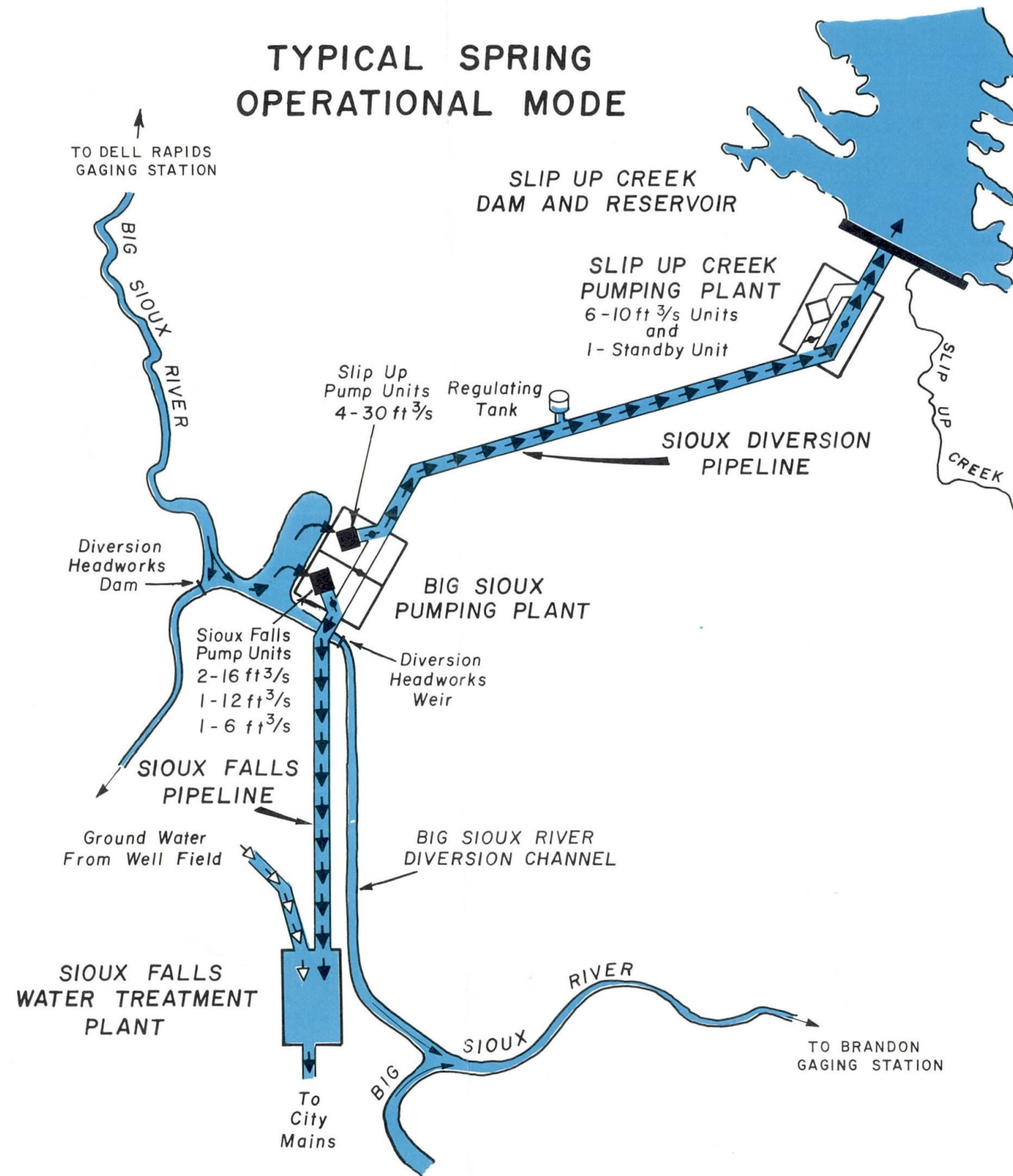
Valves

- Open Position
- Closed Position

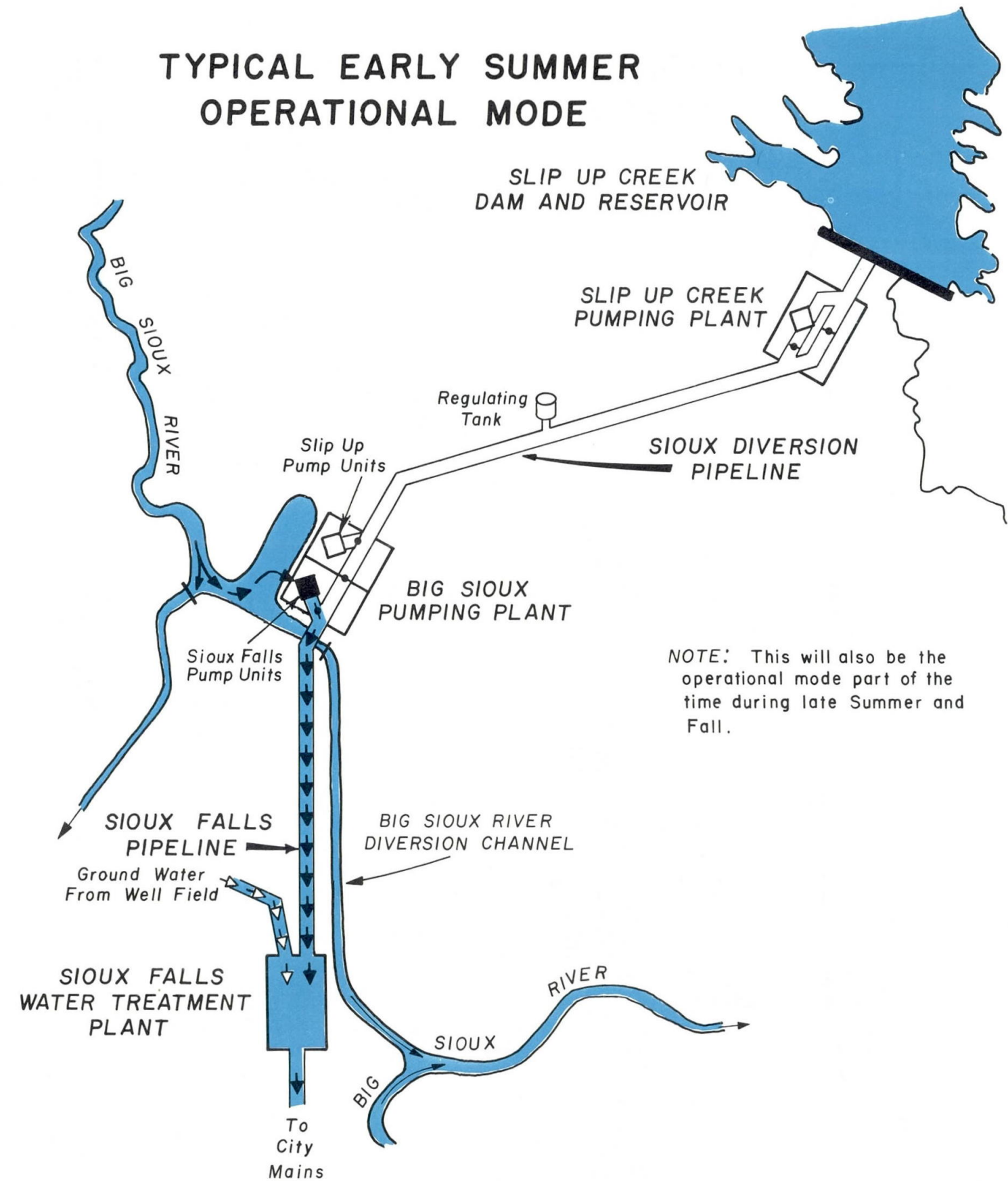
UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
PICK-SLOAN MISSOURI BASIN PROGRAM
JAMES DIVISION-SIOUX FALLS UNIT
SCHEMATIC OF WATER DELIVERY SYSTEM
SOUTH DAKOTA
UPPER MISSOURI REGION
MARCH 1975
1173-602-39

MAINTAINED Appl No 3951-5

TYPICAL SPRING OPERATIONAL MODE



TYPICAL EARLY SUMMER OPERATIONAL MODE



Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 14, 1977Notice is hereby given that City of Sioux Falls whose

post office address is Sioux Falls, South Dakota, has made an application 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, Future Use 46-5-38, Temporary Permit 46-5-39, 46-5-40, Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21

thru 52:01:01:24, for a permit to appropriate for beneficial use 170 cubic feet of water (50,000 acre feet per year) per second of time from the Big Sioux River through

the Big Sioux Pumping Plant, the point of diversion of which is to be located in the _____

of Section 33, Twp. 102N, Range 49W. Said water to be used for ~~xxxxxx~~
~~xxxxxx~~ municipal, industrial, commercial and recreational purposes.

This Application No. 3981-3 will be considered by the Water Rights Commission at the Staurolite Inn, Brookings, S.D. upon the 21st day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

~~xxxxxx~~ JAMES WINTERTON
Water Rights Specialist

cc:

Les Hash, Water Department, City of Sioux Falls, S.D. 57101

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } ss.

JOHN K. KOLL, being duly sworn, says: That The Sioux Falls Argus-Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDC Supp. 65,0509, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 6 day of July, 1977,

Wednesday, the 13 day of July, 1977,

the day of 19,

the day of 19,

the day of 19,

the day of 19,

the day of 19,

and that \$ 27.08 was charged for publishing the same.

John K. Koll

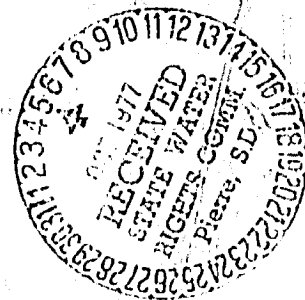
Subscribed and sworn to before me October 4, 1977,

Beverly Johnson

Notary Public, South Dakota

(SEAL)

NOTICE OF HEARING ON APPLICATION TO TAKE APPROPRIATE WATER FROM THE BIG SIOUX RIVER, SOUTH DAKOTA
Notice is hereby given that City of Sioux Falls whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of SDC 46-1-1 thru 46-1-8; 46-2-1 thru 46-2-11; 46-2-13; 46-2-1 thru 46-2-8; 46-2-191 thru 46-2-22; 46-2-41; Future Use 4/5-29; and Commission Rules 1A-10-7; 35-10-101 thru 32-01-0115; Future Use 52-01-0111 thru 52-01-011124; for a permit to appropriate for future beneficial use 170 cubic feet of water per second of time (20,000 acre feet per year) from the Big Sioux River through the Big Sioux Pumping Plant, the point of diversion of which is to be located in the W-1 of Section 33, Twp. 119N, Range 47W, said water to be used for municipal, industrial, commercial and recreational purposes.
The Application No. 2913 will be considered by the Water Rights Commission at the Staurville Inn, Brookings, S.D. upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDC 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.
WATER RIGHTS COMMISSION
JAMES WINTERSON
Water Rights Specialist
July 6, 1977



3980-3 & 3981-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

TO: Persons Concerned With City of Sioux Falls Future Use
Applications Nos. 3980-3 and 3981-3

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Applications Nos. 3980-3 and 3981-3

The Water Rights Commission will reconsider Water Right Applications Nos. 3980-3 and 3981-3 at 11:30 A.M., January 25, 1978 at the South Dakota Education Association Building, Pierre, 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, 46-5-40; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21.

Applications Nos. 3980-3 and 3981-3 were deferred by the Water Rights Commission on October 7, 1978, pending Staff Investigation.

After reconsideration of Applications Nos. 3980-3 and 3981-3 the Commission will send the applications to the Legislature in accordance with 46-5-20.1 with a recommendation to approve or deny all or parts of the applications or without recommendation. SDCL 46-5-20.1 requires that any application for appropriation of water in excess of 10,000 acre feet annually shall be presented by the Commission to the Legislature for approval prior to the Commission acting upon the application.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

July 19, 1978

TO: Persons Concerned with City of Sioux Falls Future Use Applications Nos. 3980-3 and 3981-3

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Applications Nos. 3980-3 and 3981-3

The Water Rights Commission will reconsider Water Rights Applications Nos. 3980-3 and 3981-3 at 2:30 p.m., July 26, 1978 at the Roosevelt Room, Ramada Inn, Junction of Highway 38E and I-29, Sioux Falls SD. The Commission has scheduled a field trip to the Slip-Up Creek project area at 1:30 p.m., just prior to the hearing.

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 46-5-22, 46-5-41, 46-5-38, 46-5-40; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21.

Applications Nos. 3980-3 and 3981-3 were submitted to the 1978 Legislature. The Legislature did not act on the applications, and the City of Sioux Falls has requested the applications be reconsidered.

After reconsideration of Application Nos. 3980-3 and 3981-3 the Commission will send the applications to the Legislature in accordance with 46-5-20.1 with a recommendation to approve or deny all or parts of the applications or without recommendation. SDCL 46-5-20.1 requires that any application for appropriation of water in excess of 10,000 acre feet annually shall be presented by the Commission to the Legislature for approval prior to the Commission acting upon the application.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

SOUTH DAKOTA
Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 25, 1978

Lowell Hansen
Speaker of the House
State Capitol Building
Pierre, SD 57501

Dear Sir:

In accordance with SDCL 46-5-20.1, we are submitting herewith copies of the following water right applications with proposed resolution drafts, and the recommendations of the Water Rights Commission.

No.	Name	Priority Date	Hearing Held	Recommendations of Water Rights Commission
3980-3	City of Sioux Falls	10-05-77	1-25-78	Denial
3981-3	City of Sioux Falls	10-05-77	1-25-78	Denial
4201-3	Osage Conservancy Sub-District	11-18-77	1-25-78	Approval with modifications
4205-3	Ft. Randall & Lower James Conservancy Sub-Districts	7-01-69	1-25-78	Approval
4206-3	Ft. Randall & Lower James Conservancy Sub-Districts	7-01-69	1-25-78	Approval

The applications have been filed with the Water Rights Commission, advertised and public hearings held, and are in proper form.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JW/gv

cc: Governor Kneip
Bill Richey, Chairman, Water Rights Commission

Proposed Resolution - Denial of a Water Right Application
Submitted by WATER RIGHTS COMMISSION, DEPARTMENT OF NATURAL
RESOURCE DEVELOPMENT

A JOINT RESOLUTION, to deny an application for a water right pursuant to SDCL § 46-5-20.1.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA
THE SENATE CONCURRING THEREIN:

WHEREAS, pursuant to S.D.C.L. § 46-5-20.1 the Legislature of the State of South Dakota has required that any application for appropriation of water in excess of ten thousand acre feet annually shall be presented by the Water Rights Commission to the Legislature for approval prior to acting on the application, and

WHEREAS, Future Use Water Right Application No. 3981-3 (City of Sioux Falls) has been received by the Water Rights Commission, and

WHEREAS, said application is for an amount in excess of ten thousand acre feet of water annually, and,

WHEREAS, the Water Rights Commission by motion on January 25, 1978 at its regular meeting in Pierre recommended the application be denied because it is not in the best interest of the citizens of the State of South Dakota to take this much land out of production. It would displace a number of families that would have to find other places to live. It is further suggested the City of Sioux Falls investigate other sources of water for future uses. Reference made to the Environmental Impact Statement, Page 111-2 for this project.

NOW BE IT HEREBY RESOLVED that Future Use Application No. 3981-3 be and it hereby is DENIED.

State of South Dakota

FIFTY-FOURTH SESSION, LEGISLATIVE ASSEMBLY, 1979

3/3 Passed House; Y: 63-11: 3
3/12 Passed Senate; Y: 31-11: 2

798728

HOUSE JOINT

RESOLUTION NO. 1005

Introduced by: Representatives Munson, Kull, Wick and Wofford

1 A JOINT RESOLUTION, Approving application number 3980-3 and 3981-3
2 for future water rights.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
4 DAKOTA, THE SENATE CONCURRING THEREIN:

5 WHEREAS, pursuant to § 46-5-20.1, the city of Sioux Falls made
6 applications numbered ~~3980-3~~ and 3981-3 to the department of natural
7 resource development and the water rights commission for future water
8 rights, each in excess of ten thousand acre feet annually to be taken
9 from unappropriated flows of the Big Sioux river and ~~Stip-up creek,~~
10 and

11 WHEREAS, the department of natural resource development after
12 studying these future use water right applications and, based solely
13 on the availability of unappropriated water, recommended that the
14 water rights commission submit these applications numbered ~~3980-3~~ and
15 3981-3 to the Legislature for its recommendation of approval, and

16 WHEREAS, the water rights commission at its regular meeting, held
17 in July 1973, in Sioux Falls, South Dakota recommended that the legis-
18 lature not approve these applications, and

1 WHEREAS, the future use contemplated by those applications num-
2 bered ~~3980-3~~ and 3981-3 includes future municipal, commercial, indus-
3 trial, and recreational water uses, and

4 WHEREAS, in the event a future use permit is granted and feasi-
5 bility supports such uses, the applicants will be required to demon-
6 strate that the proposed use is beneficial and in the public interest,
7 and

8 WHEREAS, these water right applications have the support of the
9 east Dakota conservancy subdistrict, the South Dakota board of natural
10 resource development, and the city of Sioux Falls, and the staff of
11 the water rights division in the department of the natural resources
12 commission has recommended that unappropriated water is available,

13 NOW BE IT HEREBY RESOLVED that the future use water right appli-
14 cations numbered ~~3980-3~~ and 3981-3 are hereby approved and are hereby
15 transmitted back to the water rights commission or its successor for
16 final action.

HJR 1005

THURSDAY, MARCH 1, 1979-32nd L.D.

709

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully
3 reports that it has had under consideration House Joint Resolution No.
4 1005 and returns the same with the recommendation that said resolution
5 be amended as follows:

6 On page 1, line 6 of the printed resolution, delete "applica-
7 tions" and insert in lieu thereof "application".

8 On page 1, line 6, delete "3980-3 and".

9 On page 1, line 8, delete "each".

10 On page 1, line 9, delete "and Slip-up creek".

11 On page 1, line 12, delete "these" and insert in lieu thereof
12 "the".

13 On page 1, line 12, delete "applications" and insert in lieu
14 thereof "application".

15 On page 1, line 14, delete "these applications" and insert in
16 lieu thereof "application".

17 On page 1, line 14, delete "3980-3 and".

18 On page 1, line 18, delete "these applications" and insert in
19 lieu thereof "the application".

20 On page 2, line 1, delete "these applications" and insert in lieu
21 thereof "the application".

22 On page 2, line 2, delete "3980-3 and".

23 On page 2, line 8, delete "these" and insert in lieu thereof
24 "the".

25 On page 2, line 8, delete "applications have" and insert in lieu
26 thereof "application has".

27 On page 2, line 13, delete "appli-".

28 On page 2, line 14, delete "cations" and insert in lieu thereof
29 "application".

30 On page 2, line 14, delete "3980-3 and".

31 On page 2, line 14, after "3980-3" delete "are" and insert in
32 lieu thereof "is".

33 On page 2, line 14, after "approved and" delete "are" and insert
34 in lieu thereof "is".

35 On page 2, line 16, after "action" insert "provided that the
36 application is amended to delete any specific reference to a storage

1 reservoir on Slip-up creek without prejudice to the right of the city
2 of Sioux Falls to attempt to establish the propriety of that project
3 at a future date as allowed by law".

4 And that as so amended said resolution do pass.

5 Respectfully submitted,
6 G.F. MORTIMER, Chairman

7 Also MR. SPEAKER:

8 The Committee on Health and Welfare respectfully reports that it
9 has had under consideration SB No. 85 and returns the same with the
10 recommendation that said bill do pass.

11 Respectfully submitted,
12 DON HAM, Chairman

13 Also MR. SPEAKER:

14 The Committee on State Affairs respectfully reports that it has
15 had under consideration HB No. 1215 and returns the same with the
16 recommendation that said bill be amended as follows:

17 On page 1, line 10 of the printed bill, delete "all positions
18 that" and insert in lieu thereof "office supervisors who".

19 On page 1, line 12, delete everything after the comma.

20 On page 1, delete lines 13 and 14 and insert in lieu thereof, "and
21 confidential assistants to exempt employees. The commissioner of per-
22 sonnel shall have the power to determine which positions are eligible
23 for exemption under the provisions of this Act and chapter 3-6A. Any
24 decision of the commissioner of personnel relating to exemptions from
25 the career service is final and".

26 On page 2, line 6, delete "to specify" and insert in lieu thereof
27 "which establish criteria to implement section 1 of this Act for".

28 And that as so amended said bill do pass.

29 Also MR. SPEAKER:

30 The Committee on State Affairs respectfully reports that it has
31 had under consideration HB No. 1271 and returns the same with the
32 recommendation that said bill do pass and be sent to the Committee on
33 Appropriations.

34 Respectfully submitted,
35 JOSEPH H. BARNETT, Chairman

House Joint Resolution #1005

A JOINT RESOLUTION, Approving application number 3981-3 for future water rights.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

WHEREAS, pursuant to § 46-5-20.1, the city of Sioux Falls made application numbered 3981-3 to the department of natural resource development and the water rights commission for future water rights, in excess of ten thousand acre feet annually to be taken from unappropriated flows of the Big Sioux river, and

WHEREAS, the department of natural resource development after studying the future use water right application and, based solely on the availability of unappropriated water, recommended that the water rights commission submit application numbered 3981-3 to the Legislature for its recommendation of approval, and

WHEREAS, the water rights commission at its regular meeting, held in July 1978, in Sioux Falls, South Dakota recommended that the Legislature not approve the application, and

WHEREAS, the future use contemplated by the application numbered 3981-3 includes future municipal, commercial, industrial, and recreational water uses, and

WHEREAS, in the event a future use permit is granted and feasibility supports such uses, the applicants will be required to demonstrate that the proposed use is beneficial and in the public interest, and

WHEREAS, the water right application has the support of the east Dakota conservancy subdistrict, the South Dakota board of natural resource development, and the city of Sioux Falls, and the staff of the water rights division in the department of the natural resources commission has recommended that unappropriated water is available,

NOW BE IT HEREBY RESOLVED that the future use water right appli-

cation number 3981-3 is hereby approved and is hereby transmitted back to the water rights commission or its successor for final action, provided that the application is amended to delete any specific reference to a storage reservoir on Slip-up creek without prejudice to the right of the city of Sioux Falls to attempt to establish the propriety of that project at a future date as allowed by law.

November 16, 1979

C. L. Anderson
409 Boyce Greeley
Sioux Falls SD 57102

Dear Mr. Anderson:

This letter is in reference to the telephone conversation today, November 16, 1979 and the notice dated November 13, 1979 concerning the City of Sioux Falls future use water permit Application No. 3981-3 to appropriate 50,000 acre feet of water annually from the Big Sioux River. The hearing November 27, 1979 is part of a process which began some time ago. During the July, 1978 meeting, the Water Rights Commission conducted a public hearing in Sioux Falls on two future use applications by the City of Sioux Falls. On application No. 3980-3 concerned the Slip-Up Creek project itself and the second application No. 3981-3 concerned reservation of 50,000 acre feet per year from the Big Sioux River. Following the hearing, the Water Rights Commission directed that the applications be forwarded to the legislature for legislative consideration because State law presently provides that the legislature review any application to appropriate more than 10,000 acre feet annually.

The 1979 Legislature approved Application No. 3981-3 to reserve 50,000 acre feet from the Big Sioux River with instructions to the Commission to delete any reference to the Slip-Up Creek Project. The Legislature took no action on Application No. 3980-3 concerning the Slip-Up Creek Project.

The hearing at 3:00 p.m., November 27, 1979 is to bring application No. 3981-3 to appropriate 50,000 acre feet from the Big Sioux River before the Water Management Board (formerly the Water Rights Commission). No action will be taken on Application No. 3980-3 which pertains specifically to the Slip-Up Creek Project. The reason that Application No. 3981-3 must again come before the Water Management Board is that although the legislature requires that it approve any application for over 10,000 acre feet, the Water Management Board as an administrative agency responsible for the waters of the state must act upon any application even if the application has been approved by the legislature.

November 16, 1979

C. L. Anderson

Page 2

If Application No. 3081-3 is approved by the Water Management Board such approval will provide a priority date for 50,000 acre feet of water from the Big Sioux River for the City of Sioux Falls sometime in the future subject to any time limitations placed on the permit. The question of feasibility of a project is not considered during consideration of a future use application. Feasibility of any project and certain public interest questions will be considered with an application to actually construct a project such as the Slip-Up Creek project when and if an application is submitted sometime in the future. At that time, a public hearing will again be held and as long as existing statutes require approval by the legislature of appropriations for more than 10,000 acre feet, the legislature will also review any application to construct an actual project to use water reserved under Future Use Application No. 3081-3.

Please let me know if you have any questions or comments.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:kw

PRESENTATION BY ED H. LACEY, TRENT, SOUTH DAKOTA, TO THE
SOUTH DAKOTA WATER RESOURCES COMMISSION, NOVEMBER 27, 1979,
PIERRE, SOUTH DAKOTA:

Position of witness: Against water rights application of the City
of Sioux Falls

1. The State Legislature authorized the City of Sioux Falls to apply for a 50,000 acre feet per year use of Big Sioux River water, but that privilege was conditional upon the city's showing both beneficial use of the water and safe storage for it.

2. No satisfactory, safe or proper storage has been shown for the water the city is requesting.

3. No proper place to store the water has been provided because no adequate test bores have been conducted on Slip Up Creek to determine the site to be watertight, and it has been estimated that Slip Up Creek would lose 13.5 million gallons per day at a conservative leakage and evaporation loss factor of 1 qt. per day per sq. foot of surface area.

4. The city has neglected the Sioux Falls Aquifer, and has used only the South 5 miles of this 20 mile long deposit, not to mention the fact that the city has totally ignored the other aquifers immediately available.

Furthermore, by putting some 40+ wells in the South 1/4 of the Sioux Falls Aquifer, the city has installed a system which will dewater that limited area of the aquifer in any water shortage while leaving the rest of the aquifer totally unaffected and fully available for proper usage, as South Dakota Water Resources Commission's records would show, as of December 1976.

5. Recharging the aquifer is an option which the city continually ignores, but which is a very practical method of providing more than enough water for any foreseeable future needs to the City of Sioux Falls. The total energy cost of such a system would be less than 1¢ per 1,000 gallons, and total capital expenditure would be a very modest \$500,000.00; particularly modest when compared to the cost of a pumping plant which would be required to move water from the Big Sioux River to any proposed Slip Up Creek Aquifer. The expense of this plant, which could effectively move large volumes of water only in the 6 weeks of Spring run-off would be many, many times that sum all by itself, let alone the costs of the dam and pipeline.

6. One further point which concerns this witness is the very careless pattern allowed by the City of Sioux Falls in the placement of storage tanks for oil, chemicals and other liquid products over the aquifer area in and near the Sioux Falls airport. I strongly urge that the Water Resources Commission become involved with this problem, for any serious leakage from any one of these tanks poses a hazard to the water supply of thousands and thousands of people. Desire for industrial development in that area should never take precedence over the condition of the aquifer, and its condition should be of serious concern to this commission. The Water Resources Commission, which has always acted in the best interests of the people of the entire state, should take or acquire jurisdiction of this urgent problem as soon as possible, to limit the influence of any special interest groups, which might control local political considerations.

Ed H. Lacey



Department of Water & Natural Resources

600 Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

November 20, 1979

Jeremiah D. Murphy
Boyce, Murphy, McDowell, & Greenfield
Suite 505
Northwestern National Bank Bldg.
Sioux Falls, SD 57102

RE 3981-3

Dear Mr. Murphy:

This will acknowledge your letter concerning the City of Sioux Falls Future Use Application No. 3981-3. Application No. 3981-3 was never deferred by Water Rights Commission action. We consider applications forwarded to the Legislature to be in deferred status, because following approval by the Legislature, the application must still come back to the Commission (now Water Management Board) for final action, November 27, 1979.

The Legislature can place qualifications on their approval, but they rely upon the Board to add any technical or administrative type qualifications. We will be recommending a flow by-pass qualification, a standard seven year review qualification (placed on all future use applications) which means the future use permit will be subject to review to determine progress towards construction of a project. If there was no possibility of any project being developed at the end of the seven year period, or at the ends of succeeding seven year periods, the future use permit could be cancelled. We also expect to recommend a standard qualification to require applications(s) to be submitted and approved prior to construction of actual project(s). Any reference to the Slip-up Creek project will be deleted from Application No. 3981-3 as requested by the Legislature.

Enclosed is a list of the new Water Management Board members. Only five of seven members have been appointed.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMB

Equal Opportunity Employer

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

November 13, 1979

TO: Persons Concerned with Deferred Application No. 3981-3
FROM: John Hatch, Chief Engineer, WMB
SUBJECT: Reconsideration of Deferred Application

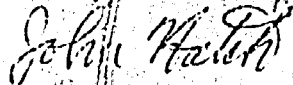
The Water Management Board will reconsider deferred future use Water Right Application No. 3981-3, City of Sioux Falls to appropriate 50,000 acre feet annually from the Big Sioux River at 3:00 p.m. November 27, 1979 at Meeting Room #1, Knelp Building, Church & Illinois, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-10; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-38; 46-5-41; and Board Rules ARSD 52:01:01:01 thru 52:01:01:13; 52:01:01:21 thru 52:01:01:25.

This application was previously deferred by the Water Rights Commission, pending action by the SD Legislature. Legislative approval has been granted and it has been returned to the Water Management Board for further action. After reconsideration of the deferred application, the Board can approve, conditionally approve, defer or deny all or part of the Application.

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 Courts as provided by law.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights, WMB

Equal Opportunity Employer

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION
OF THE CITY OF SIOUX FALLS FOR
PERMIT TO APPROPRIATE FOR FUTURE
USE NO. 3981-3

FINAL DECISION

The reconsideration of the deferred application No. 3981-3, of the City of Sioux Falls for a Permit to appropriate for Future Use was held before the Water Management Board on November 27, 1979. The applicant, the City of Sioux Falls, appeared through Les Hash, manager of the City's Department of Water; Jeremiah D. Murphy; Vern Winegarden, City Commissioner; and Anthony Conteras. Mr. Edward H. Lacey appeared as an opponent to the application. The Department of Natural Resource Development appeared through Water Resources Engineer, James Winterton. Having served the proposed decision upon the parties and having provided each party with an opportunity to file proposed Findings of Fact and Conclusions of Law and present oral argument to the Board, and the Board having fully considered all such submissions, the Board hereby makes its final decision consisting of the following:

FINDINGS OF FACT

1. Application No. 3981-3, submitted by the City of Sioux Falls for a Permit to appropriate for Future Use, was received by the Water Rights Commission (Water Management Board) on June 6, 1977. The application proposes a withdrawal of 120 cfs to be stored in a reservoir and 50 cfs to be pumped to the Sioux Falls Purification Plant, up to a maximum withdrawal of 50,000 acre-feet-per-year, from the Big Sioux River. The proposed diversion point is in the west half of Section 33, Township 102 North, Range 49 west; the application is for future municipal use.

2. Notice of the July, 1977 hearing on Application No. 3981-3 was published for two consecutive weeks prior to the hearing. The application was deferred and was reconsidered in January, 1978 and July, 1978. Following the July, 1978 hearing, the Water Rights Commission directed that this Application be forwarded to the State Legislature for legislative consideration because the Application proposed to appropriate more than 10,000 acre-feet annually.

3. The 1979 Legislature approved Application No. 3981-3 to reserve 50,000 acre-feet annually from the Big Sioux River with instructions that the Water Rights Commission (Water Management Board) delete any reference to another Application by the City of Sioux Falls Application No. 3980-3 and to the Slip-Up Creek Project.

4. After Legislative approval, this application was reconsidered at the November, 1979 Water Management Board meeting.

5. Prior to the reconsideration hearing, Mr. John Hatch, Chief Engineer, notified each person of record by mail of the date and time that the application would be reconsidered.

6. The Department of Water and Natural Resources investigated the question of water availability, based on U.S. Geological Survey records, and determined that there is an eighty percent chance that, between the end of March and middle of June, the Big Sioux River would contain flows equalling or exceeding 100 cfs at Sioux Falls. Between Sioux Falls and Akron, Iowa there was a pick-up of flows from different tributaries of 175 cfs based on the same 80% chance of equalling or exceeding a given flow at the Akron, Iowa station.

WHEREFORE, the Board makes the following:

CONCLUSIONS OF LAW

1. All notices required by law have been duly given.
2. The parties to this contested case are the applicant, the City of Sioux Falls, South Dakota, Edward H. Lacey, and the Department of Water and Natural Resources.
3. SDCL 46-5-38 authorizes a municipality to apply for a future use permit.
4. ARSD 52:01:01:24 deems that the approval by the Water Management Board (Water Rights Commission) of an application by a public body to appropriate water for future use is a reservation of a definite amount of water with a specified priority date and does not grant any authority to construct works or put the water to beneficial use.

5. Legislation approval, required for all applications to appropriate more than 10,000 acre-feet per year, by SDC 46-5-20.1, has been granted for this application, with the restriction that all references to Application No. 3980-3, also by the City of Sioux Falls, or Slip-Up Creek be deleted.

6. Therefore the Board has jurisdiction over the subject matter of this proceeding.

7. A 50 cfs low flow bypass is required to meet the appropriations of appropriators downstream from the proposed diversion point.

8. There is sufficient unappropriated water available from the Big Sioux River to allow the City of Sioux Falls to appropriate a maximum of 50,000 acre feet annually of water from the Sioux River at a diversion rate not to exceed 170 cfs for future municipal use.

9. The issuance of this future use permit to the City of Sioux Falls is in the public interest.

Therefore, the Board of Water Management hereby ORDERS:

1. that the City of Sioux Falls be granted a Permit to Appropriate for Future Use for a maximum withdrawal of 50,000 acre-feet per year at a diversion rate not to exceed 170 cfs;

2. that such permit is subject to the restriction that withdrawals may be made only when 50 cfs, or more, of water is flowing past the City's diversion point after diversions have been made;

3. that specific applications for all or any part of the water granted by this Permit must be submitted prior to the construction of any facilities;

4. that the approval of this Permit is subject to review by the Water Management Board as to the accomplishments thereunder upon the expiration of seven years.

Dated and signed this 30th day of January, 1980.


Dennis Decker, Chairman
Water Management Board


Wendell H. Hanson, Secretary
Water Management Board

March 20, 1980

City of Sioux Falls
224 W 9th Street
Sioux Falls, SD 57101

Gentlemen:

Enclosed is your Future Use Withdrawal Permit No. 3981-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in this future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WHD

JH/gy

3981-3

M E M O

TO: Tim Edman
FROM: John Hatch *John Hatch*
SUBJECT: Slip Up Creek Position Statement
DATE: December 23, 1982

The following are Water Rights Division comments on the Slip Up Creek Position Statement:

1. There seems to be some contradiction between the first paragraph statement of DWNR support and the main body of the Position Statement.
2. There are many ways of interpreting data, but it is our view that groundwater does exist through existing water rights and Future Use Permits to supply the future needs of Sioux Falls for the next 40 to 50 years. If the decision is made to go ahead with Slip Up in the next few years, it should be stated up front that:
 - a. Slip Up is being built at this time based upon a policy decision that early construction of Slip Up will leave undeveloped groundwater supplies available for use by other smaller or individual users less able to afford the cost of or muster the political support for a large project such as Slip Up.
 - b. Slip Up is being built to provide a needed recreation area for the Sioux Falls area.
 - c. Slip Up will be used to provide water to supplement the Big Sioux Aquifer when the Big Sioux Aquifer is fully developed and utilized.
3. On page 2, paragraph 4, the 26 mgd under equilibrium conditions is a very conservative figure. During summer drought conditions, the 26 mgd could be exceeded with the amount withdrawn influenced more by the number of wells, well capacities and well spacing. The fact that aquifer levels may decline a few feet during a drought cycle is not a detriment to the aquifer supply. Water supply problems experienced in the Sioux Falls well field during the 1970's were the result of well spacing and lack of a sufficient number of properly spaced wells and not an aquifer depletion problem.
4. The population projections referred to on page 1 should be based upon conservative population increase trends. An engineering report on recommended changes for the Sioux Falls water supply and distribution system prepared for the City in 1959 by Consulting Engineers Haskins, Riddle & Sharp of Kansas City, Missouri made what were considered reasonable and conservative population increases estimates for 1980 and 1980. The conservative projections using accepted criteria for projecting population increases predicted populations in 1980 of 98,000 and 1990 of 110,000. The maximum projections were 1980, 113,000 and 1990, 133,000. The actual 1980 census was 81,232. Even the most reasonable and conservative estimates were high.

Any decisions on when to build Slip Up should be based upon more realistic estimates that can be supported by past growth experience.

If the actual 33% increase in population for the last 30 years is used to project the 2030 population then the estimated population in 2030 would be about 132,000.

The estimated annual use in 2030 using the 190 gpcd figure (assuming gpcd increase and conservation measures are not implemented) amounts to -

$$\frac{190 \text{ gpcd} \times 132,000 \text{ pop} \times 365 \text{ days/yr}}{325,850 \text{ gal/AF}} = 28,093 \text{ AF/yr}$$

Using high estimate of 182,000 figure -

$$\frac{190 \times 182,000 \times 365}{325,850} = 38,735 \text{ AF/yr}$$

Using the conservative estimates of USGS for safe yield from the Sioux Falls well field and Future Use area, the annual yield is -

$$\frac{26 \text{ mgd} \times 365 \text{ days}}{325,850 \text{ gal/AF}} = 29,124 \text{ AF/yr}$$

It is easy to see that the existing Big Sioux well field supply would be adequate until 2030 with present growth trends.

5. The Sioux Falls Big Sioux Aquifer Future Use Permit No. 448-3 was approved in 1957 for 46.8 cfs. Development of the reserved water has been completed as necessary with 21.87 cfs remaining. The North $\frac{1}{2}$ (about 4 miles in length) of the Future Use area has not been developed and additional development can be expected in the South $\frac{1}{2}$ where proper spacing and good well yield is possible.

Actual average daily use figures for Sioux Falls are presently 12 to 13 mgd or a maximum 14,562 AF/yr (160 gpcd). Therefore, the City is using about $\frac{1}{2}$ of the safe yield from the Big Sioux Aquifer with no detriment to the developed portion of the aquifer. Complete development of the remaining future use 21.87 cfs would amount to withdrawal of 15,829 AF/yr.

Unless water use and population trends change a good deal in the next 30 years, it is doubtful Slip Up would be needed for Sioux Falls water supply purposes before 2020 or 2030 and then only as a supplemental supply.

6. Future Use Permit No. 449-3 held by Sioux Falls for 15.6 cfs from the Skunk Creek Aquifer is somewhat misleading. Conservative safe yield figures we have for the portion of the aquifer covered by the 449-3 future use area are 4.8 cfs (3,103,488 gpd) or 3474 AF/yr. Using a more liberal safe yield figure of 9.0 cfs or 6514 AF/yr, the Skunk Creek Future Use is not too significant in terms of future Sioux Falls water supply development. Permits for up to 15.6 cfs could be issued, but the safe yield would only be 3500 to 6500 AF/yr. The Skunk Creek aquifer is not an attractive alternative unless the City can obtain and develop additional future use rights further up the Skunk Creek Aquifer.

Memo
Tim Edman
Page 3

7. Future Use Permit No. 3981-3 for up to 50,000 AF/yr from the Eloux River does not allow withdrawals unless at least 50 cfs flows past the diversion point after diversions are made. The Game, Fish & Parks Department comment on page 4 suggesting that pumping not occur during April, May and June would eliminate most pumping during low flow years, if followed. It would be difficult to avoid pumping during the spring months when this may be the only water available.

JH:ks

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501-5090
Phone (605) 773-3215

MARK V. MEIERHENRY
ATTORNEY GENERAL

March 29, 1985



MEMORANDUM

TO: Tim Edman
Department of Water & Natural Resources

FROM: John P. Guhin *JP*
Assistant Attorney General

RE: Water Right Application 3981-3

You have asked for our opinion regarding a case involving the following facts.

In 1979, the Legislature had before it future use applications 3980-3 and 3981-3. The applications were contained in a single joint resolution. See HJR 1005. The Legislature deleted application number 3980-3 from the resolution. It will not be discussed further in this memo. The Legislature did approve 3981-3 with conditions as will be discussed below. Subsequently, the Water Management Board, as provided by SDCL 46-5-38 and 38.1 approved the future use application number 3981-3. Now the applicant wishes to obtain the final water permit for part of the water involved in application 3981-3.

Based upon these facts, you ask whether the Legislature must again approve 3981-3 before a final water permit can be granted by the Water Management Board.

1. Statutory Construction.

SDCL 46-5-20.1 reads in part:

Any application for appropriation of water, pursuant to this chapter, in excess of 10,000 acre feet annually shall be presented by the Water Management Board to the Legislature for approval prior to the Board's acting upon the application. . . . Legislative approval does not mandate approval by the Water Management Board and does not constitute an issuance of a water permit.

MEMORANDUM - Tim Edman
March 29, 1985
page 2

The statute thus states that any "application for appropriation of water" must be presented to the Legislature. An "application for reservation of water for contemplated future use" see SDCL 46-5-38.1, is clearly distinguishable from an "application for appropriation of water."

The future use permit only reserves water; it gives no authority to put water to use. Further, granting the future use permit is no guarantee that the water permit will be granted when the permit is finally sought. Hydrologic conditions could well change, for example, and water formerly available may not be available at the time the applicant chooses to apply for his water permit. This could be true even if there were no intervening appropriators.

Approval by the Water Management Board of the future use permit is thus both statutorily and conceptually different than approval of the permit to appropriate water.

The same is true of the Legislature; approval of the future use permit and approval of the final water permit are separate or at least are separable.

Thus, I am of the opinion that the application for water permit 3981-3 must be returned to the Legislature for its approval before a final permit can be granted.

2. Legislative Practice.

It might also be noted that the Legislature has approved, to date, nine future use permits. Seven of these legislative approvals have contained language approximately as follows.

NOW BE IT HEREBY RESOLVED that future use application number 1492-2 be and it hereby is approved,

AND BE IT FURTHER RESOLVED that the Water Rights Commission may issue permits covering all or any part of the water granted by this future use water right permit upon proper application and hearing, without further consideration by the Legislature.

S.L. 1977, Ch. 353. See also S.L. 1977, Ch. 354, 355, 359, 360, 361, and 363. Thus, each of the 1977 approvals contained not only express approval of the "future use application" but also provided that water permits could themselves be granted without further consideration by the Legislature.

In the case of the water application under consideration, however, 3981-3, no such language regarding the authority to grant water rights without returning to the Legislature is

MEMORANDUM - Tim Edman
March 29, 1985
page 3

included. The operative language in the 3981-3 approval is as follows.

NOW BE IT HEREBY RESOLVED that the future use water right application numbered 3981-3 is hereby approved and is hereby transmitted back to the water rights commission or its successor for final action provided that the application is amended to delete any specific reference to a storage reservoir on Slip-up creek without prejudice to the right of the city of Sioux Falls to attempt to establish the propriety of that project at a future date as allowed by law.

S.L. 1979, Ch. 297. See also S.L. 1982, Ch. 310 (CENDAK future use appropriation).

Thus, the Legislature seems to have indicated that application 3981-3 be treated differently than the 1977 applications and that it be returned to the Legislature before a final water permit could be granted.

3. Matters Not Discussed.

I have not discussed here the constitutionality of SDCL 46-5-20.1. See South Dakota Constitution, Art. III, § 23; Art. VI, § 18. Nor do I discuss the question of whether the Legislature can exempt, at the time it approves a future use application, an applicant for a final water permit from again obtaining legislative approval. Finally, I do not discuss whether the Legislature must approve any future use application, as opposed to an application for a water permit.

4. Conclusion.

Application 3981-3 must be returned to the Legislature for approval under SDCL 46-5-20.1 before a final water permit can be granted by the Water Management Board even though the future use permit has been approved by the Legislature.

The foregoing is only the personal opinion of the writer and is not necessarily the opinion of the Attorney General or of this office.

JPG:do

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501-5090
Phone (605) 773-3215

MARK V. MEIERHENRY
ATTORNEY GENERAL

March 29, 1985



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MEMORANDUM - Tim Edma,
March 29, 1985
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Approval by the Water Management Board of the future use permit is thus both statutorily and conceptually different than approval of the permit to appropriate water.

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MEMORANDUM - Tim Edman
March 29, 1985
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The foregoing is only the personal opinion of the writer and is not necessarily the opinion of the Attorney General or of this office.

JPG:do

SOUTH
Dakota

Department of Water & Natural Resources

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

February 13, 1987

Richard A. Willer, Utilities Director
Utilities Dept. - Water Division
224 W 9th St
Sioux Falls SD 57102

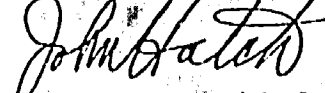
Dear Mr. Willer:

I am writing in regard to Future Use Water Permit Nos. 3981-3 and 449-3 held by the City of Sioux Falls. Copies of Permit Nos. 449-3 and 3981-3 are enclosed for your information.

Future Use Permit Nos. 3981-3 and 449-3 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permits. A fee will be charged if Permit Nos. 3981-3 and 449-3 remain in effect after May 6, 1987. The fee assessed if Permit No. 3981-3 remains in effect will be \$1,060.00 and the fee assessed if Permit No. 449-3 remains in effect will be \$225.00.

Please advise in writing within 30 days of the city's intentions regarding Future Use Permit Nos. 3981-3 and 449-3. Let us know if you have any questions.

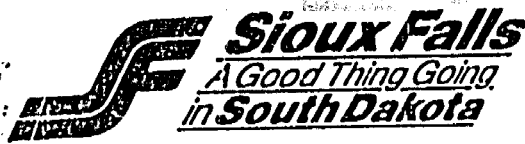
Very truly yours,



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

enclosures

cc: Manfred Szumeit, Finance Officer



UTILITIES DEPARTMENT
Water Division
224 West 9th Street
Sioux Falls, S.D. 57102
(605) 339-7031 VOICE
(605) 339-7039 TDD



February 24, 1987

Mr. John Hatch
Chief Engineer
Water Rights Division
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

Thank you for your letter regarding Future Water Permits No. 3981-3 and 449-3, held by the City of Sioux Falls.

The City of Sioux Falls is interested in renewing these future water rights. The City of Sioux Falls will submit documentation outlining our efforts to implement these water rights. We will present the technical information first to the Water Advisory Board at the regularly scheduled meeting in March, and then forward the same to you in April.

I'm looking forward to the notification of official time and place of the hearing so that I may present our intentions in person.

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

Sincerely,

Richard A. Willer
Utilities Director

bme

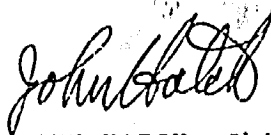
cc Ertis Osterberg
Larry Doss, P.E.
Manfred Szameit

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3981-3

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. 3981-3, City of Sioux Falls, 224 West 9th St, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 3981-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3981-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 3981-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That the fee of \$1,060.00 for maintaining the effectiveness of Future Use Permit No. 3981-3 is paid within 60 days of notice to the City of Sioux Falls.



JOHN HATCH, Chief Engineer
March 31, 1987

Instruction to Newspaper-Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 449-3 AND 3981-3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 449-3 and 3981-3 held by the City of Sioux Falls, 224 West 9th St, Sioux Falls SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 449-3 and 3981-3. Permit No. 449-3 was approved June 28, 1967 to reserve 15.6 cfs (11,294 acre feet) from the Big Sioux/Southern Skunk Creek aquifer for diversion from Sections 9, 16, 16, 22, 23, 24 and 25; all in T101N, R50W. Permit No. 3981-3 was approved January 30, 1980 to reserve 170 cfs (50,000 acre feet annually) from the Big Sioux River for diversion from the W 1/2 Section 33, T102N, R49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 449-3 and 3981-3 remain in effect 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. 449-3 and 3981-3 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. 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. 449-3 and 3981-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County LINCOLN) ss.

I, CONNIE RENLI hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the STIOUX VALLEY 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 CANTON

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

April 9, 1987

April 16, 1987

Connie Renli
(Signature)

Bookkeeper
(Title)

April 16, 1987
(Date Signed)

Cost of Printing: \$44.14

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS. 449-3
AND 3981-3

Notice is hereby given that the
Water Management Board will
review Future Use Permit Nos.
449-3 and 3981-3 held by the City
of Sioux Falls, 224 West 9th St.,
Sioux Falls, SD for progress made,
in the development of the water
reserved by the Permits and future
plans for development of the
water reserved by Permit Nos. 449-
3 and 3981-3. Permit No. 449-3 was
approved June 28, 1957 to reserve
15.6 cfs (11,294 acre feet) from the
Big Sioux: Southern Skunk Creek
aquifer for diversion from
Sections 9, 15, 16, 22, 23, 24 and
25; all in T101N, R50W. Permit No.
3981-3 was approved January 30,
1980 to reserve 170 cfs (50,000
acre feet annually) from the Big
Sioux River for diversion from the
W 1/2 Section 33, T102N, R49W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water
Rights Division recommends that
Permit Nos. 449-3 and 3981-3
remain in effect 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. 449-3 and
3981-3 in Room 216, Joe Foss
Building, Pierre, SD on May 6, 1987
at 2:15 p.m.

The recommendation of the
Chief Engineer is not final, or
binding upon the Board and the
Board is authorized to 1) allow the
permits to remain in effect, 2)
amend the permits by adding
qualifications, 3) cancel the
permits for no development or no
planned future development, or 4)
take no action after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may be
affected by a Board decision and
who intends to participate in the
hearing before the Board and
present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the permit
owner and the Chief Engineer by
April 24, 1987. 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. 449-3 and 3981-3
will be conducted pursuant to the
provisions of SDCL 46-1-14, 46-5-
38.1, Board Rules ARSD
74:02:01:27 and contested case
procedures contained in SDCL 1-
26.

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

Any person wishing a copy of
the Chief Engineer's
recommendation, further
information on these permits or to
assure access to the hearing by
the handicapped can contact the
Water Rights Division, DWRN, Joe
Foss Building, Pierre, SD, 605-773-
3352 for assistance prior to the
hearing date. The time of the
hearing will be automatically
extended 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 extension
must be filed with the Chief
Engineer by April 24, 1987.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 3981-3 & 449-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Minnehaha) ss.

I, R. Deutscher

hereby

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

Water was taken from the Argus Leader

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

City Sioux Falls of Minnehaha

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

April 8, 1987

April 15, 1987

Rory Deutscher
(Signature)

Controller
(Title)

4/15/87

(Date Signed)

Cost of Printing: \$66.75



NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NOS. 449-3

AND 3981-3
Notice is hereby given that the
Water Management Board will
review Future Use Permit Nos.
449-3 and 3981-3 held by the City
of Sioux Falls, 224 West 9th St.,
Sioux Falls, SD, for progress
made in the development of the
water reserved by the Permits
and future plans for development
of the water reserved by Permit
Nos. 449-3 and 3981-3. Permit No.
449-3 was approved June 27, 1957,
to reserve 15.4 cfs (11.27 acre
feet) from the Big Sioux South-
ern Skunk Creek aquifer for divi-
sion from Sections 9, 15, 16, 22, 23,
24 and 25; all in T101N, R50W,
Permit No. 3981-3 was approved
January 30, 1982 to reserve 170
cfs (50,000 acre feet annually)
from the Big Sioux River for di-
version from the W 1/2 section
33, T102N, R49W, to the Skunk Creek
aquifer.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
that Permit Nos. 449-3 and 3981-3
remain in effect because 1) the
reserved water may be de-
veloped, 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 re-
view Future Use Permit Nos.
449-3 and 3981-3 in Room 216, Joe
Foss Building, Pierre SD on May
6, 1987 at 2:15 pm. Any person
desiring to be heard should file a
petition with the Chief Engineer.

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 ad-
ding 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-exam-
ine witnesses according to SDCL
1-26, must file a written petition
with BDTM the permit owner and
the Chief Engineer by April 24,
1987. The petition may be infor-
mal, but it must include a state-
ment describing the petitioner's
interest in the future use permit,
the reasons for petitioner's op-
position 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 peti-
tion.

The hearing to review Future
Use Permit Nos. 449-3 and 3981-3
will be conducted pursuant to the
provisions of SDCL 46-1-14, 46-5-
23.1, Board Rules ARSD
74-02:01:27, and contested case
procedures contained in SDCL 1-
26.

This hearing is an adversary
proceeding. The permit owner or
any person, after filing a peti-
tion, 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 recommen-
dation, further information on
these permits or to assure access
to the hearing by the handi-
capped can contact the Water
Rights Division, DWNR, Joe
Foss Building, Pierre SD 57502-
2357 for assistance prior to the
hearing date. The time of the
hearing will be automatically ex-
tended for at least 30 days upon
written request of the permit
owner or any person who has
filed a petition to oppose or sup-
port continuance of the Future
Use Permits. The request for ex-
tension must be filed with the
Chief Engineer by April 24,
1987.

197
April 8 & 15, 1987

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

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

May 18, 1987

NOTICE

Richard A Willer, Utilities Director
Utilities Dept. - Water Division
224 W 9th ST
Sioux Falls SD 57102

Dear Mr. Willer:

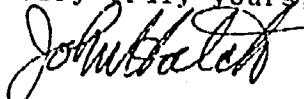
This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit Nos. 3981-3 and 449-3. The Board allowed the permits to remain in effect and amended Permit Nos. 3981-3 and 449-3 by adding the qualifications on the enclosed "Attachment". The "attachment" should be placed with the permits. Future Use Permit Nos. 3981-3 and 449-3 are again subject to review in seven years.

The Board amended the 3 1/2 year review qualification on Permit No. 449-3 to 7 years.

The fee for maintaining the effectiveness of Future Use Permit No. 3891-3 is \$1,060.00 and for Permit No. 449-3 the fee is \$225.00. Please remit within 60 days.

Please contact us if you have any questions.

Very truly yours,



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

enclosure

cc: Manfred Szameit, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 3981-3

CITY OF SIOUX FALLS

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 3981-3 was allowed to remain in effect and amended by adding the following qualification:

1. That the fee of \$1,060.00 for maintaining the effectiveness of Future Use Permit No. 3981-3 is paid within 60 days of notice to the City of Sioux Falls.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 6, 1987

NOTICE

TO: Persons Interested in Future Use Water Permit No.
3981-3, City of Sioux Falls

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

SUBJECT: Seven Year Review of Future Use Permit No. 3981-3

Enclosed is a legal notice to be published in the Argus Leader and the Sioux Valley News. The Water Management Board will review Future Use Permit No. 3981-3 on May 6, 1987 as stated in the notice. Your name was included on a list of petitioners when the permit was originally considered by the Water Management Board. The Board approved the permit on January 30, 1980. This notice is to inform you of the pending hearing on May 6, 1987.

enclosure

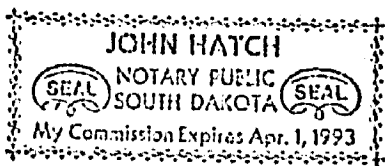
CERTIFICATION

I hereby certify that on April 6, 1987 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice to Persons Interested in Future Use Permit No. 3981-3, City of Sioux Falls addressed to those persons on the sheets.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of April, 1987.

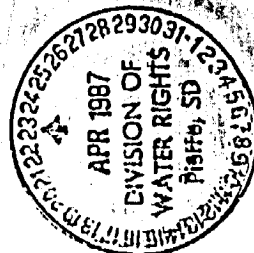


John Hatch
Notary Public

UTILITIES DEPARTMENT
Water Division
224 West 9th Street
Sioux Falls, S.D. 57102
(605) 339-7031 VOICE
(605) 339-7039 TDD



Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181



This letter is a follow-up to my letter of February 24, 1987, indicating the city's interest and intent to request an extension of our future Water Permits Nos. 3981-3 and 449-3. Both permits are held by the City of Sioux Falls.

Enclosed please find a copy of information we have gathered relative to our request to extend these future use permits. This report has been reviewed by the Water Advisory Board and is being forwarded to you for your consideration. You have not yet notified me of the specific date when hearing for these permits will be reviewed.

As indicated earlier, I will be interested in attending the hearing and anticipate your forwarding notices to be published in local papers prior to the hearing date. Please let me know if you have any questions regarding the enclosure.

Sincerely,

Richard A. Willer
Utilities Director

tiŋ

Enclosure

cc Ertis Osterberg
Larry Doss, P.E.
Manfred Szameit

REVIEW OF FUTURE USE PERMITS
NOS. 3981-3 AND 449-3
City of Sioux Falls, South Dakota
Public Hearing Date: May 6, 1987
Time: 2:15 P.M.
Location: Pierre, SD

BACKGROUND

The City of Sioux Falls has been utilizing the saturated deposits of glacial outwash confined to the valley of the Big Sioux River for its water supply since 1890. The deposits range from 20 to 50 feet in maximum saturated thickness and are presumed to be directly connected to the main stream channel. This aquifer known as the Big Sioux Aquifer in Minnehaha County, South Dakota, has been the subject of extensive research, including the development of a digital computer model by the U.S. Geological Survey (see "Water Resources Investigation 82-4064"). The aquifer is bound by relatively impermeable quartzite at Dell Rapids on the north and at Sioux Falls on the south. The Big Sioux Aquifer has been identified as the primary source of supply and the city is committed to its full development. However, the quantity of supply available is limited by the physical characteristics of the aquifer and by various climatic conditions affecting recharge such as river flow and precipitation. In 1977, the City of Sioux Falls made application for future water use permit from the Big Sioux River and was subsequently granted Permit No. 3981-3 in January of 1980. In prior action, the city made application for future use of the Skunk Creek South Aquifer and had been granted Permit No. 449-3 in June of 1957. The following information is presented to the South Dakota Water Management Board to aid them in making a determination on these future use permits.

HISTORY

The main source of water supply for the City of Sioux Falls has been ground water from the Big Sioux Aquifer dating back to 1890. More recently, the need for additional supply from sources such as ground waters of the Skunk Creek Aquifer and off-stream storage of the Big Sioux River flows have been identified as the most feasible future supply sources for the city. In 1985, the city engaged the services of the consulting engineering firm HDR Infrastructure to evaluate historical water usage and develop water use projections; to evaluate the existing supply, i.e., the Big Sioux Aquifer; to evaluate alternative water supply sources as previously developed by others; to recommend the most feasible mixed future supply source; and, to recommend financial and planning activities. The resulting report titled "The City of Sioux Falls Water Supply Program" is attached as part of this review document. The report is very thorough and addresses each issue in great detail; however, to aid the board in this review, important factors are represented in the following discussions.

Historical Water Usage

Water usage is influenced by population and overall personal, commercial, and public uses. Distinct use is shown in the report up to 1983. Generally, total water usage and population indicate overall usage. Trends in population and usage are shown in Table 1 below. Typical accounting for various uses are

TABLE 1
POPULATION AND WATER USAGE
SIOUX FALLS, SD

YEAR	POPULATION	TOTAL USAGE	
		MGD	GPCD
1986	95,200	14.33	150.5
1985	94,100	13.50	143.5
1984	92,225	13.79	149.5
1983	85,000	13.71	161.3
1982	83,000	12.71	153.1
1981	82,000	13.51	164.8
1980	81,000	13.56	167.4

NOTES REGARDING TABLE 1:

1. Population figures provided by the Sioux Falls Planning Department.
2. Total usage figures based on total pumpage data of the Sioux Falls Water Department. Abbreviations shown are MGD (millions of gallons per day) and GPCD (gallons per capita per day).
3. This table is a summary continuation of data shown in the Report "Water Supply Program" by HDR Infrastructure, 1985, See Table "HISTORICAL WATER USAGE" found in Appendix B of the report.

shown in Figure 1, Disposition of 1985 Pumpage, the city Water Department's most recently published annual report. Table 1 shows an increase in population between 1983 and 1984 reflecting annexation of the Hayward area into the city and an increase in customers in the later part of 1984. Computed usage is skewed downward. Considering all the information reviewed in the report, it can be said that total usage is increasing faster than population.

Future Use Projections

Perhaps the most difficult task of any report of this nature is making future predictions. The HDR engineers utilized several recognized methods and factored-in such influences as trends in housing and household makeup to arrive at their estimates. Report Table 2.4.3, Estimated Water Demand at 10-Year Intervals, is reproduced here as Table 2. Part of the Water Department's mission is to faithfully record and account for water usage to test out predictions and assumptions needed for making such predictions. In viewing Table 2, the medium and low average demand estimates are, in our opinion, very valid. We have experienced such flows before. Therefore, we can put some tempered faith in the projections. The importance of projections relates to the ability of the present source to meet demands as discussed next.

Existing Supply

The city's current water supply is ground water from the Big Sioux Aquifer and supplemental surface supply from the two river intakes. Figure 2 shows the existing supply system and wells currently under construction and the 1987 area of expansion. The city is committed to full development of the Big Sioux Aquifer and shall be utilizing the balance of that future use permit as development proceeds. However, as shown in USGS Report, the productive capacity of the aquifer under dry conditions is limited to 24 million gallons per day (MGD) firm pumping capacity. The consultant reduced this to 22.4 MGD when factoring in maintenance and possible source pollution losses. The conclusion in the report was that if present trends continue, sometime between 2000 and 2010, the present main source may not meet the city's supply needs. This is reasonable when considering that if the river dries up as it has, existing surface supplies are useless.

Alternative Sources of Supply

There is general agreement within the Water Department that additional sources of supply will be needed in the foreseeable future. The consultant evaluated all previously proposed sources of supply and concluded only three were technically and economically feasible given our present understanding of the situation. Those alternatives are:

- 1) Development of off-stream storage from the Big Sioux River to a reservoir off the Slip-Up Creek;
- 2) Development of the Skunk Creek Aquifer; and
- 3) Waste water reuse.

We are requesting favorable consideration and extension of Permit Nos. 3981-3 and 449-3 which deal directly with these options. The actions and status of such actions are presented in the following discussions.

FIGURE 1

DISPOSITION OF 1985 PUMPAGE

	<u>Gallons</u>	<u>Total Gallons</u>
METERED SALES:		
Industrial	850,749,768	
Commercial*	889,126,656	
*(Deducted City Paying)		
Residential	<u>2,324,065,920</u>	
Total		4,063,942,344
METERED CITY USAGE		
Fire Stations	1,564,816	
Park Department	37,143,436	
Street Department	1,902,164	
Sewer Department	18,041,012	
Water Department	522,543,076	
Light Department	77,044	
Others	12,105,632	
Testing Meters	<u>589,424</u>	
Total		593,966,604
Metered City Water Total		<u>4,657,908,948</u>
UNMETERED USAGE (Estimated):		
Fire Fighting	1,502,900	
Street Flushing	3,931,711	
Sewer Flushing	1,206,500	
Hydrant Flushing	25,000,000	
Tank Draining	875,000	
Main Breaks	<u>1,750,000</u>	
Total		34,266,111
UNACCOUNTED FOR:		
TOTAL PUMPAGE		<u>4,692,175,059</u>
DISPOSITION OF PUMPAGE		
Industrial	850,749,768	17.26
Commercial	889,126,656	18.04
Residential	2,324,065,920	47.15
City Metered	593,966,604	12.05
Unmetered	34,266,111	.70
Unaccounted	236,441,463	4.80
Total	<u>4,928,616,522</u>	<u>100.00%</u>

TABLE 2

(reproduced from attached report)

TABLE 2.4.3
ESTIMATED WATER DEMAND AT 10 YEAR INTERVALS

Year	Projected Population		Average Demand	
			gpcd	MGD
1990	High	100,000	185	18.5
	Median	91,500	175	16.0
	Low	83,000	165	13.7
2000	High	111,000	192	21.3
	Median	102,000	182	18.5
	Low	93,000	172	16.0
2010	High	123,000	200	24.6
	Median	112,000	190	21.2
	Low	103,000	180	18.5
2020	High	134,000	206	27.6
	Median	123,000	196	24.1
	Low	113,000	186	21.0
2030	High	146,000	210	30.7
	Median	134,000	200	26.8
	Low	122,000	190	22.9

The water demand projections presented in Table 2.4.3 are the average daily demand for a year's period. However, pumping records show that the actual daily demand varies from the average considerably(3). Demand is lowest during winter months and highest during the months of June to September. Significant increases in average annual demand occur during dry years (See Figure 2.3.1). The higher demand can be attributed to lawn watering and other outdoor uses.

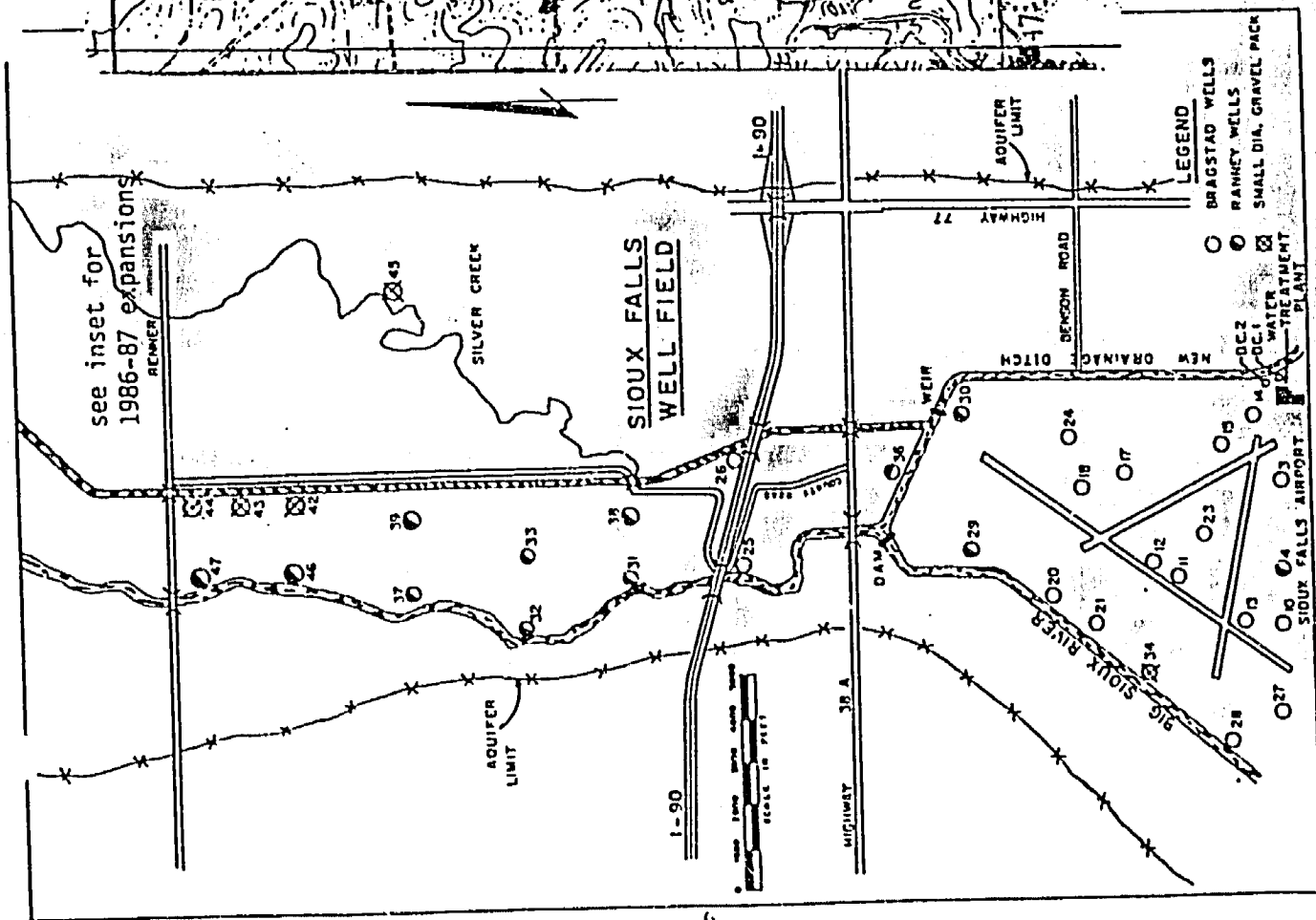


FIGURE 2
EXISTING AND PLANNED WELLS
SIOUX FALLS WELL FIELD

FUTURE USE WATER PERMIT NO. 3981-3

This permit deals exclusively with future water use diverting Big Sioux River flows to a reservoir in the Slip-Up Creek. The previously cited engineering report, "City of Sioux Falls Water Supply Program," represents the most significant comprehensive evaluation of viable alternatives to date. In this regard and given our current level of understanding of future needs, the off-stream storage program appears to be the city's most viable alternative for future supply as demands continue to increase and eventually out-pace the capacity of the Big Sioux Aquifer. The Sioux Falls City Commission has passed a resolution giving the Utilities Division direction to take certain actions to help insure the viability of this particular project, thus, continuing in part preliminary work indicated in the planning advice in the aforementioned report. A copy of the resolution is attached for the board's review. In order help insure availability of water from the Big Sioux River, the City of Sioux Falls requests that its Future Use Permit, Permit No. 3981-3, be renewed as continued project development proceeds.

FUTURE USE WATER PERMIT NO. 449-3

This permit deals with the future use of flows from the Skunk Creek Aquifer, an alternative cited in the report as the second most viable option for future supply needs. As more is learned of the first option, this alternative may become more attractive; moreover, the first option addresses needs through the year 2030, at which time, full development of this source may be necessary for the city to meet its needs under various climatic conditions. The city is participating in and actively interested in a number of ground water studies dealing with the Skunk Creek Aquifer. Mr. Jerry Siegel, of the East Dakota Water Development District, has prepared a summary of all such studies for the city's Water Advisory Board. Excerpts of his summary dealing with specific studies follow this section of the report. They are: #1) Minnehaha County Geological and Ground Water Study, 2) Skunk Creek Digital Model Study, and 3) Skunk Creek Aquifer Water Quality Study. At this writing, the results of these studies are not published. They do, however, demonstrate the city's continued interest in maintaining their options for future water supplies. Provisional data from the Skunk Creek Digital Model Study demonstrates that optimum spacing of nine wells having nominal production of 500 gpm can be placed within the Southern Management Unit of the aquifer before "mining" occurs. Also, 19 additional similar wells could be placed in what is known as the Middle Management Unit. Thus, the Southern Management Unit can produce 4 MGD and the Middle Management Unit can produce 14 MGD. The current permit is for 15.6 cubic feet per second or 10.1 MGD.

The provisional data also demonstrates high potential water quality degradation due to accelerated confluent mixing from the Wall Lake Aquifer, an aquifer of very poor quality connected to the South Management Unit.

In view of the foregoing, it can be seen that the current permit cannot be developed to the stated level of production and that water quality due to natural influences would be highly questionable. Note also that recent ground water pollution episodes in the Southern Management Unit renders the potential for full, efficient development very, very questionable.

Since the current permit applies to only the Southern Management Unit and potential can be demonstrated, the City of Sioux Falls requests the following:

- 1) The current permit be renewed.
- 2) The city be allowed the full seven-year renewal of this future use permit. This will allow the city to fully evaluate the impact of the Williams Pipeline spills on this future water supply option.

ATTACHMENTS

- 1) Report: City of Sioux Falls Water Supply Program, HDR Infrastructure, 1985.
- 2) Resolution No. 29-85
- 3) Excerpts of study summaries pertaining to Big Sioux and Skunk Creek Aquifers per Jerry Seigel, East Dakota Water Development District.



ATTACHMENT 2

RESOLUTION NO. 29-86

A Resolution of the City of Sioux Falls providing for Planning for means to control land in the Slip-Up Creek Valley for construction of a future water supply project and amendment of Year 2000 Plan and continued evaluation of wastewater recycling.

WHEREAS, the City of Sioux Falls currently uses on the average, 13.6 million gallons of water per day; and

WHEREAS, the firm yield of the current water supply is 24 million gallons per day which is projected to be exceeded between the period of the year 2000 and 2020; and

WHEREAS, the city has been studying its future water supply needs for the past 11 years and it has been determined that Sioux Falls will need surface storage of water in the future; and

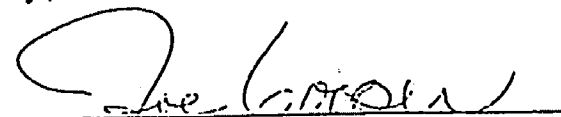
WHEREAS, the Slip-Up Creek Valley is the closest, most effective location for a reservoir; and

WHEREAS, the Sioux Falls City Commission recognizes that a surface water reservoir in the Slip-Up Creek Valley will be necessary to supplement the city's future water supply after full development of the Big Sioux Aquifer:

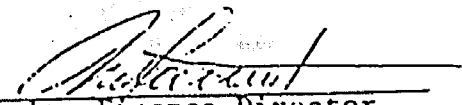
NOW, THEREFORE, the Sioux Falls City Commission directs the Utilities Department, through the Water Division and Water Advisory Board to pursue additional means for control on the land in the Slip-Up Creek Valley for the eventual construction of this future water supply project; and

The Sioux Falls City Commission further directs the Planning and Building Services Department to amend the Year 2000 Plan accordingly, and the Utilities Department to continue the evaluation of the potential for wastewater recycling and to initiate a program of water use education and conservation.

Adopted this 3rd day of February, 1986.


Mayor

ATTEST:


M. Szameit, Finance Director

ATTACHMENT 3

SUMMARY OF IMPORTANT GROUNDWATER STUDIES IN THE SIOUX FALLS AREA

As Prepared by Jerry L. Siegel, Manager - EDWDD
February, 1987

Introduction

During the past twenty years, eight significant studies have been initiated in the Sioux Falls area aimed at evaluating groundwater resources. I discussed seven of these briefly with the Sioux Falls Water Advisory Board on January 20, 1987. The Board asked me to prepare a written summary of these proposals including information on study purpose, procedure, timetable, status, cost, participants, and any significant findings. I am adding a summary of the Big Sioux Aquifer Recharge Study.

4. Minnehaha County Comprehensive Geologic and Groundwater Study

Purpose -- To determine the areal extent, thickness, depth and quality of all non-bedrock aquifers in Minnehaha County.

Procedure -- Initially, a well inventory was made. Test holes extending to bedrock were completed using a three mile grid. Additional shallow test holes were developed to evaluate the sand gravel resources and map the shallow aquifer. A number of separate reports will be prepared.

Principal Investigator -- Dennis Tomhave - SDGS and Rick Lindgren - USGS.

Timetable/Status -- 1983-1989. Nearly all the field work has been completed although two to three weeks of test hole drilling may still be required. Maps of the surface geology, bedrock geology, and sand and gravel resources are being drafted.

Participants/Cost -- Total cost - about \$120,000. USGS - \$60,000, SDGS - \$30,000, EDCS-D - \$15,000, Minnehaha County - \$15,000.

6. Skunk Creek Digital Model Study

Purpose -- To determine the yield of the lower two segments of the shallow Skunk Creek Aquifer under various hydrologic conditions. Sioux Falls needs to know how much future water supply is available from this source; the study should help Sioux Falls maintain their future use permit until it is up for review in the near future.

Procedure -- Existing data were collected and analyzed, additional test holes drilled, observation wells installed and monitored, and a digital/computer model prepared.

Timetable/Status -- 1984-1987. A digital model has been prepared and verified. A draft final report has been prepared and is being reviewed at the regional and national level.

Principal Investigator -- Neil Koch, USGS.

Participants/Cost -- The EDCS-D asked the USGS to do this study as part of the accelerated BSHS even though it wasn't included in the original workplan. The USGS agreed if EDCS-D would pay for installation and operation of one new stream gauge. The USGS used BSHS funds to install a second gauging station and prepare the model. Estimated total study cost was \$217,000 and estimated EDCS-D cost about \$14,300.

Significant Findings -- EDWDD and Sioux Falls officials need to meet with USGS officials to make sure that the model is utilized. The yield of various segments of the aquifer under various hydrologic scenarios needs to be determined.

7. Skunk Creek Aquifer Water Quality Study

Purpose -- To determine the zones of poor quality water in the lower segment of the Skunk Creek Aquifer from three sources: (1) discharge from the poorer quality Wall Lake Aquifer at the extreme lower end, (2) the Ellis landfill, (3) the gravel pit northwest of Ellis in which livestock wastes were dumped in 1984 and 1986. (Determining the zone of gasoline contamination in the Hayward School area was added as a purpose in late 1986.)

Procedure -- The SDGS is doing the study under the community/rural groundwater study program.

Timetable/Status -- 1985-1988. The EDWDD approved the study in May, 1985. Final Sioux Falls approval was not given until June, 1986. Eight weeks of test drilling are scheduled; two weeks of field work was accomplished in late 1986.

Principal Investigator -- Assad Barari - SDGS.

Participants/Cost -- Total study cost \$16,000. City of Sioux Falls - \$4,000, EDWDD - \$4,000, SDGS - \$8,000.



3981-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 1994

Lyle D. Johnson, Water/Wastewater Manager
Utilities Department
224 W 9th Street
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. Currently, our records indicate that 12.50 cubic feet of water per second remain in reserve from the Big Sioux/Southern Skunk Creek Aquifer under Permit No. 449-3 which was issued in 1957. Permit No. 3981-3, issued in 1980, has 40,000 acre-feet of water from the Big Sioux River, remaining in reserve.

Permit Nos. 449-3 and 3981-3 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of the review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve for each permit.

Please respond in writing by February 15, 1994, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



CITY OF SIOUX FALLS UTILITIES



February 2, 1994

Karen Schlaak
SD Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. Schlaak:

In response to your letter of January 3, 1994, the City of Sioux Falls would like to retain both future use permits. I have enclosed a summary of water use from each water supply resource since 1990 for your review.

In 1992, the City of Sioux Falls developed a Water Management Plan outlining projected water demands and a plan for developing various water supply resources to meet those demands. I have enclosed a copy for your information. The development of the Big Sioux River is a key element of the City's plans. In 1994, the City intends to file for an additional 10,000 acre-feet out of Future Use permit 3981-3 to allow us to use more water from the Big Sioux River. We are currently updating our Water Treatment Plant to provide enhanced treatment of surface water. In the next few years, use of water from the Big Sioux River will surpass water use from the Big Sioux Aquifer.

The City of Sioux Falls is considering different long-range water supply options to deal with future demands. One of these is the Slip-Up Creek Reservoir. Use of this reservoir will require water withdrawals from the Big Sioux River. Therefore, we need to retain Future Use Water Permit No. 3981-3.

The southern Skunk Creek Aquifer is currently used in summer months to meet peak demands. The City of Sioux Falls has no immediate plans to develop additional wells in this aquifer due to concerns of potential groundwater contamination in the area. Once the sources of contamination are cleaned up, the City may explore expansion of the wellfield in this aquifer.

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025

Fax
(605) 338-7801

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088

AN EQUAL OPPORTUNITY EMPLOYER

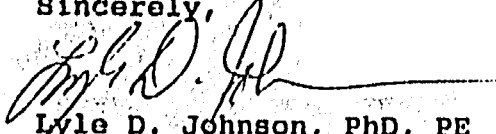
Lights
2000 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7150

Hearing Impaired
(605) 339-7039

Maint./Svc. Division
668 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020

If you have any questions or need additional information, please contact me.

Sincerely,



Lyle D. Johnson, PhD, PE
Water/Wastewater Manager

gls
Enclosures
cc: Randy Janssen

WATER SUPPLY SUMMARY

	1990	1991	1992	1993
Total Water Production, MG	6660.1	6345.8	6133.5	5484.9

Water Supply from Each Source

Big Sioux Aquifer, MG	5794.3	3340.9	4017.5	3245.6
% of Total	87.0%	52.6%	65.5%	59.2%

Big Sioux River, MG	771.5	2705.5	1895.6	2049.0
% of Total	11.6%	42.6%	30.9%	37.4%

Split Rock Creek Aquifer, MG	94.3	275.6	212.9	171.4
% of Total	1.4%	4.3%	3.5%	3.1%

Southern Skunk Creek Aquifer, MG	0	23.8	7.5	18.9
% of Total	0	0.4%	0.1%	0.3%

MG = Million Gallons

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of MINNEHAHA) ssI, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leaderprinted and published in City of Sioux FallsCounty of Minnehaha and State of

South Dakota. The notice was published in the newspaper on the following two dates:

Wednesday, June 7, 1995Wednesday, June 14, 1995Cost of Printing: \$129.35D. Reicher
(Signature)Assistant Controller
(Title)6/14/95

(Date Signed)

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NOS. 449-3, 3981-3 and

3981A-3. The Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 filed by the City of Sioux Falls, South Dakota, Department, 224 West 9th St. Sioux Falls SD 57102 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 449-3, 3981-3 and 3981A-3.

Permit No. 449-3 was approved June 28, 1957, to reserve 18.00 cubic feet of water per second (cfs) from the Big Sioux River located in Sections 9, 15, 16, 22, 23, 24, and 25, all in T11N, R23W. Permit No. 3981-3 placed 3.10 cfs to beneficial use reserved by No. 449-3, leaving 12.50 cfs held in reserve by No. 449-3.

Permit No. 3981-3 was approved January 30, 1980 to reserve 50,000 acre-feet annually from the Big Sioux River located in W 1/2 Section 33 T102N R49W. Permit No. 3981A-3 was approved September 28, 1989 to increase the area reserved for future use to include the N 1/2 Section 32 T102N R49W with no increase in the amount of water reserved by Permit No. 3981-3. Permit No. 5331-3 placed 10,000 acre-feet annually to beneficial use reserved by No. 3981-3 leaving 40,000 acre-feet held in reserve by No. 3981-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 449-3, 3981-3 and 3981A-3 at the Runkle Inn, Tanglewood Room, 1901 9th Ave SW, Hwy 12, Watertown SD on July 8, 1995 at 9:30 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect; 2)

amend the permits by adding quantities; 3) cancel the permits for no 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 action 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 June 26, 1995. The Chief Engineer's address is: Water Rights Division, Joe Foss Building, 823 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. A legal counsel is obtained. The permit owner need not file a petition opposing the future use permits. The hearing to review Future Use Permit Nos. 449-3, 3981-3, and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-14, 46-25, 46-29, 46-211, 46-538, 1) by SDCL 74-02.01, 25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped, or obtain an interpreter for the hearing impaired, may contact Eric Cronlund, Water Rights Division, (605 773-3352) by June 26, 1995. 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 June 26, 1995. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

4582

June 7, 14, 1995

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
Nos. 3981-3 and 3981A-3, CITY OF SIOUX FALLS**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 3981-3 and 3981A-3, City of Sioux Falls, Utilities Department, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3 and 3981A-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3 and 3981A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Future Use Water Permit Nos. 3981-3 and 3981A-3 reserves for future use a total of 40,000 acre-feet of water annually.

And that maintaining the effectiveness of Future Use Water Permit Nos. 3981-3 and 3981A-3 is subject to payment of the \$852.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.


JOHN HATCH, Chief Engineer
May 31, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1995

NOTICE

Lyle D. Johnson, Water/Wastewater Manager
Utilities Department
224 West 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 1995 to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3. The Board allowed the permits to remain in effect and amended Permit Nos. 449-3, 3981-3 and 3981A-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$132.50 and for Future Use Permit Nos. 3981-3 and 3981A-3 is \$852.50 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$985.00 within 60 days.

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

Very truly yours,

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

enclosures

**AMENDMENT TO FUTURE USE PERMIT NOS. 3981-3 and 3981A-3
CITY OF SIOUX FALLS**

Pursuant to the July 6, 1995 Water Management Board hearing, Future Use Permit Nos. 3981-3 and 3981A-3 were allowed to remain in effect and amended by adding the following qualification:

That Future Use Water Permit No. 3981-3 and 3981A-3 reserve for future use a total of 40,000 acre-feet annually.

CERTIFICATION

I hereby certify that on July 12, 1995, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 1995, along with the "Amendment" for Future Use Permits, regarding action taken by the Water Management Board at the hearing on July 6, 1995, to review Future Use Permit Nos. 1443-2, 449-3, 3981-3, 3981A-3, 4673-3, 4771-3 and 5155-3, addressed as stated below:

F.U. Permit #1443-2

Van A. Lindquist
West Dakota Water Dev. Dist.
P.O. Box 9633
Rapid City, SD 57709-9633

F.U. Permit #4673-3

Dawn Glover, Finance Officer
City of Elk Point
P.O. Box 280
Elk Point, SD 57025-0280

F.U. Permit #5155-3

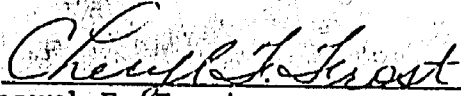
Dennis Larson
Lincoln County Rural Water System
P.O. Box 36
Harrisburg, SD 57032

F.U. Permit #'s 449-3, 3981-3 & 3981A-3

Lyle D. Johnson, Water/Wastewater Mgr.
Utilities Department
224 West 9th St.
Sioux Falls, SD 57102

F.U. Permit #4771-3

Katheryn Tieszen, Finance Officer
City of Marion
P.O. Box 94
Marion, SD 57043

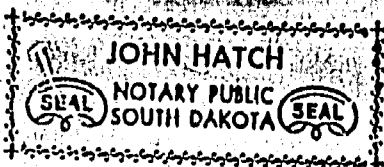

Cheryl F. Frost
Secretary

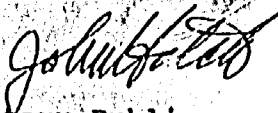
STATE OF SOUTH DAKOTA)

COUNTY OF HUGHES)

SS

Sworn to, before me, this 17th day of July, 1995




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

File No. 449-3
3981-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: City of Sioux Falls

DATE: 9-27-95

RE: Future Use Fees

COMMENTS:

The fees for retaining two of the City of Sioux Falls future use permits were mistakenly deposited to the Drinking Water Fee Account. The money has been transferred to the proper account.

Permit No. 449-3 \$132.50

Permit No. 3981-3 852.50

Total \$985.00

Karen Schlaak

Karen Schlaak
Environmental Scientist

Do not use this space

State of South Dakota VOUCHER

3981-3

- ☐ Direct
☐ Travel
☐ Non-Cash
☐ Cash Receipt
☐ Cash Transfer
☐ Investment
☐ Appropriation Budget Transfer

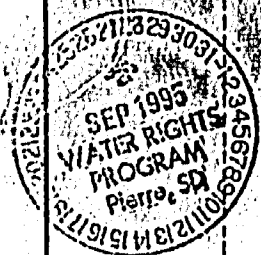
- ☐ Expenditure Correction
☒ Revenue Correction
☐ Period Ending Adjustment
☐ Other Adjustment

AGENCY USE ONLY			APPROVAL OFFICE ONLY	
Application Area 75	Vendor Number	Invoice ID	Voucher Number	Date
Date 9-26-95	Purchase Order ID	Document ID R2X-11-002	Delivery Date	Payment Due Date
TO: (Payee, Billed Agency)			FROM: (Department, Billing Agency)	

FUNDING INFORMATION										Debit/Credit		Dr.		Cr.		VC	S	D	E	R
Seq	Company	Account	User	Required	Center	Company	Project	Number	Amount	Invoices	Other	Dr.	Cr.	Dr.	Cr.					
1	3572	42841000		3031	1	2000			985											
2	3572	42841000		3031	1	2000			985											
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
Total									1170											

Description of Service, Product, or Transfer

Money from the City of
 Sioux Falls was mistakenly
 deposited into the Drinking
 Water Fee Account. At a later
 time have been deposited to Water
 Rights future use account.
 (Date of original deposit 8-29-95)



I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Cinda Corrigan 9/26/95
 Claimant Date

Authorization

Date

Authorization

Date



3 981-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 1996

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

Dear Mr. Janssen:

I am writing in response to our November 5, 1996, phone conversation concerning the city's surface water supply from the Big Sioux River.

Currently, the city holds Water Permit No. 5334-3 which appropriates 13.8 cubic feet of water per second from the Big Sioux River with an annual volume limit of 10,000 acre-feet (3.25 billion gallons per year.) A copy of the permit is enclosed. I am also enclosing a copy of a letter dated February 7, 1991, which was based on an inspection of the city's permits, including No. 5334-3 (see Item No. 3.)

The city has in reserve 40,000 acre-feet from the Big Sioux River as specified in Future Use Permit Nos. 3981-3 and 3981A-3. Your application to increase the diversion rate and annual volume will need to specify that the water to be placed to beneficial use is from your future use permits.

If you have any questions about completing the enclosed application forms or related matters, please give me a call at (605) 773-3352. I will try to assist you in any way possible.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



3981-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2002

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. Currently, our records show that 5,430 acre-feet remain in reserve (Big Sioux/Southern Skunk Creek Aquifer) under Future Use Permit No. 449-1 and 40,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit No. 3981-3. These permits were last reviewed in 1995.

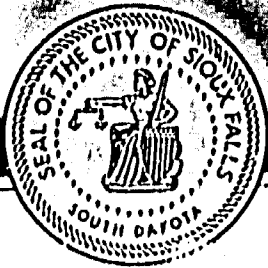
Please respond in writing by May 1, 2002, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 449-3 and 3981-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF SIOUX FALLS

PUBLIC WORKS

AN EQUAL OPPORTUNITY EMPLOYER

224 West Ninth Street, Sioux Falls, SD 57104-6407

Hearing Impaired (605) 367-7039

Web Site: www.sioUXfalls.org

April 8, 2002

Karen Schlaak
SD Dept of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

APR 10 2002

WATER RIGHTS
PROGRAM

Dear Ms. Schlaak:

The City of Sioux Falls has a need to retain Future Use Permits 449-3 and 3981-3. Current population projections indicate that by the year 2015, Sioux Falls will exceed 160,000 persons. The City continues to expand its wellfield in the Big Sioux Aquifer to meet the growing demands. Even with this expansion, our estimates are that groundwater and surface water supply resources will reach capacity around the year 2012. I have enclosed a graph showing water use projections and supply capabilities for Sioux Falls.

The Lewis and Clark Rural Water System has been identified as the City's primary supplemental water supply option. We realize, however, that the project may be delayed due to federal budget limitations. Future use permits 449-3 and 3981-3 provide the City with options to address water needs in the event Lewis and Clark is delayed. Permit 449-3 is under review as a southwest groundwater development project option with the Wall Lake Aquifer. Future Use Permit 3981-3 would allow the City to continue review of the Slip Up Creek Reservoir as a water supply option.

If you have any questions or need additional information, please contact me.

Sincerely,

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

c Randy Janssen
Kevin Smith

Enclosure

Public Works Administration
(605) 367-8600
FAX (605) 367-1605
Utility Billing
(605) 367-7031
FAX (605) 367-7341

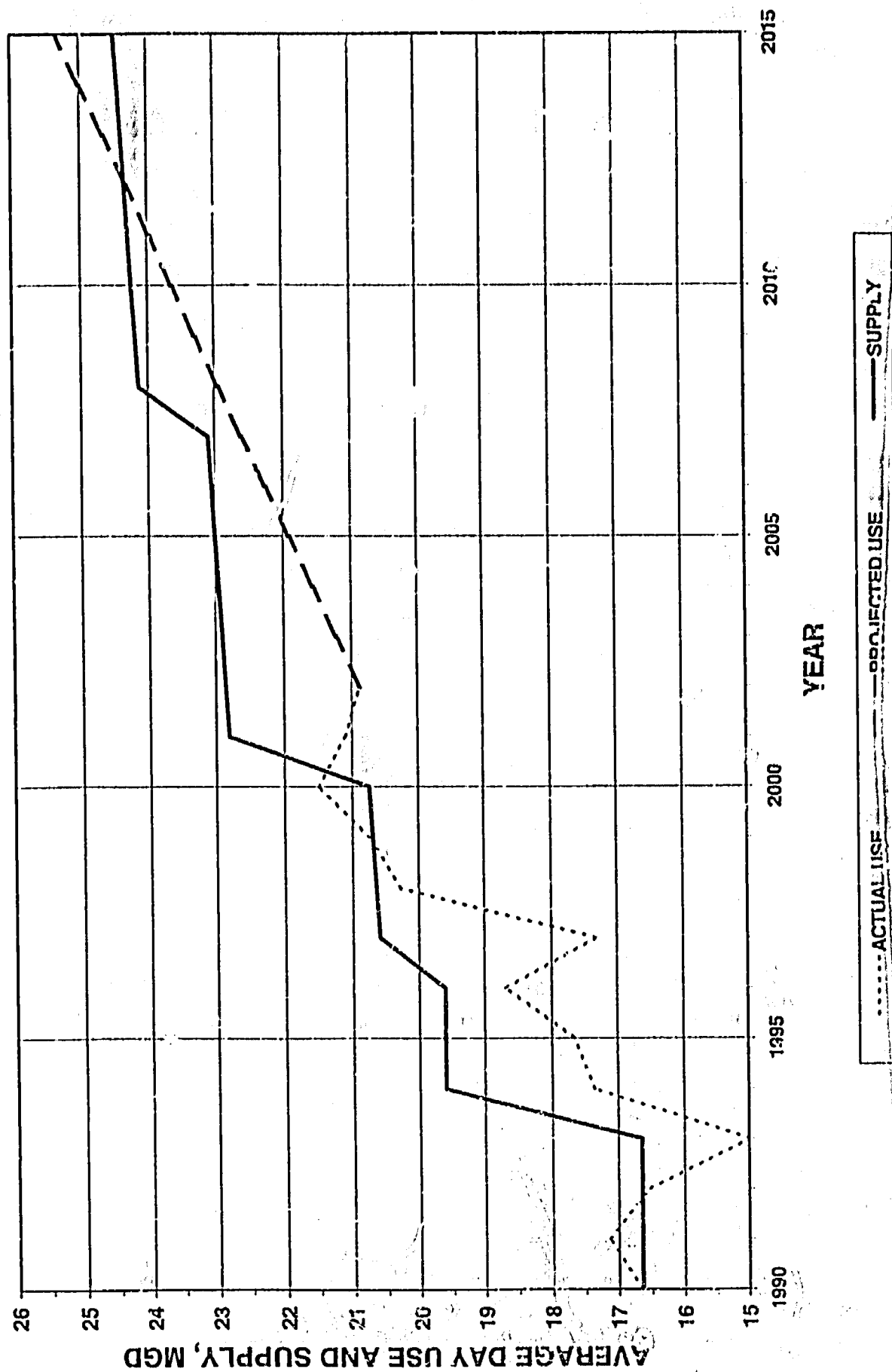
Engineering
(605) 367-8601
FAX (605) 367-4310
Fleet Management
(605) 367-7170
FAX (605) 367-7421

Lights
(605) 367-7150
FAX (605) 367-8306
Streets
(605) 367-7051 or 367-7008
FAX (605) 367-7010

Water Reclamation
(605) 367-7088
FAX (605) 367-8484
Water Purification
(605) 367-7025
FAX (605) 367-8175

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

PROJECTED WATER USE AND SUPPLY CAPABILITIES FOR SIOUX FALLS





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3981-3 and 3981A-3, City of Sioux Falls

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 3981-3 and 3981A-3, City of Sioux Falls, Utilities Department, 224 West 9th St, Sioux Falls SD 57201.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3 and 3981A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3 and 3981A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3981-3 and 3981A-3 is subject to payment of the \$852.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
May 28, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

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

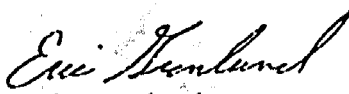
Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone # 605 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 449-2, 3981-3 and 3981A-3 to be published twice. Please publish the first notice on June 5, 2002 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 Sioux Falls, Lyle Johnson, Public Works Director, 224 W 9th St, Sioux Falls SD 57102 (605 367-8600).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 29, 2002 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

Customer Number: 78011
Invoice Number: 7283

City Of Sioux Falls

State Notices

AFFIDAVIT OF PUBLICATION

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } SS

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

Wednesday, the	5	day of	June	2002,
Wednesday, the	12	day of	June	2002,
_____ , the	_____	day of	_____	2002,
_____ , the	_____	day of	_____	2002,
_____ , the	_____	day of	_____	2002,
_____ , the	_____	day of	_____	2002,
_____ , the	_____	day of	_____	2002,

and that \$134.48 was charged for publishing the same including A \$5.00 affidavit fee.

Subscribed and sworn to before me 6/25/2002

JOAN STAHL
NOTARY PUBLIC
SOUTH DAKOTA

My Commission expires June 30th, 2005

Notary Public, South Dakota

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER RIGHTS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4493, 3981-3, 3981A-3 held by the City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits.

Permit No. 4493 was approved in 1957 and currently reserves 6,430 acre-feet of water from the Big Sioux; Southern Elk Creek Aquifer located in Sections 9, 10, 16,

22, 23, 24 and 25; all in T101N-R49W, to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 40,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W; Permit No. 3981A-3 was approved in 1980 to increase the area reserved for future use to include the W 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4493 REMAIN in EFFECT for 6,430 acre-feet annually; and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 4493, 3981-3 and 3981A-3 at the Floyd Mathews Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 10, 2002 at 10:00 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect; 2) amend the permits by adding qualifications; 3) cancel the permits for no development or no planned future development; or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the 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 June 28, 2002. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501; (605 773-3352) and the permit holders' mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The

State Notices

Permit owner must not file a petition with the Chief Engineer by June 28, 2002. The hearing to review Future Use Permit Nos. 4493, 3981-3 and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-6, 46-2-9, 46-2-11, 46-2-30, 1) Board Rules ARSD 74.02.01:25.01 thru 74.02.01:25.03 and contested case procedures contained in SDCL 1-23. 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. Those and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the interested or obtain an informed opinion for the hearing, may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 28, 2002. 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 June 28, 2002. Sylvan M. Pinner, Secretary, Department of Environment and Natural Resources, 7283 June 6, 12, 2002

RECEIVED
JUN 28 2002
WATER RIGHTS
PROGRAM

Instruction to Newspaper-Publish first publication of the following Notice on June 5, 2002 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux/Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 40,000 acre-feet of water from the Big Sioux River located in the W ½ Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N ½ Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 449-3, 3981-3 and 3981A-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on July 10, 2002 at 10:00 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the 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 June 28, 2002. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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)

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 28, 2002. 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 June 28, 2002. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

NOTICE

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 2002 to review Future Use Permit Nos. 449-3 and 3981-3. The Board allowed the permits to remain in effect for 5,430 and 40,000 acre-feet of water annually, respectively. Future Use Permit Nos. 449-3 and 3981-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$132.50 and for Permit No. 3981-3 is \$852.50 pursuant to SDCL 46-2-13(2) (\$985.00 total). Please remit the fee within 60 days. Enclosed is an invoice for the fees.

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

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

* INVOICE *

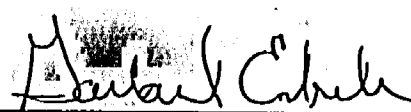
Invoice No. 20411-449-3&3981-3

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St.
Sioux Falls SD 57102

Fee for maintaining the effectiveness
Future Use Permit No. 449-3
Permit No. 3981-3

\$132.50
\$852.50

PLEASE PAY THIS AMOUNT: **\$985.00**


Garland Erbele
Chief Engineer
Water Rights Program
(605) 773-3352

CERTIFICATION

I hereby certify that on July 12, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 12, 2002 regarding Notice Future User Permit No 449-3 & 3981-3, Future Use Permit No. 1442-2, Future Use Permit No. 4673-3, Future Use Permit No. 5155-3, Future Use Permit No. 5832-3 addressed as stated below:

449-3 & 3981-3

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

1442-2

West River Water Development District
Mike Kurle, Manager
PO Box 523
Murdo SD 57559

4673-3

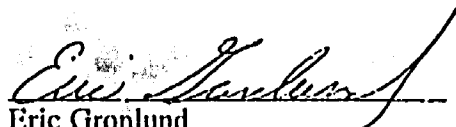
Dawn Glover, Finance Officer
City of Elk Point
PO Box 280
Elk Point, SD 57025-0280

5155-3

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

5832-3

Pamela Bonrud, Executive Director
Lewis & Clark Rural Water System
300 N Dakota Ave
Suite 206
Sioux Falls, SD 57102



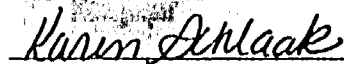
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)

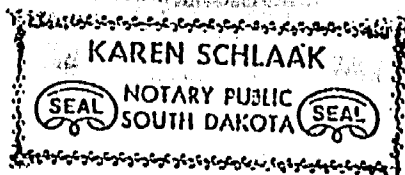
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417261

Pierre, July 31, 20 02

RECEIVED OF City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD 57104
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>3981-3</u> after period of seven years.	852	50
Fee for Inspecting Constructed Works, confirming beneficial use and Issuing Water License No. _____		
Fee for Filling Transfer Form _____		
Fee for Filling Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	852 50

By Darland Ebele
Chief Engineer

gsm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2009

Mark Cotter, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57117

Dear Mr. Cotter

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 5,430 acre-feet remain in reserve (Big Sioux:Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 40,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit No. 3981-3. These permits were last reviewed in July, 2002.

Please respond in writing by May 15, 2009, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 449-3 and 3981-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

Providing a Better Quality of Life for You!

Administration/GIS

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

Engineering/Real Estate

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

Environmental

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

Fleet Management

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7170 F: 367-7421

Household Hazardous Waste Facility

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

Landfill

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8162 F: 526-3371

Light

2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7006 F: 367-8306

Street

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

Utility Billing

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

Utility Maintenance

668 West Algonquin Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7020 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7025 F: 367-8475

Water Reclamation

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

June 15th, 2009

Karen Schlaak
Water Rights Program
SDDENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Ms. Schlaak:

I am writing in regard to your letter dated April 8th, 2009 referencing the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. The City of Sioux Falls wishes to retain these water rights.

The City of Sioux Falls has a current population of 154,100 people and has an annual growth rate of 1.9 per cent. The City is responsible for providing high quality drinking water at quantities to meet the demands of its customers. In 2008 the City treated a total of 7.79 billion gallons of drinking water with an average day of 21.3 million gallons per day. The percent of groundwater during 2008 from the total amount of water treated was 64 percent. The remaining 36 percent was surface water from the Big Sioux River.

These Water Rights are essential to maintaining the health, welfare and future economic development of the City of Sioux Falls.

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

Sincerely,

Randy Janssen
Water Superintendent
Water Purification Plant
2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, South Dakota 57117-7402

RECEIVED

JUN 18 2009

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, August 25, 2009 11:02 AM
To: 'Janssen, Randy'
Cc: Schlaak, Karen
Subject: Future use reviews

Randy

In today's mail, DENR is sending you the publication notice for the 7 year review of the city's future use permit Nos. 449-3 and 3981-3. I believe when we sent the original letter inquiring about the city's intent to retain the FU permits we stated that 40,000 ac-ft remained in reserve under No. 3981-3 from the Big Sioux River. This FU permit was originally for 50,000 ac-ft but permit Nos. 5334-3 and 6210-3 each took 10,000 ac-ft out of the FU permit. The remaining balance is 30,000 ac-ft and that's what the Chief Engineer's recommendation will reflect.

This came up as a minor issue in 2007 when you pointed out that WL No. 6210-3 was issued in error. This license incorporated both No. 5334-3 and 6210-3 and we originally issued it for only 10,000 ac-ft. You indicated that it should have been for the combined total of 5334-3 & 6210-3 of 20,000 ac-ft. The water license was reissued accordingly.

Let me know if you have questions once you receive the paperwork.

Have a great day!

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2009

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

City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Janssen:

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone #605 331-2200). For your information, a copy of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3981-3 and 3981A-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 3981-3 and 3981A-3, City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57117.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3 and 3981A-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3 and 3981A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3981-3 and 3981A-3 is subject to payment of the \$2,555.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City after the Board hearing.

Garland Erbele, Chief Engineer
August 25, 2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 25, 1009

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 449-3, 3981-3 and 3981A-3 to be published twice. Please publish the first notice on September 3, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, c/o Randy Janssen, Water Superintendent, 224 W 9th St, Sioux Falls SD 57102.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of August 25, 2009 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 September 3, 2009 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Randy Janssen, Water Superintendent, 224 W 9th St, Sioux Falls SD 57117 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux:Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the City.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W ½ Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N ½ Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the City.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT FOR 30,000 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 these future use permits at 10:00 am on October 7, 2009 at the 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 September 28, 2009. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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)

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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 September 28, 2009. 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 September 28, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.

CUSTOMER NUMBER:	78011	Argus Leader	
INVOICE NUMBER:	1227459		
DATES	9/3, 9/10, 2009	P.O. Box 5034, Sioux Falls, S.D. 57117-5034	\$144.95

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

RECEIVED
SEP 14 2009
WATER RIGHTS
PROGRAM

*paid by City of
Sioux Falls*

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 78011
Invoice Number: 1227459

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday the 3 day of September 2009 ,
Thursday the 10 day of September 2009 ,
_____, the _____ day of _____ 2009
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,

and that \$144.95 was charged for publishing the same

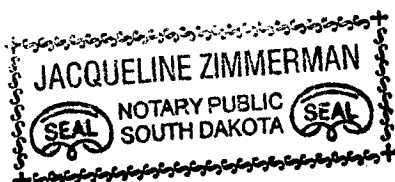
Linda Schulte

Subscribed and sworn to before me 9/10/2009

[Signature]

Notary Public, South Dakota

My Commission expires December 22, 2009



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

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Randy Janssen, Water Superintendent, 224 W 9th St, Sioux Falls SD 57117 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux/Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the City.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the City.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN IN EFFECT FOR 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN IN EFFECT FOR 30,000 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.

ent evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2009. 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 obtaining. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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 74:02:01:12001 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court 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 September 28, 2009. 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 September 28, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources, Published twice at the approximate cost of \$144.95, 1227459 Sept. 3 & 10, 2009



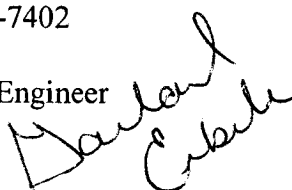
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2009

NOTICE

TO: City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

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

SUBJECT: Scheduled Time for Notice of Hearing to Review Future Use Permit Nos. 449-3, 3981-3
and 3981A-3

The hearing time before the Water Management Board to consider review of Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 has changed from 10:00 am to 2:00 pm on Wednesday, October 7, 2009.

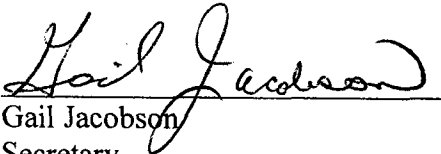
The Water Management Board will consider review of Future Use Permit No. 449-3, 3981-3 and 3981A-3 at 2:00 pm on Wednesday, October 7, 2009, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD.

Applicable provisions of the Notice of Hearing to Review Future Use Permits still apply.

CERTIFICATION

I hereby certify that on September 28, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 28, 2009 regarding notice of hearing change for future use permits addressed as stated below:

City of Sioux Falls, Randy Janssen, PO Box 7402, Sioux Falls SD 57117
Lewis & Clark Rural Water System, Troy Larson, 401 E 8th St # 306, Sioux Falls SD 57103
City of Volga, Steve Meyer, PO Box 217, Volga SD 57071



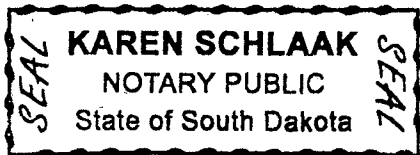
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of September, 2009.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 9, 2009

NOTICE

City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Janssen:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2009 to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3. The Board allowed the permits to remain in effect for 5,430 and 30,000 acre-feet of water annually. The Future Use Permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$515.00 and Nos. 3981-3 & 3981A-3 is \$2,555.00 (\$3,070.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on October 9, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 9, 2009 regarding future use permits addressed as stated below:

City of Sioux Falls, Randy Janssen, PO Box 7402, Sioux Falls SD 57117-7402

Lewis & Clark Rural Water System Inc., Troy Larson, 401 E 8th St # 306, Sioux Falls SD 57103

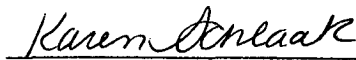
City of Volga, Nicole Rawden, Finance Officer, PO Box 217, Volga SD 57071



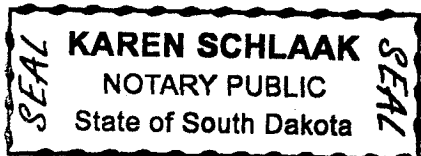
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2009.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2009

Thomas Berkland
Public Works Department
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57117

Dear Mr. Berkland:

On October 9, 2009 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 (copy attached). To date, we have not received this payment.

Please submit the \$3,070.00 fee as soon as possible to avoid jeopardizing the City's future use permits. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352



3981-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 28, 2016

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

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 5,430 acre-feet remain in reserve (Big Sioux:Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 30,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit Nos. 3981-3 and 3981A-3. These permits were last reviewed in 2009.

Please respond in writing by May 31, 2016 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 5,430 acre-feet remains in reserve under No. 449-3, the fee will be \$515.00. If the entire 30,000 acre-feet remains in reserve under Nos. 3981-3 and 3981A-3, the fee will be \$2,555.00.

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 Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

Providing a Better Quality of Life for You!

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

Engineering/Real Estate
224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8801 F: 367-4310

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

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

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

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

Light
2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7006 F: 367-8306

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

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

Utility Maintenance
668 West Algonquin Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7020 F: 367-7883

Water Purification
2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7025 F: 367-8475

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

May 16, 2016

Karen Schlaak, Environmental Scientist
Water Rights Program
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak,

In regards to your letter dated April 28, 2016, the City of Sioux Falls intends to retain Future Use Water Permit No. 449-3 (Big Sioux: Southern Skunk Creek Aquifer) and Future Use Water Permit Nos. 3981-3 and 3981A-3 (Big Sioux River).

Sioux Falls began 2016 with a population total of 173,300 which is an increase of 17,000 from 2009 when the permits were last reviewed. Future population projections indicate by the year 2035, Sioux Falls will have a population total of 270,000. Reaching out to the year 2060 projections indicate Sioux Falls population total could reach the 334,000 mark. When reviewing the annual population growth rates, Sioux Falls has been averaging nearly 3,000 to 3,500 annually for the past decade and we project this current growth rate will continue if not increase.

Demand for water in 2015 reached 7,083,054,000 gallons for an overall daily average of 19,352,606 gallons. By the year 2035, the daily average demand for water has been projected to be as high as 30,069,244 gallons per day. The most recent year with warm and dry conditions was 2012. During the summer of 2012 the gallons per day per capita reached 294 gallons. Projecting this demand for water into the year 2035, the daily demand for water could reach a peak of 79.380 million gallons per day.

As Sioux Falls continues to grow there has been an ever growing interest in industrial development. In 2016 the first water mains will be constructed to supply water up to Foundation Park, a large industrial area designed for this expected industrial growth which will include a greater demand for water.

It will be essential for the growth and sustainability of the City of Sioux Falls to keep Permit Nos. 449-3, 3981-3 and 3981A-3. This water will be necessary to insure the health, welfare, and future economic development of the City of Sioux Falls.

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

Sincerely,

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

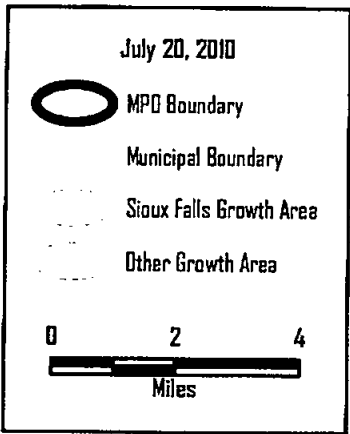
Greg Anderson, Water Superintendent
Water Purification Plant
(605) 373-6944
ganderson@siouxfalls.org

RECEIVED

MAY 19 2016

WATER RIGHTS
PROGRAM

Map 3 - 2035 Population Projections





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

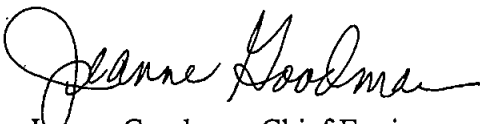
denr.sd.gov

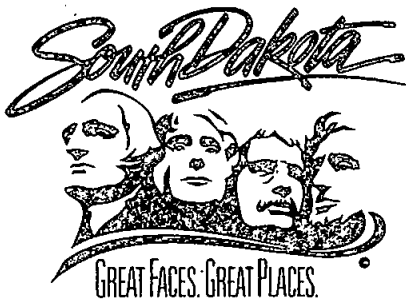
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3981-3 and 3981A-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 3981-3 and 3981A-3, City of Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3 and 3981A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3 and 3981A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3981-3 and 3981A-3 is subject to payment of the \$2,555.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
May 31, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 31, 2016

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

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

Dear Mr. Anderson

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. Notice of the reviews have been emailed to the Argus Leader (605 331-2294) and the Sioux Valley News, Canton (605 764-2000). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 9, 2016. 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

Instruction to Newspaper-Publish the following Notice on June 9, 2016. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux:Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-2 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 6, 2016 at the 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 June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:55 AM
To: svn@siouxvalleynewsonline.com
Subject: 449-3, City of Sioux Falls
Attachments: 449-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Greg Anderson, Water Supt., Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104 (605 373-6944) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:56 AM
To: allegals@argusleader.com
Subject: 449-3, City of Sioux Falls
Attachments: 449-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Greg Anderson, Water Supt., Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104 (605 373-6944) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

RECEIVED

JUN 13 2016

WATER RIGHTS
PROGRAM

PO # 149920

Customer Number:

078011

City Clerks Office

Invoice Number:

1326646

AFFIDAVIT OF PUBLICATION-

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday, the	9	day of	June	2016,
_____ , the	_____	day of	_____	2016,
_____ , the	_____	day of	_____	2016,
_____ , the	_____	day of	_____	2016,
_____ , the	_____	day of	_____	2016,
_____ , the	_____	day of	_____	2016,
_____ , the	_____	day of	_____	2016,

and that \$113.23 PD was charged for publishing the same

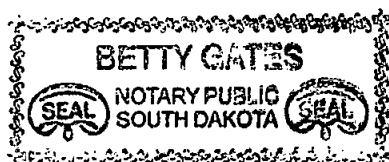
Subscribed and sworn to before me

6/9/2016

Linda Schulte
Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022



608

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W.

Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-2 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 16, 2016 at the 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 June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg,

ing, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Granlund, Water Rights Program, (605 773-3352) by June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$113.23.
1326646 June 9, 2016

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

RECEIVED

JUN 20 2016

WATER RIGHTS
PROGRAM

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Water Use Permit Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

June 9, 2016

that the full amount of the fees charged for publishing the same to-wit: the sum of \$50.51 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 9th day of
June, 2016.

Notary Public, South Dakota



My Commission Expires
December 9, 2020

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-2 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 6, 2016 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News
on June 9, 2016 at a total approximate
cost of \$50.51.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 12, 2016

NOTICE OF ENTRY OF ORDER

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

Dear Mr. Anderson:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2016 to review Future Use Permit Nos. 449-3, 3981-3, and 3981A-3. The Board allowed the permits to remain in effect for 5,430 acre-feet of water annually and 30,000 acre-feet of water annually. Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$515.00 and for Future Use Permit Nos. 3981-3 and 3981A-3 is \$2,555.00 (\$3,070.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 12, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 12, 2016 regarding future use permits addressed as stated below:

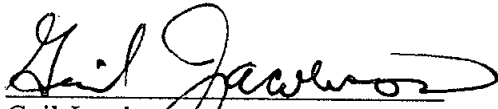
Permit No. 5155-3 Lincoln County RWS, Robin Dykstra, PO Box 36, Harrisburg SD 57032

Permit No. 4673-3 City of Elk Point, Erika Hammitt, FO, PO Box 280, Elk Point SD 57025

Permit Nos. 449-3, 3981-3, 3981A-3 Greg Anderson, Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104

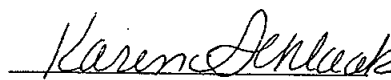
Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

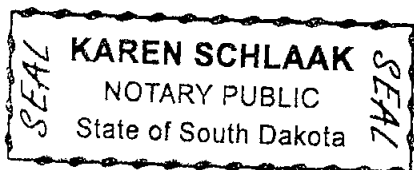
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559


Gail Jacobson
Secretary/ Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 2016.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





Vendor
Number
1842

Check
Date
07/22/2016

Check
Number
00066747

\$3,070.00

Pay Three Thousand Seventy Dollars and 00 cents *****

To The
Order Of

SD DEPT OF ENVIRONMENT AND NATURAL RESOURCES
SD DEPT OF REVENUE
523 EAST CAPITOL
PIERRE, SD 57501

EFT COPY
NON-NEGOTIABLE

449-3 515⁰⁰
3981-3 + 3981A-3 2555⁰⁰

City of Sioux Falls, SD 57104

Page 1 of 1

Check Number: 00066747

Invoice Date	Invoice Number	Description	Invoice Amount
07/12/2016	Permit 39813 3981A3	Water Mgmt Board Hearing 7/6/26 Fee for Permits	\$3,070.00
Coming man. Do Rct a. Deposit			

* Questions regarding this payment please call (605) 367-8860.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 29, 2023

Gavin Graverson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Graverson:

I am writing in regard to the seven-year review of Future Use Water Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 5,430 acre-feet remain in reserve (Big Sioux/Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 30,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit Nos. 3981-3 and 3981A-3. These permits were last reviewed in 2016.

Please respond in writing by May 1, 2023, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 5,430 acre-feet remains in reserve under No. 449-3, the fee will be \$515.00. If the entire 30,000 acre-feet remains in reserve under Nos. 3981-3 and 3981A-3, the fee will be \$2,555.00.

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

Sincerely,

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



CITY OF
SIOUX FALLS

RECEIVED

APR 20 2023

OFFICE OF
WATER

PUBLIC WORKS

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

April 20, 2023

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

Dear Karen Schlaak,

Regarding your letter dated March 29, 2023, it is the City of Sioux Falls' intent to retain Future Use Water Permit No. 449-3 with 5,430 acre feet from the Big Sioux: Southern Skunk Creek Aquifer and Future Use Water Permit Nos. 3981-3 and 3981A-3 with 30,000 acre feet from the Big Sioux River.

The population and commercial needs of Sioux Falls continue to grow, which in turn increases the demand for potable water. In February of 2022, the population of Sioux Falls was estimated at 202,600. Current population is estimated in February of 2023 at 208,884. This is a 6,284 person increase of the past 12 months. Population projections from the Sioux Falls Planning Division show Sioux Falls could reach a population of 263,300 by 2035.

Demand for water in 2023 is estimated to be more than 8,362,070,000 gallons for a daily average of about 22,900,000 gallons. By the year 2035, the daily average demand for water has been projected to be as high as 31,130,000 gallons per day. Future use water permits 449-3, 3981-3 and 3981A-3 provide the City of Sioux Falls with options to address water needs as the city continues to grow. This water will be necessary to insure the health, welfare, and future economic development of the City of Sioux Falls.

Long term water needs require a visionary approach to water resources. These future use permits provide the city with options to address our future water needs to insure the continued growth and sustainability of the City of Sioux Falls.

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

Sincerely,

Ryan Johnson, Utility Administrator
City of Sioux Falls
(605) 367-8641
rjohnson@siouxfalls.org



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3981-3, 3981A-3 City of Sioux Falls**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Nos. 3981-3, 3981A-3, City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3, 3981A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3, 3981A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3981-3, 3981A-3 is subject to payment of the \$ 2,555.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
May 23, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2023

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

City of Sioux Falls
Ryan Johnson, Utility Administrator
PO Box 7402
Sioux Falls SD 57117

Dear Mr. Johnson:

Future Use Permit Nos. 449-3, 3981-3, 3981A-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 following newspapers:

- Sioux Valley News, Canton SD (Ph # 605-764-2000)
- Argus Leader, Sioux Falls, SD (contact information will be mailed to you when received from the newspaper)

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 8, 2023. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on June 8, 2023. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 449-3, 3981-3, 3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 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 Chief Engineer's recommendations with qualifications are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendations, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

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

the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 20, 2023. However, since this particular matter is a future use permits renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 8:49 AM
To: svn@midconetwork.com
Subject: 449-3, 3981-3, 3981A-3 City of Sioux Falls - Public Notice
Attachments: 449-3_3981-3_3981A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117, (605-367-8641) 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.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 8:50 AM
To: legals@argusleader.com
Subject: 449-3, 3981-3, 3981A-3 City of Sioux Falls - Public Notice
Attachments: 449-3_3981-3_3981A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Thank you,

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



Argus Leader

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

Account No.: SFA-078011

Ad No.: 0005718090

PO #: 449-3, 3981-3, 3981A-3

Lines : 264

Ad Total: \$78.46

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

This is not an invoice

of Affidavits 1

Account No.: SFA-078011

Ad No.: 0005718090

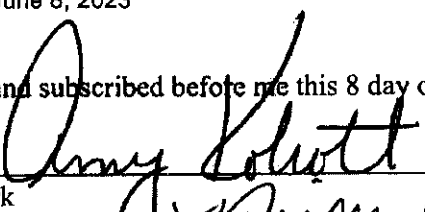
Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin County of Brown

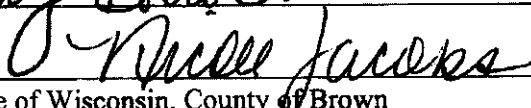
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge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

Thursday, June 8, 2023

Sworn to and subscribed before me this 8 day of June, 2023.



Legal Clerk



Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.

449-3, 3981-3, 3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

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Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W.

Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 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 Chief Engineer's recommendations with qualifications are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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mits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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Published June 8, 2023 at the total approximate cost of \$78.46 and may be viewed free of charge at www.sdpublicnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

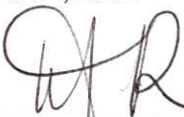
City of Sioux Falls Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

June 1, 2023

that the full amount of the fees charged for publishing the same to-wit: the sum of \$78.39 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Ascribed and sworn to before me this 1st day of
June, 2023.



Notary Public, South Dakota



My Commission Expires
January 12, 2024

future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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Published in the Sioux Valley News on June 1, 2023 at the total approximate cost of \$78.39 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

JUN 15 2023

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 31, 2023

NOTICE OF ENTRY OF ORDER

City of Sioux Falls
c/o Ryan Johnson
PO Box 7402
Sioux Falls SD 57117

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2023 to review Future Use Permit Nos. 3981-3 and 3981A-3. The Board allowed the permit to remain in effect for 30,000 acre-feet of water annually. Future Use Permit Nos. 3981-3 and 3981A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 3981-3 and 3981A-3 is \$2,555.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

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

CERTIFICATION

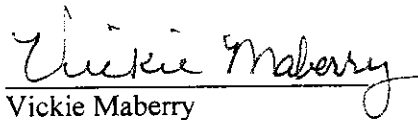
I hereby certify that on July 31, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 31, 2023 involving action taken by the Water Management Board hearing on July 12, 2023:

Lincoln County Rural Water System, c/o Robin Dykstra, 27066 Henry Pl., Sioux Falls SD 57108

West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559

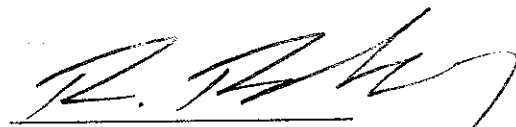
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117

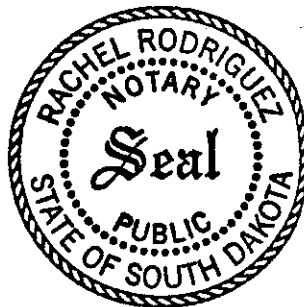
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31 day of July, 2023.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



Rodriguez, Rachel

From: Keiser, Darcy
Sent: Monday, September 25, 2023 3:18 PM
To: Gronlund, Eric
Cc: Rodriguez, Rachel
Subject: RE: Sioux Falls

I am sorry, I should have followed up on this email earlier.

Their will be no receipt. It does not go through the check receipting process since it was an ACH payment. It was received by our bank on Aug 14

-----Original Message-----

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, August 24, 2023 1:06 PM
To: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Sioux Falls

Yes - those are for two future use permit allowed to remain in place for the city of Sioux Falls.

The receipts should go to Rachel Rodriguez

-----Original Message-----

From: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Sent: Thursday, August 24, 2023 12:22 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Sioux Falls

Hi Eric

Are you expecting future use permit fees from Sioux Falls? Is it OK to deposit them if they are WR?

Thanks
Darcy



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

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

Application No.: 3981-3 and 3981A-3

Name of Applicant: City of Sioux Falls, Ryan Johnson

Date of Posting: 6/5/2023

Date of Removal: 7/31/2023

Ron Duvall, Water Rights Permitting Administrator

7/31/23
Date

Subscribed and sworn to before me, a notary public, this 31 day of July, 2023.

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

