

Considered: _____

WATER PERMIT NO. 3981A-3 49

HAP No. Same 339-7025

Name of Applicant City of Sioux Falls

Post Office Address 224 W. 9th Street, Sioux Falls, SD 57102

Amount of Water Claimed no add'l Total Acres NA

Source of Water Supply Big Sioux R.

Water to be used for municipal County Minnehaha

About _____ miles north of Sioux Falls

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received July 27, 1989 Fee \$50.00 Remarks This appl is to

6/6/77 add a diversion area to FU Permit No. 3981-3

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

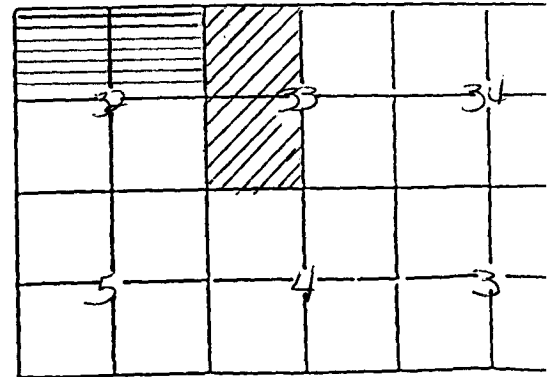
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point orig area: W 1/2 Sec 33 - T102N - R44W

add'l area: N 1/2 Section 32 - T102N

Land to be Irrigated NA



Well Log: Driller _____ Licensed YES NO

Depth of Well NA REMARKS _____

Type of Map topo PREPARED BY Gary L Meyer Reviewed and the Number

assigned on July 27, 1989 By Susan Bowar

No. 3981A-3 Hydrologic Unit 16170203
 Map No. same Basin Big Sioux
 Newspaper Argus Leader Box SD 57117

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

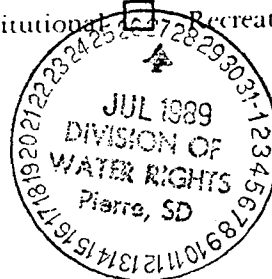
New ☐ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☒ Application to: Change diversion point(s) ☐ Add diversion point(s) ☒ on Permit No. 3981-3

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant City of Sioux Falls Phone No. 339-7025

Post Office Address 224 West 9th Street Sioux Falls State SD 57102
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 15.8 cfs -- (10,000 acre-feet per year) -- no additional

3. Source of water supply Big Sioux River

4. Location of point of diversion N1/2 Section 32-T102N-R49W

County Minnehaha

5. Counties where water will be used Minnehaha and Lincoln

6. Annual period during which water is to be used January 1 to December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application proposes to add a diversion point location area to the diversion point location area (W1/2 Section 32-T102N-R49W) on Future Use Permit No. 3981-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
 County of Minnehaha, ss

I, Jack White, Mayor the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Jack White, Mayor

Subscribed and sworn to before me this 25th day of July, 1989

Dianne Metli

Notary Public

DIANNE METLI, Notary Public

My Commission Expires Dec. 3, 1992

SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 3981A-3

Date of first receipt of application July 27, 1989.

The Water Management Board approved Future Use Water Permit Application No. 3981A-3 on September 28, 1989 for the City of Sioux Falls, 224 W 9th Street, Sioux Falls SD 57102 to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 3981A-3 amends Future Use Permit No. 3981-3 by increasing the area reserved for future use. Permit No. 3981-3 reserves 50,000 acre-feet annually from the Big Sioux River for diversion from the W1/2 section 33-T102N-R49W. This permit adds the N1/2 section 32-T102N-R49W to the future use area with no increase in the amount of water reserved for future use by No. 3981-3.
2. The water reserved for future use by Future Use Permit No. 3981-3 is for municipal use by the City of Sioux Falls.
3. The date from which applicant may claim right is June 6, 1977 (see No. 3981-3).

QUALIFICATIONS

1. That Permit No. 3981A-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years
2. At such time as definite plans are made to construct works and put the reserved water to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. Approval of Permit No. 3981A-3 does not change the amount of water reserved by Permit No. 3981-3.

WATER MANAGEMENT BOARD

By: _____

John H. Bates
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 26 1989

(date)



Department of Water & Natural Resources

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

DEC 26 1989

Jack White, Mayor
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mayor White:

Enclosed is Future Use Water Permit No. 3981A-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 must be submitted to this office and approved by the Water Management Board before construction.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the typed name and title.

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

enclosures

Report on Application Nos. 3981A-3 and 5334-3
City of Sioux Falls
August 21, 1989

Application No. 3981A-3 proposes to amend Future Use Permit No. 3981-3 by adding a diversion area to the area authorized by Permit No. 3981-3 which reserves for future use 50,000 acre feet of water annually from the Big Sioux River. The diversion from the river was to be located within the W1/2 of Section 33, T102N-R49W. This application is to add the N1/2 of Section 32, T102N-R49W to the authorized diversion area. Approval of this application would not authorize any increase in the amount of water reserved for future use.

Application No. 5334-3 is to construct and place to beneficial use 13.8 cubic feet of water per second (cfs) - 10,000 acre feet annually - from the Sioux River reserved by Future Use Permit No. 3981-3. The point of diversion is to be located within the W1/2 of Section 33 and N1/2 of Section 32, all in T102N-R49W. The water is to be used by the City of Sioux Falls for municipal purposes.

DISCUSSION

The proposal to add diversion area as requested by Application No. 3981A-3 should have no adverse impacts to existing rights over that of the present authorized diversion area. Application No. 3981A-3 must be approved before Application No. 5334-3 can be considered for using a portion of Future Use Permit No. 3981-3.

With approval of the additional diversion area, the priority date for Application No. 5334-3 would be based on Future Use Permit No. 3981-3, June 6, 1977. Any water permit with a priority date later than June 6, 1977 could not require the City of Sioux Falls to bypass water to meet their water permit needs. However, a bypass requirement would be necessary for prior existing rights to the use of the Big Sioux River flows.

Future Use Permit No. 3981-3 required a 50 cfs bypass requirement to meet the needs of appropriations downstream. The requirement was partly based on the idea that storage facilities would be available in order to divert water during the higher flow periods in the spring of the year. The diversion rate not to exceed 170 cfs was approved on the future use permit. Application No. 5334-3 does not provide for storage facilities. This will be a direct diversion right. The 50 cfs was based on the downstream appropriation without consideration for stream flow accretions to the Sioux River which could satisfy the prior existing rights.

The flows of the Big Sioux River have been reviewed. During low flow conditions, the Big Sioux River below Sioux Falls will generally receive sufficient flows from tributary inflows to meet the needs of most of the downstream water permit holders. Tributary inflows occur from Skunk Creek, Split Rock Creek, Beaver Creek from the east, Rock River in Iowa, Beaver Creek from the west (Canton Area) and other tributaries primarily from the eastern drainage basins in Minnesota and Iowa. The greatest impacts would be on the water rights located downstream in Sioux Falls and Lincoln County. Below Lincoln County, the Water Rights should not be significantly affected because of tributary inflow.

The flow accretions on the Big Sioux River from North Cliff Avenue at Sioux Falls to the Akron, Iowa gage during low flows were computed to be 47 cfs in July, 25 cfs in August, and 19 cfs in September. The 80 percentile flow shows accretions between these two gaging stations of 105 cfs in July, 117 cfs in August, and 74 cfs in September. See attached graphs. The period of record used for the gaging stations for comparison purposes was limited to the 9 year period beginning October, 1971.

There are approximately 30 cfs of prior existing water rights in Minnehaha and Lincoln Counties downstream of the proposed diversion excluding water rights held by the City of Sioux Falls. Low flow periods do occur in the Big Sioux River which would require water to be bypassed to meet the needs of the existing rights. Based on the flow analysis during low flow periods, a 20 cfs bypass requirement should be sufficient to meet the needs of the existing rights and domestic uses downstream on the Big Sioux River. The NPDES Permit for discharge of effluent from the Sioux Falls wastewater treatment plant to the Big Sioux River is not based upon a requirement for dilution water in the river.

CONCLUSIONS AND RECOMMENDATION

Water is available in most years to meet the needs of Application No. 5334-3. Because of prior existing rights to the flows of the Big Sioux River, a bypass requirement would be necessary during low flow conditions. The additional diversion area proposed by Application No. 3981A-3 should cause no adverse impacts to existing rights.

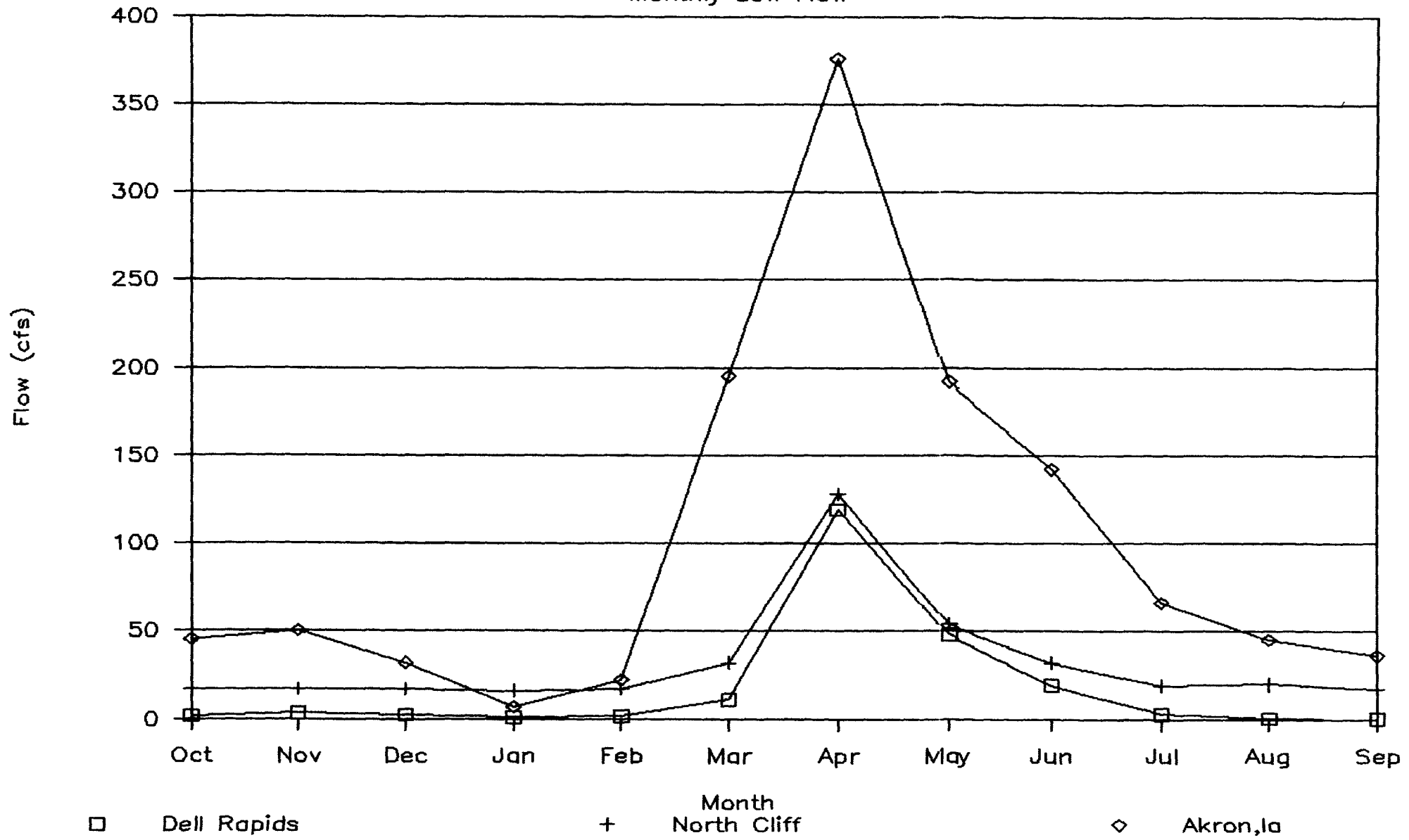
Application No. 3981A-3 should be approved to allow the additional diversion area. Then Application No. 5334-3 should be approved to allow the requested diversion rate of 13.8 cfs (10,000 acre feet annually) with a priority date of June 6, 1977 for municipal purposes subject to a low flow bypass requirement of 20 cfs.



James Winterton
Natural Resources Engineer

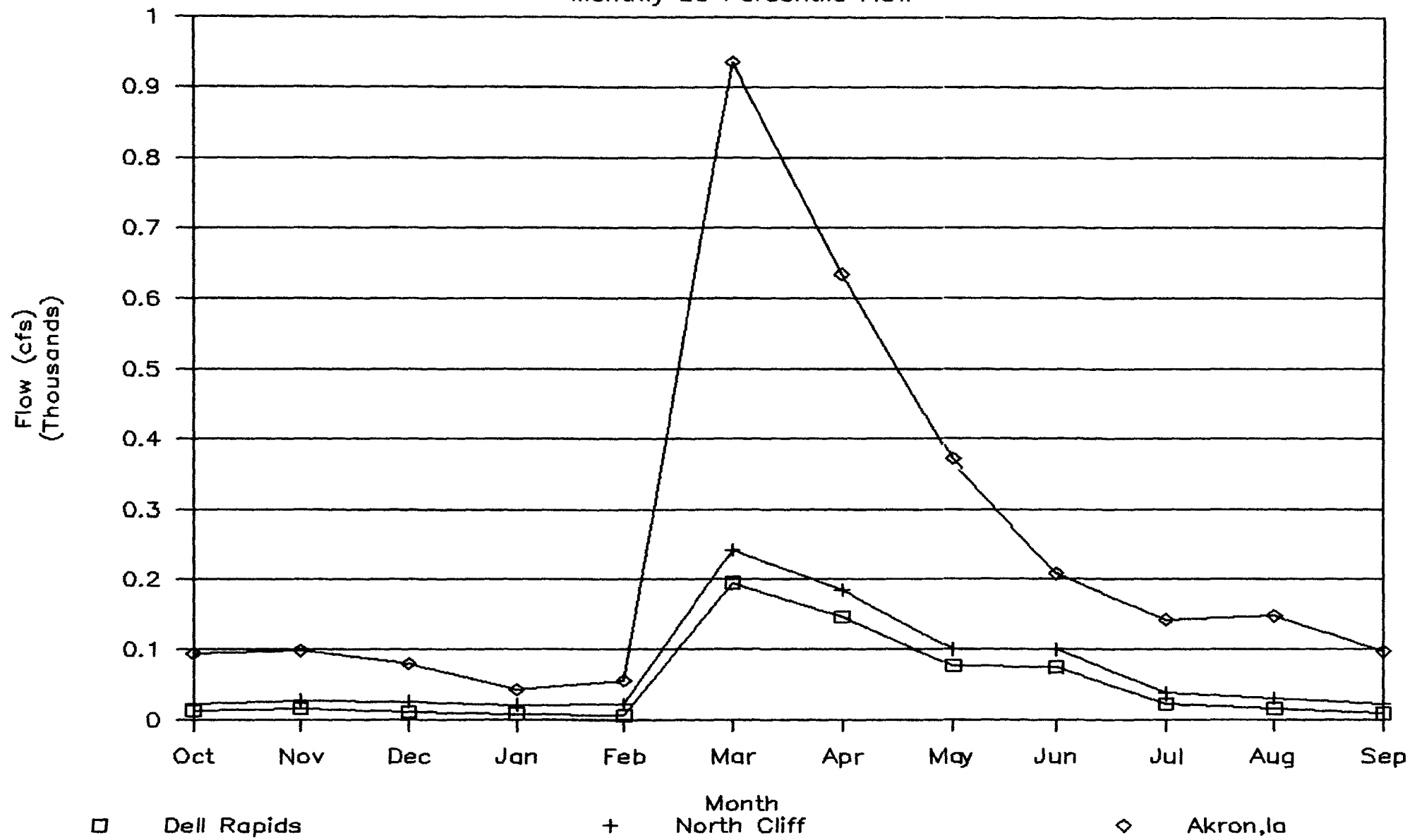
Big Sioux River

Monthly Low Flow



Big Sioux River

Monthly 80 Percentile Flow



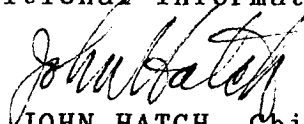
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3981A-3, City of Sioux Falls

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 3981A-3, City of Sioux Falls, 224 West 9th Street, Sioux Falls SD.

The Chief Engineer is recommending APPROVAL of Application No. 3981A-3 to amend Future Use Permit No. 3981-3 because 1) the addition of diversion area will not impair existing rights and 2) is in the public interest with the following qualifications:

1. That Permit No. 3981A-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the reserved water to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. Approval of Permit No. 3981A-3 does not change the amount of water reserved by Permit No. 3981-3.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 22, 1989



Department of Water & Natural Resources

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

August 23, 1989

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

Jack White, Mayor
City of Sioux Falls
224 W. 9th Street
Sioux Falls, SD 57102

Dear Mayor White:

Water Permit Application Nos. 3981A-3 and 5334-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Argus Leader printed at Sioux Falls SD and to the Canton Sioux Valley printed at Canton, SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

August 23, 1989

Canton Sioux Valley News
Box 255
Canton, SD 57013

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 3981A-3 and 5334-3 to be published twice. Please publish the first notice on or before August 31, 1989 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 c/o Jack White, Mayor, 224 W 9th Street, Sioux Falls, SD 57102.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

SOUTH Dakota Department of
Water & Natural Resources

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

August 23, 1989

Argus Leader
Box 5034
Sioux Falls, SD 57117

Attn Legal Department:

Enclosed is a Notice of Hearing on Application No. 3981A-3 & 5334-3 to be published twice. Please publish the first notice on or before August 30, 1989 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, 224 W. 9th Street, Sioux Falls, SD 57102.

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

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Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before August 30, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 3981A-3 & 5334-3 to Appropriate Water

Notice is given that the City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102 has filed two applications for water permits. Application No. 3981A-3 is to amend Future Use Permit No. 3981-3 by adding diversion area to that area authorized by Future Use Permit No. 3981-3 which reserves for Future Use 50,000 acre-feet of water annually from the Big Sioux River. Diversion from the river was to be located within the W1/2 Section 33-T102N-R49W. This application is to add the N1/2 Section 32-T102N-R49W to the authorized diversion area. This application, if approved, does not authorize any increase in the amount of water reserved for future use.

Application No. 5334-3 is to construct works and place to beneficial use 13.8 cubic feet of water per second (10,000 acre-feet annually) from the Big Sioux River reserved by Future Use Permit No. 3981-3. The point of diversion is to be located within the W1/2 Section 33, N1/2 Section 32; all in T102N-R49W. Water is to be used by the City of Sioux Falls for municipal purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 3981A-3 to amend Future Use Permit No. 3981-3 because 1) the addition of diversion area will not impair existing rights and 2) is in the public interest and No. 5334-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest. These applications will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Minnehaha)

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

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

City of Sioux Falls

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

Wednesday, August 30, 1989

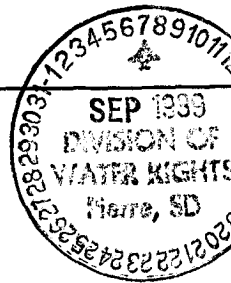
Wednesday, September 6, 1989

Mary J. Devish
 (Signature)

Controller
 (Title)

9/6/89
 (Date Signed)

Cost of Printing: \$93.00



NOTICE OF HEARING
 on Application No. 3981A-3
 & 5334-3 to Appropriate Water
 Notice is given that the City of
 Sioux Falls, 224 W. 9th Street,
 Sioux Falls, SD 57102, has filed
 two applications for water permits.
 Application No. 3981A-3 is to
 amend Future Use Permit No.
 3981-3 by adding diversion area to
 that area authorized by Future Use
 Permit No. 3981-3 which reserves
 for Future Use 50,000 acre-feet of
 water annually from the Big Sioux
 River. Diversion from the river was
 to be located within the W1/2
 Section 33-T102N-R49W. This ap-
 plication is to add the N1/2 Section
 32-T102N-R49W to the authorized
 diversion area. This application, if
 approved, does not authorize any
 increase in the amount of water
 reserved for future use.

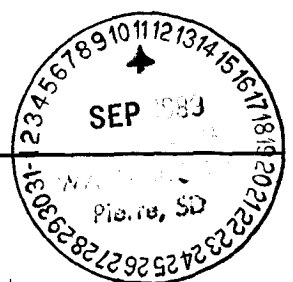
Application No. 5334-3 is to con-
 struct works and place to beneficial
 use 13.8 cubic feet of water per
 second (10,000 acre-feet annually)
 from the Big Sioux River reserved
 by Future Use Permit No. 3981-3.
 The point of diversion is to be
 located within the W1/2 Section 33,
 N1/2 Section 32; all in T102N-
 R49W. Water is to be used by the
 City of Sioux Falls for municipal
 purposes.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water Rights
 Division recommends APPROVAL
 of Application No. 3981A-3 to
 amend Future Use Permit No.
 3981-3 because 1) the addition of
 diversion area will not impair ex-
 isting rights and 2) is in the public
 interest and No. 5334-3 because 1)
 the proposed diversion can be
 developed without unlawful impair-
 ment of existing rights, 2) the
 proposed use is a beneficial use
 and 3) in the public interest. These
 applications will be considered by
 the Water Management Board in
 Room 216 of the Joe Foss Building
 at 523 E. Capitol, Pierre, SD on
 September 27, 1989 at 10:00 am.
 The Chief Engineer's recommenda-
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 1) approve, 2) approve with quali-
 fications, 3) defer or 4) deny these
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 presented at the public hearing.

Any interested person that in-
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 evidence or cross-examining wit-
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 must file a written petition with
 BOTH the applicant and Chief
 Engineer by September 15, 1989.
 The Chief Engineer's address is
 "Water Rights Division, Foss
 Building, 523 E. Capitol, Pierre, SD
 57501 (605 773-3352)". The peti-
 tion may be informal, but must
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 petitioner's interest in the applica-
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 Engineer from the applicant or a
 petitioner. The request for a delay
 must be received by September 15,
 1989.

These applications are made pur-
 suant to SDCL 46-1-1 thru 46-1-9,
 46-1-12 thru 46-1-15; 46-2-3.1,
 46-2-9, 46-2-11, 46-2-13, 46-2-17;
 46-2A-1 thru 46-2A-10, 46-2A-12,
 46-2A-14, 46-2A-15; 46-5-1 thru
 46-5-11, 46-5-13 thru 46-5-15,
 46-5-24, 46-5-25, 46-5-30.2, 46-5-
 30.4, 46-5-31; 46-5-38 thru 46-5-40;
 and Board Rules ARSD 74:02:01:01
 thru 74:02:01:15; 74:02:01:24 thru
 74:02:01:25.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Sonja Oakland

certify that the attached printed Notice was taken
 from the Sioux 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:

August 31, 1989

September 7, 1989

Sonja Oakland
 (Signature)

Bookkeeper
 (Title)

September 7, 1989
 (Date Signed)

NOTICE OF HEARING ON APPLICATION NO. 39-81A-3 & 5334-4 TO APPROPRIATE WATER

Notice is given that the City of
 Sioux Falls, 224 W. 9th Street,
 Sioux Falls, SD 57102 has filed
 two applications for water
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 acre-feet of water annually from
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 from the river was to be located
 within the W½ Section 33-T102N-
 R49W. This application is to add
 the N½ Section 32-T102N-R49W
 to the authorized diversion area.
 This application, if approved, does
 not authorize any increase in the
 amount of water reserved for
 future use.

Application No. 5334-3 is to
 construct works and place to
 beneficial use 13.8 cubic feet of
 water per second (10,000 acre-feet
 annually) from the Big Sioux River
 reserved by Future Use Permit No.
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 be located within the W½ Section
 33, N½ Section 32; all in T102N-
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 City of Sioux Falls for municipal
 purposes.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water
 Rights Division recommends
 APPROVAL of Application No.
 3981-A-3 to amend Future Use
 Permit No. 3981-3 because 1) the
 addition of diversion area will not
 impair existing rights and 2) is in
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 because 1) the proposed diversion
 can be developed without
 unlawful impairment of existing
 rights, 2) the proposed use is a
 beneficial use and 3) in the public
 interest. These applications will
 be considered by the Water
 Management Board in Room 216
 of the Joe Foss Building at 523 E.
 Capitol, Pierre, SD on September
 27, 1989 at 10:00 a.m. The Chief
 Engineer's recommendation is not
 final or binding upon the Board.
 The Board is authorized to 1)

approve, 2) approve with
 qualifications 3) defer or 4) deny
 these applications based on the
 facts presented at the public
 hearing.

Any interested person that
 intends to participate in the
 hearing before the Board by
 presenting evidence or cross-
 examining witnesses according to
 SDCL 1-26, must file a written
 petition with BOTH the applicant
 and Chief Engineer by September
 15, 1989. The Chief Engineer's
 address is "Water Rights Division,
 Foss Building, 523 E. Capitol,
 Pierre, SD 57501 (605 773-3352)".
 The petition may be informal, but
 must include a statement
 describing the petitioner's
 interest in the applications, the
 petitioner's reasons for opposing
 or supporting the applications
 and the signature and mailing
 address of the petitioner or legal
 counsel if legal counsel is
 obtained. The applicant need not
 file a petition. Contact the Water
 Rights Division to request
 information on these applications
 or to assure access to the hearing
 by the handicapped.

This hearing is an adversary
 proceeding. Any person filing a
 petition and/or the applicant have
 the right to be represented by a
 lawyer. These and other due
 process rights will be forfeited if
 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 also be
 automatically delayed for at least
 twenty days upon written request
 to the Chief Engineer from the
 applicant or a petitioner. The
 request for a delay must be
 received by September 15, 1989.

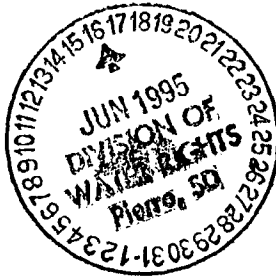
These applications are made
 pursuant to SDCL 46-1-1 thru 46-1-
 9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-
 2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-
 1 thru 46-2A-10, 46-2A-12, 46-2A-14,
 46-2A-15; 46-5-1 thru 46-5-11, 46-5-
 13 thru 46-5-15, 46-5-24, 46-5-25, 46-
 5-30.2, 46-5-30.4, 46-5-31; 46-5-38
 thru 46-5-40; and Board Rules
 ARSD 74:02:01:01 thru 74:02:01:15;
 74:02:01:24 thru 74:02:01:25.

Cost of Printing: \$46.48

VERNON R. THORSON
 My commission expires
 January 20, 1995.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of MINNEHAHA)



I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in City of Sioux Falls

County of Minnehaha and State of

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

Wednesday, June 7, 1995

Wednesday, June 14, 1995

Cost of Printing: \$129.35

D. 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

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, Utilities 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 15.80 cubic feet of water per second (cfs) from the Big Sioux River. Permit No. 3981-3 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. 5334-3 placed 10,000 acre-feet annually to beneficial use reserved by No. 3981-3 leaving 40,000 acre-feet held in reserve.

Permit Nos. 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. 5334-3 placed 10,000 acre-feet annually to beneficial use reserved by No. 3981-3 leaving 40,000 acre-feet held in reserve.

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 Ramkota Inn, Tanglewood Room, 1901 9th Ave SW, Hwy 212, Watertown SD on July 6, 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 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, 1995. The Chief Engineer's address is Water Rights Division, 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights 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

**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 #'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 #4673-3

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

F.U. Permit #4771-3

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

F.U. Permit #5155-3

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

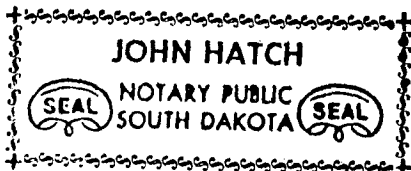
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

SS

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



John Hatch

Notary Public

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



**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.

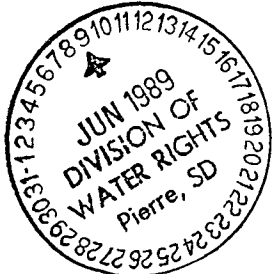
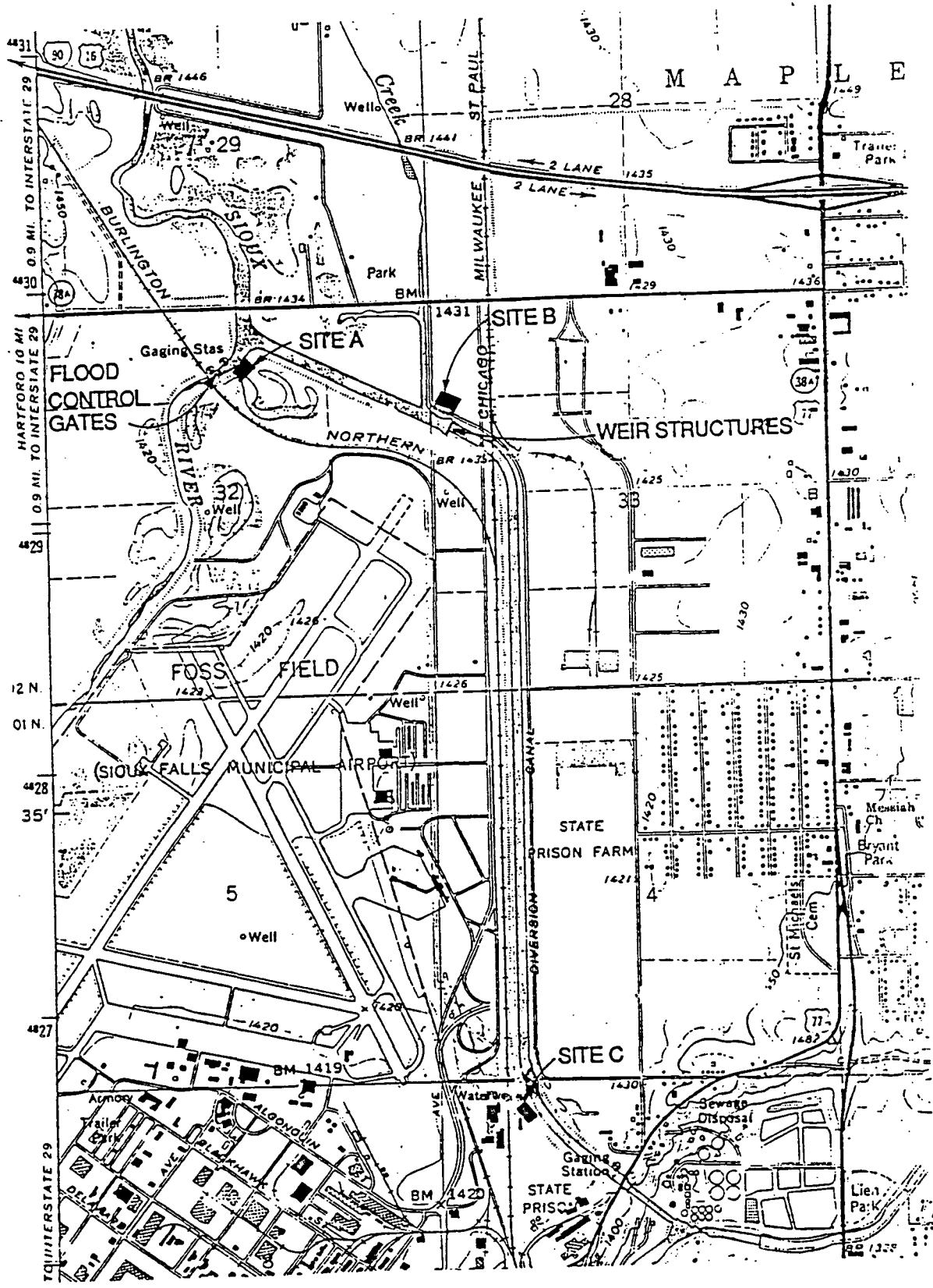
Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosures



Gary L. Meyer
Utility Eng'r.

SIOUX FALLS
 RAW WATER PUMPING STATION
 SITE ALTERNATIVES
 FIGURE 5.



3981A-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



**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**

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
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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
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, 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

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_____.



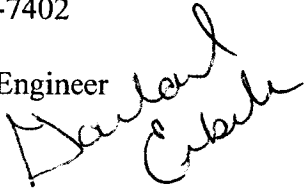
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.

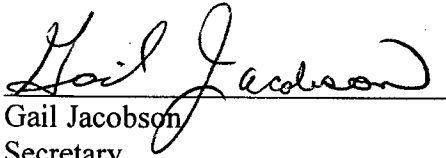
The Water Management Board will consider review of Future Use Permit No. 449-3, 3981-3 and 3981A-3 at 2:00 pm on Wednesday, October 7, 2009, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD.

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:

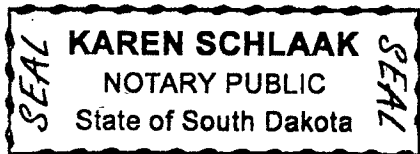
City of Sioux Falls, Randy Janssen, PO Box 7402, Sioux Falls SD 57117
Lewis & Clark Rural Water System, Troy Larson, 401 E 8th St # 306, Sioux Falls SD 57103
City of Volga, Steve Meyer, PO Box 217, Volga SD 57071


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

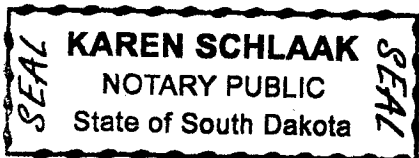
City of Volga, Nicole Rawden, Finance Officer, PO Box 217, Volga SD 57071


Gail Jacobson
Secretary
Water Rights

[illegible]

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

Karen Schlaak
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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/7, 20 09

RECEIVED OF City of Sioux Falls Po Box 7402 Sioux Falls SD 57117

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	2,555 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>3981A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2,555 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2,555 00

No. 04264

By *Jack E. Erbe*
Chief Engineer



3981A-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: 605-367-8601 F: 367-4310

Environmental

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

Fleet Management

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

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,

Greg Anderson, Water Superintendent
Water Purification Plant

(605) 373-6944

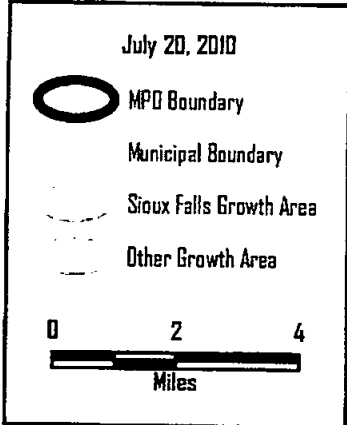
ganderson@siouxfalls.org

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

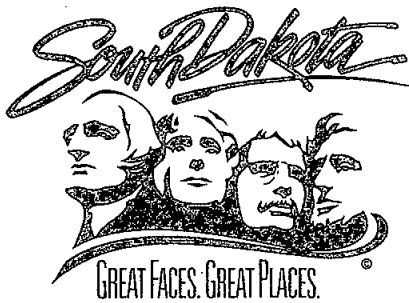
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3981-3 and 3981A-3, City of Sioux Falls SD**

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

608

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

Linda Schulte

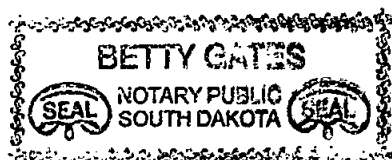
Subscribed and sworn to before me

6/9/2016

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022

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 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.

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 \$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

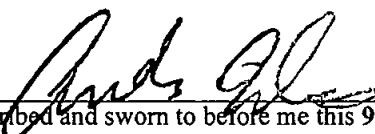
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and 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:

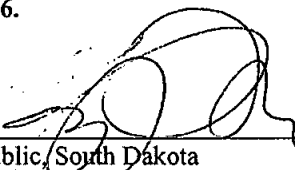
Water Use Permit Notice of Hearing

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.


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


Notary Public, South Dakota

(Seal)



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.

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 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,

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

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

CERTIFICATION

I hereby certify that on 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:

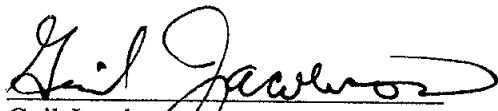
Permit No. 5155-3 Lincoln County RWS, Robin Dykstra, PO Box 36, Harrisburg SD 57032

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

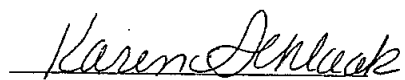
Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

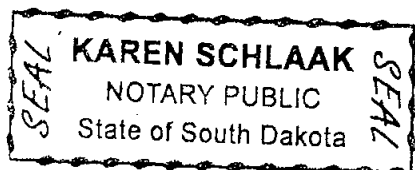
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559


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 mon. Do Rct a. Deposit		
Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
1842 SD	DEPT OF ENVIRONMENT AND NATURAL RESOURCES	00066747	07/22/2016	\$3,070.00

* 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.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the 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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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



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.

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-R30W 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 per-

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.

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://dohr.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, 46-5-36.1; 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 ex-

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.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17."

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the 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 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:

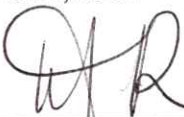
City of Sioux Falls Notice of Hearing

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.

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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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

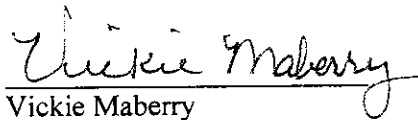
I hereby certify that on July 31, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 31, 2023 involving action taken by the Water Management Board hearing on July 12, 2023:

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

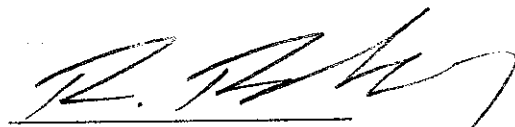
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117

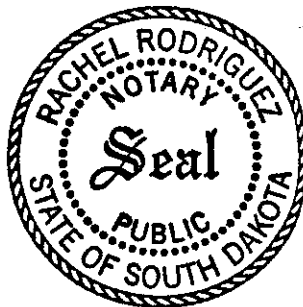
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117


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)

