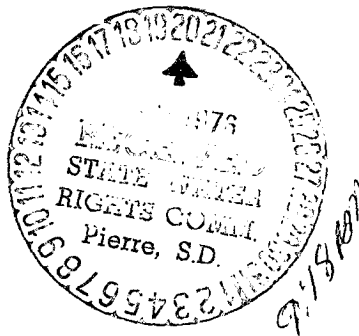


No. 4051-3Map No. 3293-3 Water Division No. 3 BIG SIOUX RIVER District \_\_\_\_\_  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Town of Florence  
 Postoffice address Florence, State South Dakota  
 If a corporation show date and place of incorporation 1907

2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_

3. Name of diversion work \_\_\_\_\_

4. Amount of water claimed (cubic feet per second) 1.0 ~~2.0~~ cfs but future request is for 2.0 cfs.

5. Source of water supply well but additional wells may be needed in the future

6. Location of point of diversion PRESENT WELL IS IN NW<sup>1</sup>SW<sup>4</sup> SECTION 4, T118N, R54W; FUTURE USE AREA IS WITHIN CITY LIMITS OF TOWN OF FLORENCE County Codington

7. Annual period or periods during which water is to be used Daily 24 hours a day - year around

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) all except irrigation

9. For irrigation use, Total number of acres to be irrigated \_\_\_\_\_

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

| Land Description | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------|----------------|------------------|----------------|
|                  | —              |                  | —              |
|                  | —              |                  | —              |
|                  | —              |                  | —              |
|                  | —              |                  | —              |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Vinton Public Opinion & South Shore Gazette

12. Principal Features of the Proposed Water Supply System.

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

City well with water system expanded to include a fire hydrant system.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 59,940.40

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

STATE OF SOUTH DAKOTA )

County of Codington ) ss.

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

Signed Steven PetersonSubscribed and sworn to before me this 27<sup>th</sup> day of Sept. 1976

James J. Brooks  
 Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4051-3

TOWN OF FLORENCE  
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57235  
(State)

With the following modifications:

The ~~irrigation~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

\* THE COMPLETION DATES DO NOT APPLY TO FUTURE USE PORTIONS OF THIS PERMIT. UNDER THE FUTURE USE PORTION OF THIS PERMIT, SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE APPROPRIATION MUST BE SUBMITTED AT SUCH TIME AS THE WORKS ARE CONSTRUCTED.  
TO BE

Date of first receipt of application OCTOBER 20, 19 76

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application —, 19 —

Approved JULY 28, 19 77, Recorded in Book 19 Page 59

WATER RIGHT PERMIT NO. 4051-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4051-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 20, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28, 19 80
3. The whole of said work is to be completed on or before JULY 28, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28, 19 86
5. The water appropriated shall be used for the purpose of MUNICIPAL

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.0 cubic feet per second <sup>(2.00 FOR FUTURE USE)\*</sup> neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one twentieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~  
USED FOR MUNICIPAL PURPOSES

actually and beneficially ~~applied for irrigation~~ on or before JULY 28, 19 86; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 14", Depth 120'  
 (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 8" Thickness \_\_\_\_\_  
 (3) Perforated Screen.  
 Type Metal, Diameter 8", Length 20'  
 (4) Gravel Pack, Thickness 30", Length of gravel pack 40 L.F.

E. Dugout Information or Estimates.

- (1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

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

Water Right Number 4051-3

1. Considered if W 7-27, 1977  
 2. Name of Applicant TOWN OF FLORENCE  
 3. Post Office Address \_\_\_\_\_  
 4. Amount of water claimed 3.00 1.0 2.0 FLU  
 5. Source of water supply 120' WELL (EXISTING)  
 6. Water to be used for MUNICIPAL

Acres to be irrigated \_\_\_\_\_

7. Water to be diverted and used in CODINGTON County  
 about IN CITY LIMITS Miles \_\_\_\_\_ of \_\_\_\_\_

8. Proof of Publication Received 7-21-77

Not received \_\_\_\_\_

9. Application Approved \_\_\_\_\_

Subject to \_\_\_\_\_

Not approved \_\_\_\_\_

Action deferred \_\_\_\_\_

10. Remarks:

under building "

Steve Peterson  
 Signature of Applicant

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE  
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Town of Florence  
 Post Office Address Florence, State South Dakota  
 If a Corporation show date and place of incorporation 1907

13. Notice of Appropriation (If available)

Date of Posting \_\_\_\_\_ Date of Recording \_\_\_\_\_  
 Recording Data \_\_\_\_\_

14. Date of start of construction of water supply system Complete but new well's may be needed

15. Date that water was first applied to beneficial use \_\_\_\_\_

16. Name of owner of original water supply system Town of Florence, South Dakota

17. Amount of water originally applied to beneficial use no previous application c. f. s.

18. Present Use of Water

Amount of water now being used .046 c. f. s.

Date that this amount of water was first used 1970

19. Chronological History of Water Use

New wells may be needed

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA )

County of Codington ) ss.

I, Steven Peterson - Chairman Town Board, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Steven Peterson

Subscribed and sworn to before me this 27<sup>th</sup> day of Sept., 19 76

Imarion Books  
 (Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Steven Peterson Chairman

No. 4051-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Codington ) ss.

I, John H. Lowrie hereby

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

Water was taken from the Watertown Public Opinion

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 \_\_\_\_\_ Watertown \_\_\_\_\_

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

July 12th, 1977

July 19th, 1977

\_\_\_\_\_  
(Signature)

General Manager  
(Title)

July 19th, 1977  
(Date Signed)

PUBLIC NOTICE

NO. 4051-3  
NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER  
Pierre, South Dakota, 57501  
July 6, 1977

Notice is hereby given that the  
Town of Florence whose post office  
address is Florence, South Dakota,  
has made an application in ac-  
cordance with the provisions of  
SDCL 46-1-1 thru 46-1-8; 46-2-9 thru  
46-2-11; 46-2-13; 46-5-1 thru 46-5-8, 46-  
5-10 thru 46-5-22, 46-5-41, 46-5-38, 46-6-  
3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and  
Commission Rules ARSD  
52:01:01:01 thru 52:01:01:13,  
52:01:01:21 thru 52:01:01:24, for a  
permit to appropriate for beneficial  
use 1.0 cubic feet per second and for  
future beneficial use 2.0 cubic feet of  
water per second of time from  
ground water through the Florence  
Well Field, the point of diversion of  
which is to be located in the NW 1/4  
SW 1/4, Present Well, Section 4,  
T11N, R54W; the future use area is  
within the city limits of the Town of  
Florence. Said water to be used for  
the purpose of providing present and  
future municipal water supplies for  
the Town of Florence.

This Application No. 4051-3 will be  
considered by the Water Rights  
Commission at the Staurolite Inn,  
Brookings, S.D. upon the 27th day of  
July, 1977, at 10 A.M. The Com-  
mission is authorized to make a  
determination on this application at  
the hearing. All interested persons  
may appear and be heard. Any  
person who may be affected by a  
Commission decision who desires to  
present evidence or cross-examine  
witnesses according to SDCL 1-26  
may notify the Commission in  
writing prior to the hearing or orally  
at the hearing.

WATER RIGHTS  
COMMISSION  
JAMES WINTERTON  
Water Rights Specialist  
(July 12, 19, 1977)

5" @ 2.25 x 2 =  
R22.50



Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 6, 1977

Notice is hereby given that the Town of Florence whose

post office address is Florence, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~XXXXXX~~ 46-5-38, ~~Temporary Permit 46-5-38, 46-5-41, 46-5-22, 46-5-41, 46-5-38, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for a permit to appropriate for beneficial use 1.0 cubic feet per second and for future beneficial use 2.0 cubic feet of water per second of time from~~

~~the ground water~~ the ground water through the Florence Well Field, the point of diversion of which is to be located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Present Well, T118N, R54W; the Future use area is within the city limits of the Town of Florence.

~~Section 4, T118N, R54W; the Future use area is within the city limits of the Town of Florence.~~  
~~of Section 4, T118N, R54W; the Future use area is within the city limits of the Town of Florence.~~  
 Said water to be used for the purpose of providing ~~irrigation and domestic water for the Town of Florence.~~  
 present and future municipal water supplies for the Town of Florence.

This Application No. 4051-3 will be considered by the Water Rights Commission the Stauroilite Inn, Brookings, S.D. at ~~the office of the~~ upon the 27th day of July, 1977, at 10:A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON  
 Water Rights Specialist

cc:

Town of Florence, Florence, S.D. 57235

# CODINGTON-WATERTOWN CIVIL DEFENSE

POSTOFFICE BOX 12 • 119 SOUTH MAPLE

WATERTOWN, SOUTH DAKOTA 57201

605/886-8200



October 19, 1976

Vern Butler  
Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Vern,

It is our understanding that Henry, Wallace, Florence, South Shore and Kranzburg have not established their past, present and future water rights. I brought this to the attention of the Codington County Commissioners on August 3, 1976 and they requested our office to aid these communities in so doing.

We contacted the First Model Rural Development District for the proper forms which they obtained for us through your office.

We have thoroughly studied First Model Rurals Comprehensive Plan for Codington County which was completed in July 1973. We have also contacted the U.S. Geodetic Office in Huron, South Dakota and Assad Barari of the State Geological Office in Vermillion, South Dakota and Rueb Wicks in the local S.C.S. Office. At this point and time neither we or they can find but very little earth strata data or aquifer data concerning these small communities. We will be checking the community records regarding town wells, in as far as possible.

The Model Rural Comprehensive Plan bases their average daily water consumption in 1973 at 60 gallons per person; which we feel was too low at that time and in talking with Mr. Vallard, Supt. of the Water Dept. of the City of Watertown Utilities Dept.; he indicates the average daily consumption per person at the present time in the City of Watertown to be 160 gallons and it is on this basis that we are submitting these applications for present and future water rights for these smaller communities.

We are also basing future rights on projected population and industrial growth in Codington County extending to these small communities for the next 50 years. We, therefore, request future water rights for the next 50 years to at least double our present request.

These small communities we feel must certainly have some vested rights in that Henry was founded in 1882 and incorporated in 1886; South Shore was founded in 1887; Florence was incorporated in 1907; Wallace was incorporated in 1908 and Kranzburg was founded in 1879. We wish to establish these water rights immediately; even though it may be a number of years before they have any need.

Sincerely yours,

D.O. Johnson C/D/D  
Codington-Watertown  
Civil Defense District

# Department of Water & Natural Resources

Pierre, South Dakota 57501-3181

November 13, 1984

## NOTICE

To : Josephine Stenwedel, Town President, Town of Florence  
From : John Hatch, Chief Engineer, Water Rights Division *John Hatch*  
Subject : Review of Future Use Water Permit No. 4051-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 4051-3, Town of Florence will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, December 5, 1984 at 2:30 pm in the Conference Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 4051-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4051-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 4051-3 was approved July 28, 1977 with a priority date of October 20, 1976, for 2.0 cubic feet per second (cfs) from an area within City limits of Florence with the following qualifications.

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

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 4051-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 4051-3 with the following qualifications:
  - a) Permit No. 4051-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

b) This permit is approved for groundwater from the Prairie Creek aquifer.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the normal fee for application to use water to keep Permit No. 4021-3 in effect. The proposed fee in seven years based upon the existing permit CRS will be \$20.00.

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

cc: Pat Grygiel, Finance Officer

SS15.wr

**Department of  
Water & Natural Resources**  
Joe Pace  
100 East Capitol  
Pierre, South Dakota 57501-3181

Water Rights Division  
605 773-3352

December 7, 1984

RE: Future Use Permit  
No. 4051-3

Josephine Stemwedel, Town President  
PO Box 144  
Florence SD 57235

Dear Ms. Stemwedel:

This letter is in regard to the motion passed by the Water Management Board December 5, 1984 after review of Florence's Future Use Permit No. 4051-3. The Board continued Permit No. 4051-3 and amended the Permit to add the qualifications on the enclosed Attachments which should be placed with your Permit. Future Use Permit No. 4051-3 will be subject to review after seven years.

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

Very truly yours,

*John Hatch*  
JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

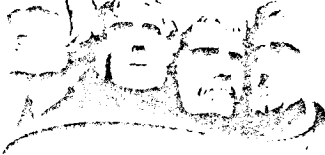
cc: Pat Grygiel, Finance Officer

**ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4051-3  
FOR THE CITY OF FLORENCE**

Future Use Permit No. 4051-3 was continued by action of the Water Management Board December 5, 1984 and amended to add the following qualifications:

- a) Permit No. 4051-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Prairie Coteau aquifer.

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 23, 1991

4051-3

Don Sorenson, President  
Town of Florence  
PO Box 137  
Florence SD 57235-9137

Dear Mr. Sorenson:

I am writing in regard to the seven year review of Future Use Water Permit No. 4051-3 from groundwater which is held by the Town of Florence. Currently, our records show that 2.0 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 4051-3 will be scheduled for review by the Water Management Board on December 4, 1991 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4051-3.

Please respond in writing by October 15, 1991, regarding the Town's intention for the future use permit. If the Town of Florence does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Natural Resources Analyst  
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4051-3, TOWN OF FLORENCE

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4051-3, Town of Florence SD.

The Chief Engineer is recommending that Future Use Permit No. 4051-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4051-3, 2) the Town of Florence has demonstrated a reasonable need for the water reserved by Permit No. 4051-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4051-3 reserves for future use 38 acre-feet annually. The diversion rate of 2.00 cfs is deleted from Permit No. 4051-3.

And that maintaining the effectiveness of Future Use Permit No. is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of Florence.



JOHN HATCH, Chief Engineer  
October 25, 1991

NOTE: The maximum annual acre-feet of full-time pumping represented by 2 cubic feet of water per second (cfs) reserved by No. 4051-3 is 1,448 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,448 acre-feet, then expected developed pumping of water reserved under Permit No. 4051-3 would be about 869 acre-feet per year.

The maximum annual water usage of record from September, 1990 to September 1991 by the Town of Florence was 19 acre-feet. Doubling this annual use (38 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of cfs (869 acre-feet) under Permit No. 4051-3. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4051-3 should be allowed to remain in effect for 38 acre-feet as outlined in the above qualifications.

*South Dakota*

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 1, 1991

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

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57235-0137

Dear Ms. Grygiel:

Future Use Permit No. 4051-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Watertown Public Opinion printed at Watertown SD. 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,

*for Karen Schlaak*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

*South Dakota*

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 1, 1991

Watertown Public Opinion  
Box 10  
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4051-3 to be published twice. Please publish the first notice on November 6, 1991 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 Town of Florence, PO Box 137, Florence SD.

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,

*for Karen Schlaak*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
FIRST TRANSMITTAL NOTICE  
No. \_\_\_\_\_ TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

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

\_\_\_\_\_  
Name Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on or before November 6, 1991 with 2nd publication 1 week later. The permit owner is responsible for payment.

-----  
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57235-0137 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved July 28, 1977 to reserve 2 cfs from groundwater (Prairie Choteau Aquifer) located within the city limits as existing on October 20, 1976, of the Town of Florence. Water is reserved for municipal uses.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at the Governor's Inn, Kneip Room, 700 W Sioux Ave, Pierre SD on December 4, 1991 at 10:15 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1991. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1991.



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) ss.  
 County Codington )

### FLORENCE

#### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence, SD 57235-0137 for progress made in the development of the water reserved by Permit No. 4051-3. This permit was approved July 28, 1977 to reserve 2 cfs from groundwater (Prairie Choteau Aquifer) located within the city limits as existing on October 20, 1976, of the Town of Florence. Water is reserved for municipal uses.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at the Governor's Inn, Kneip Room, 700 W. Sioux Ave., Pierre, SD on December 4, 1991 at 10:15 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1991. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the

future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1991.

(November 6, 13, 1991)

I, Monica K. Saathoff  
 certify that the attached p  
 from the Watertown Pu

A newspaper which during the  
 said notice herein after stated,  
 published in the \_\_\_\_\_

\_\_\_\_\_ city \_\_\_\_\_ of W

County of Codington  
 that the said notice was publish  
 following two dates:

November 6th, 1991

November 13th, 1991

Monica K. Saathoff  
 (Signature)

Bookkeeper

(Title)

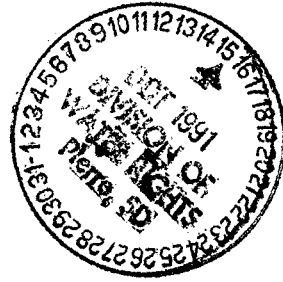
November 13th, 1991

(Date Signed)

Cost of Printing: 92.40

October 10, 1991

Department of Environment  
and Natural Resources  
Karen Schlaak  
Natural Resources Analyst



Dear Karen,

This letter is in regard to Future Use. Water Permit No. 4051-3. The Town of Florence wants to retain use of the permit for the following reasons 1) the water is our source of water for a fire 2) if Clark Rural Water System, our other source of water, cannot supply us with needed water on a daily basis, we rely on our own system, 3) we have pumped water for several fires and filled fire trucks, for bulk rural water users, and road construction.

If you have any questions please call Don Sorensen 758-2568 or Pat Grygiel 758-2223.

Sincerely,

Pat Grygiel  
Finance Officer  
Florence Town

Water Rights Division - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: City of Florence

ADDRESS: \_\_\_\_\_ COUNTY: \_\_\_\_\_

DATE: 10/16/91 TELEPHONE: 758-2223

RE: Discussion with Pat Grygiel

COMMENTS:

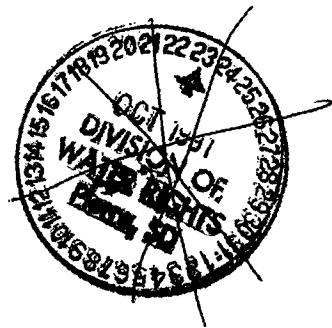
I called Ms. Grygiel after receiving the Town of Florence's letter regarding their Future Use Permit. I explained that the review only included that portion of the permit that was issued for future use. The 1.0 cfs from a well that was permitted under the original permit (and is now used as a standby since the town is hooked up to Clark RWS) will be unaffected by this review. I explained what the future use permit portion of the permit is for and why we have a review each 7 years. After our discussion, I believe she understood that this review would not affect the city's current use from the standby well. She said she'd talk to the water superintendent and that they'd sent us another letter with the city's water use over the past years.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundberg

October 21, 1991

Department of Environment  
and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501



Dear Mr. Gronlund,

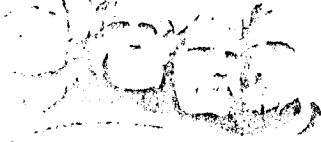
This letter is in regard to the Future Use Permit No. 4051-3. The Town of Florence wants to retain the permit. The Town is currently hooked up to Clark Rural Water System. CRW expands every year and as the Town of Florence grows CRW may not be able to provide the Town with the water needed on a daily basis. The Town's present well is 20 years old, therefore the Town may need to use this permit in the future.

The Town's water usage for Sept. 1989 to Sept. 1990 was 5803500 gallons, and Sept. 1990 to Sept. 1991 was 6150400 gallons.

Sincerely,

Pat Grygiel  
Finance Officer  
Town of Florence  
605 758-2223

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 6, 1991

**NOTICE**

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57235-0137

Dear Mr. Grygiel:

I am writing in response to action taken by the Water Management Board at the hearing on December 4, 1991 to review Future Use Permit No. 4051-3. The Board allowed the permit to remain in effect and amended Permit No. 4051-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4051-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4051-3 is \$15.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

enclosure

**AMENDMENT TO FUTURE USE PERMIT NO. 4051-3**

**TOWN OF FLORENCE**

Pursuant to the December 4, 1991 Water Management Board hearing, Future Use Permit No. 4051-3 was allowed to remain in effect and amended by adding the following qualification:

The Permit No. 4051-3 reserves for future use 38 acre-feet annually. The diversion rate of 2 cfs is deleted from Permit No. 4051-3.

CERTIFICATION

I hereby certify that on December 6, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice dated December 6, 1991, regarding future use permits amended by action taken by the Water Management Board at the December 4, 1991, meeting and addressed to:

FUP 1262-3 - John Anderson, Mayor, City of Canton, 123 S Main, Canton,  
SD 57013  
FUP 524-3 - Roger Knock, Mayor, City of DeSmet, PO Drawer 70, DeSmet,  
SD 57231  
FUP 4039-3 - Sylvia Thompson, Finance Officer, PO Box 97, Montrose, SD  
57048  
FUP 4051-3 - Pat Grygiel, Finance Officer, Town of Florence, PO Box  
137, Florence, SD 57235-0137  
FUP 4052-3 - Judy Kos, Finance Officer, Town of Henry, PO Box 27,  
Henry, SD 57243-0027

*Jaci R Konop*

JACI R. KONOP  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 9<sup>th</sup> day of December, 1991.



*John Hatch*  
Notary Public



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 25, 1998

Town of Florence  
Pat Grygiel, Finance Officer  
PO Box 137  
Florence SD 57235-0137

Dear Mr. Grygiel:

I am writing in regard to the seven year review of Future Use Water Permit No. 4051-3 from groundwater (Prairie Choteau Aquifer) which is held by the Town of Florence. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 38 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 1991.

Please respond in writing by November 1, 1998, regarding the town's intention for the future use permit. If the town plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

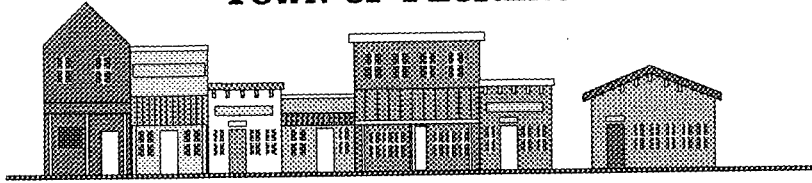
Permit No. 4051-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

## TOWN OF FLORENCE



**PO BOX 137  
FLORENCE, SD 57235-0137**



October 29, 1998

Karen Schlaak  
Environmental Scientist  
Water Rights Program

To: The Water Management Board,

This letter is in regard to the future use permit No. 4051-3 for the Town of Florence. The town would like to retain the permit for future use. The towns population has grown from 200 to around 300 in the last 8 yrs. And we expect the town to continue to grow. The town is hooked up to Clark Rural Water, but we don't know if they will always be able to meet our needs. The gallons of water used for the past 3 yrs. are: 1997- 7,648,275, 1996- 7,550,100, 1995- 5,868,620.

Sincerely,

Town of Florence  
Pat Grygiel  
Finance Officer

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4051-3, Town of Florence SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4051-3, Town of Florence, PO Box 137, Florence SD 57235-0137.

The Chief Engineer is recommending that Future Use Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4051-3, 2) the Town has demonstrated a reasonable need for the water reserved by Permit No. 4051-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4051-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of Florence SD after the Board hearing.

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

JOHN HATCH, Chief Engineer  
January 21, 1999



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 21, 1999

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

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57235-0137

Dear Ms Grygiel:

Future Use Permit No. 4051-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Watertown Public Opinion (Phone #605 886-6901). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 2, 1999

Watertown Public Opinion  
PO Box 10  
Watertown SD 57201-0010

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4051-3 to be published twice. Please publish the first notice on January 28, 1999 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 Town of Florence, PO Box 137, Florence SD 57235-0137.

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

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

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

We are in receipt of your letter of January 21, 1999 enclosing Notice of Hearing to Review Future Use Water Permit No. 4051-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on January 28, 1999 with 2nd publication 7 days later. The permit owner is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57235-0137 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved July 28, 1977 and currently reserves 38 acre-feet of groundwater (Prairie Choteau Aquifer) located within the city limits (S ½ Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 3, 1999 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 19, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 19, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1999. Nettie H Myers, Secretary, Department of Environment and Natural Resources

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
) SS  
County of Codington )

I, Monica K. Saathoff

certify that the attached printed Notice was  
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

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

JANUARY 28th, 1999

FEBRUARY 4th 1999

Cost of Printing 132.76

Monica K. Saathoff  
(Signature)

Bookkeeper  
(Title)

February 4th, 1999  
(Date Signed)



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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by February 19, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1999.

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

(January 28, February 4, 1999)

## FLORENCE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence, SD 57235-0137 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved July 28, 1977 and currently reserves 38 acre-feet of groundwater (Prairie Choteau Aquifer) located within the city limits (S 1/2 Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 3, 1999 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 19, 1999.

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

The hearing to review Future Use Permit No. 4051-3 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 5, 1999

**NOTICE**

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57235-0137

Dear Ms Grygiel:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 1999 to review Future Use Permit No. 4051-3. The Board allowed the permit to remain in effect for 38 acre-feet of water annually. Future Use Permit No. 4051-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4051-3 is \$15.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

# CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding action taken by the Water Management Board at the hearing on March 3, 1999, to review the following Future Use Permits, addressed as stated below:

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

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

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

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

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

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

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

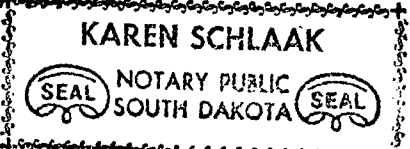
4039-3: Connie Zimmer, Finance Officer, City of Montrose, P.O. Box 97, Montrose, SD 57048.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA    )  
                                          )   SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 8<sup>th</sup> day of March, 1999

  
Notary Public  
KAREN SCHLAACK, Notary Public  
My Commission Expires





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 13, 1999

Town of Florence  
Pat Grygiel, Finance Officer  
PO Box 137  
Florence SD 57235-0137

Dear Mr. Grygiel:

On March 5, 1999 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4051-3. To date, we have not received this payment.

Please submit the \$15.00 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416147

Pierre, June 16, 19 99

Town of Florence, PO Box 37, Florence SD 57235

RECEIVED OF \_\_\_\_\_  
the following amount in fees for services rendered as provided for by law:

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

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

Fee to retain Future Use Permit No. ~~4051-3~~ after period of seven years.

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

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Any Other Work Provided by Law)

Total

15 00

15 00

By

Chief Engineer

*John Hatch*

JOHN HATCH

(ks)

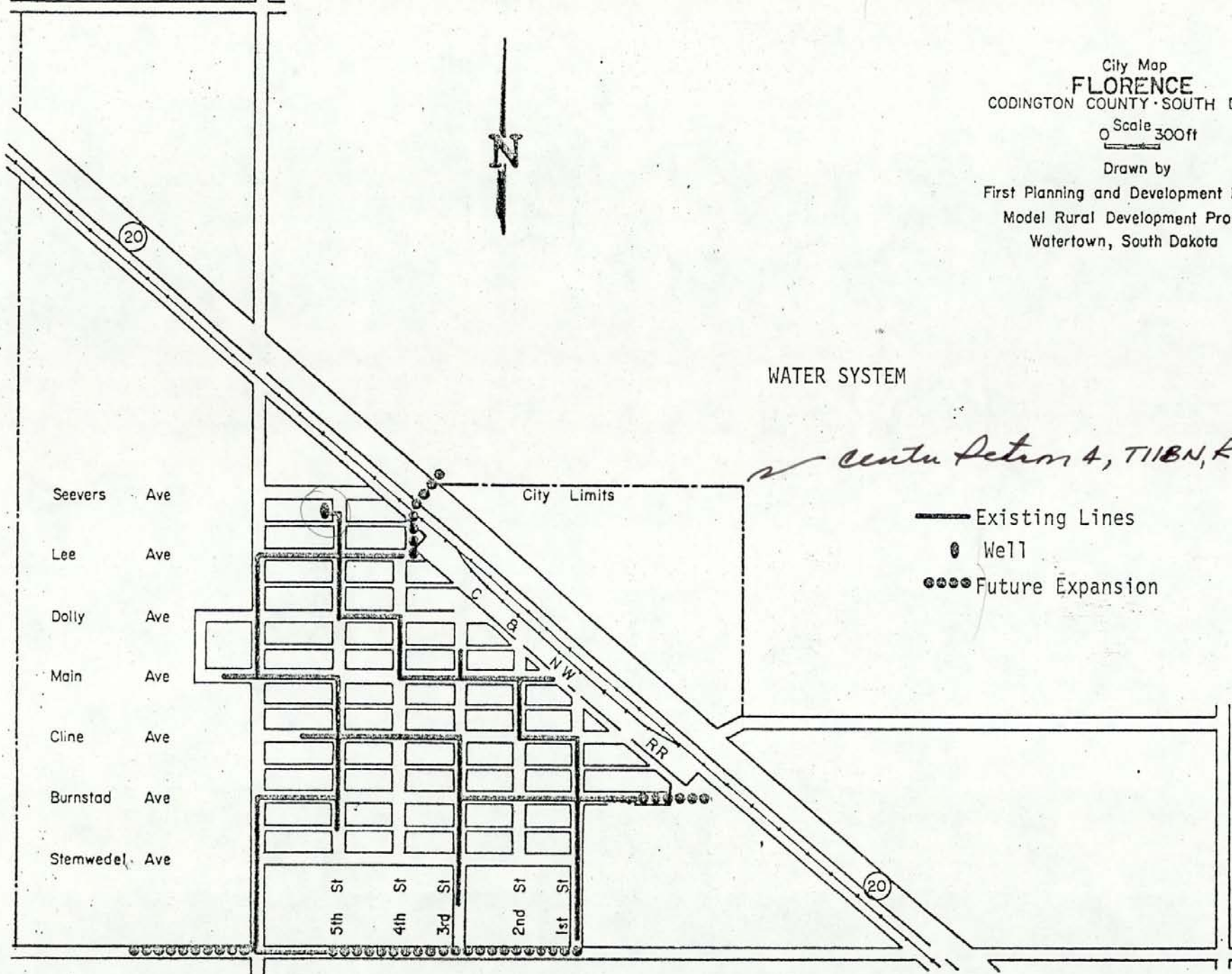


Figure VII-2



4051-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 29, 2005

Pat Grygiel  
Town of Florence  
PO Box 137  
Florence SD 57028-0343

Dear Mr. Grygiel:

I am writing in regard to the seven year review of Future Use Water Permit No. 4051-3 from groundwater (Prairie Choteau Aquifer) which is held by the Town of Florence. 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 town. Currently, our records show that 38 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 1999.

Please respond in writing by January 31, 2006, regarding the town's intention for the future use permit. If the town plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4051-3 will then be public noticed at the town'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 permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 22, 2006

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57028-0343

Dear Mr. Grygiel:

On December 29, 2005, we notified you that Future Use Water Permit No. 4051-3 held by the Town of Florence was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained in 1977 to reserve water for future development. By state law, these permits are subject to review every seven years. Please read again the December 29, 2005 letter that was sent to you (copy enclosed). If the town does plan to retain this permit, it will be necessary to outline a reasonable need for retaining the permit and submit any pumping records for the past three years.

Permit No. 4051-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

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

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure



May 30, 2006

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

Pat Grygiel, Finance Officer  
Town of Florence  
PO Box 137  
Florence SD 57235-0137

Dear Mr. Grygiel:

On December 29, 2005 and February 22, 2006, we notified you that Future Use Water Permit No. 4051-3 held by the Town of Florence was to be scheduled for review by the Water Management Board. To date, we have not received a response from the town.

As stated in the previous letters, Future Use Water Permit No. 4051-3 was obtained by the town in 1977 and reserves groundwater (Prairie Chateau Aquifer) for future development. Currently, our records show that 38 acre-feet of water remains in reserve under this permit. By state law, these permits are subject to review every seven years. If the town plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate future use needs.

Please respond by **June 15, 2006** to avoid jeopardizing the City's future use permit. If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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

RECEIVED

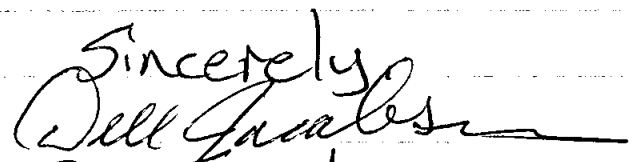
JUN 16 2006

WATER RIGHTS  
PROGRAM

Dear Garland Erbele,

The town of Florence is experiencing consistent growth over the last ten years, with our population rising from 192 to 315. ICAP, a self-help housing program is purchasing 11 lots in town for development over the next couple of years.

With this growth comes a concern for enough water to supply the town's drinking water needs, as well as water for fire protection. With this in mind, I would ask that the town of Florence be allowed to retain their Future Use Water Permit No. 4051-3 to address these concerns.

Sincerely,  
  
Dell Jacobson  
Mayor.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4051-3, Town of Florence SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4051-3, Town of Florence, PO Box 137, Florence SD 57028.

The Chief Engineer is recommending that Future Use Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4051-3, 2) the town has demonstrated a reasonable need for the water reserved by Permit No. 4051-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4051-3 is subject to payment of the \$15 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Garland Erbele, Chief Engineer  
September 5, 2006



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 5, 2006

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

Dell Jacobson, Mayor  
Town of Florence  
PO Box 137  
Florence SD 57028

Dear Mayor Jacobson:

Future Use Permit No. 4051-3 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 Public Opinion printed at Watertown SD (Phone #605 886-6901). 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 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](http://www.state.sd.us/denr)

September 5, 2006

Public Opinion  
PO Box 10  
Watertown SD 57201-0010

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4051-3 to be published twice. Please publish the first notice on September 13, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the town of Florence, PO Box 137, Florence SD 57028.

**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-----

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

Date \_\_\_\_\_

We are in receipt of your letter of September 5, 2006 enclosing Notice of Hearing to Review Future Use Water Permit No. 4051-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57028 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved in 1977 currently reserves 38 acre feet from groundwater (Prairie Choteau Aquifer) located within the city limits (S ½ Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 8:30 am on October 11, 2006 at the Visitor Center (west side of Capitol Lake) 650 E. Capitol Avenue, 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 permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and 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 October 2, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605.773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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 October 2, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 2, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

# **PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 ) SS  
 County of CODINGTON )

I, MONICA K. SAATHOFF

certify that the attached printed Notice was  
 taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

SEPTEMBER 13th, 2006

SEPTEMBER 20th, 2006

Cost of Printing 137.06

Monica K. Saathoff  
 (Signature)

BOOKKEEPER

(Title)

SEPTEMBER 20th, 2006

(Date Signed)

OK

## **DENR**

### **NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57028 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved in 1977 currently reserves 38 acre feet from groundwater (Prairie Choteau Aquifer) located within the city limits (S 1/2 Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 8:30 am on October 11, 2006 at the Visitor Center (west side of Capitol Lake) 650 E. Capitol Avenue, 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 permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future

development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and 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 October 2, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this 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 October 2, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 2, 2006. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(September 13th & 20th, 2006)

\$ 137.06

RECEIVED  
 SEP 26 2006  
 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](http://www.state.sd.us/denr)

October 13, 2006

**NOTICE**

Dell Jacobson, Mayor  
Town of Florence  
PO Box 137  
Florence SD 57028

Dear Mayor Jacobson:

I am writing in response to action taken by the Water Management Board at the hearing on October 11, 2006 to review Future Use Permit No. 4051-3. The Board allowed the permit to remain in effect for 38 acre-feet of water annually. Future Use Permit No. 4051-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4051-3 is \$15.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

# CERTIFICATION

I hereby certify that on October 13, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 13, 2006 regarding Notice of action taken by the Water Management Board for Future Use Permit No. 4051-3, 747-3 & 369-1 addressed as stated below:

369-1

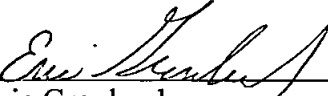
Terry Wolterstoff City Engineer  
City of Belle Fourche  
606 6<sup>th</sup> Ave  
Belle Fourche SD 57717-1407

747-3

Jerry Mikel Public Works Director  
City of Madison  
PO Box 308  
Madison SD 57042-0308

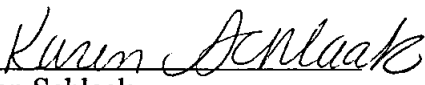
4051-3

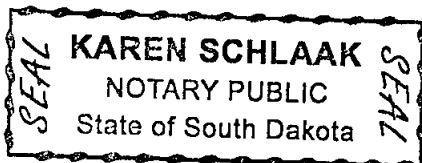
Dell Jacobson Mayor  
Town of Florence  
PO Box 137  
Florence SD 57028

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 13<sup>th</sup> day of October, 2006.

  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007



4051-3

2770

Dept of Environment &amp; Natural Resources

11/7/2006

| Date         | Type | Reference             | Original Amt. | Balance Due | Discount     | Payment |
|--------------|------|-----------------------|---------------|-------------|--------------|---------|
| 10/13/2006   | Bill | Future Use for 4051-3 | 15.00         | 15.00       | WATER RIGHTS | 15.00   |
| 10/15/2006   | Bill |                       | 12.00         | 12.00       |              | 12.00   |
| Check Amount |      |                       |               |             |              | 27.00   |

See License # HEALTH LABPostmark Date 11-08-06Remittance center in Sioux Falls  
is doing receipt



FLORENCE SEWER & WATER  
P.O. BOX 137  
FLORENCE, SD 57235

PEOPLE STATE BANK  
P.O. BOX 35  
FLORENCE, SOUTH DAKOTA 57235  
78-682/914

11/7/2006

Pay to the  
Order of

Dept of Environment & Natural Resources

\$ \*\*27.00

Twenty-Seven and 00/100\*\*\*\*\*Dollars

Dept of Environment & Natural Resources  
PMB 2020  
Joe Foss Building  
523 East Capitol  
Pierre SD 57501-3182

For

*Peggy Lindahl*  
*Patricia S. Call*

MP

⑈002770⑈ ⑆091406820⑆ 501 197⑈

CHECK SPLIT BETWEEN

Health Lab 12.00

DENR WATER RIGHTS 15.00

TOTAL \$ 27.00



4051-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

July 30, 2013

Town of Florence  
Peggy Lindahl, Finance Officer  
PO Box 137  
Florence SD 57235

Dear Ms. Lindahl:

I am writing in regard to the seven year review of Future Use Water Permit No. 4051-3 from groundwater (Prairie Choteau Aquifer) held by the Town of Florence. 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 town. Currently, our records show that 38 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2006.

Please respond in writing by August 30, 2013, regarding the town's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4051-3 will then be public noticed at the town'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 permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 38 acre-feet remain in reserve, the fee will be \$50.00.

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](mailto:karen.schlaak@state.sd.us)

**Schlaak, Karen**

---

**From:** Duvall, Ron  
**Sent:** Monday, August 05, 2013 4:13 PM  
**To:** 'Patrick Callan'  
**Subject:** RE: Atten: Eric Gronlund  
**Attachments:** 4051-3.pdf

Mayor Callan,

I have attached a copy of the entire Future Use Permit No. 4051-3. On page 39 you will find a copy of the letter sent to us in response to the review completed in 2006. For future reference you can find this permit as well as others on the DENR website. Here is a link to the water rights database: <http://denr.sd.gov/des/wr/dbwrsearch.aspx>

Please let me know if you have any further questions.

Thank you,

Ron Duvall  
Water Rights Program  
(605) 773-3352

---

**From:** Patrick Callan [<mailto:patcallan@hotmail.com>]  
**Sent:** Monday, August 05, 2013 4:06 PM  
**To:** DENR INTERNET INFORMATION  
**Subject:** Atten: Eric Gronlund

Good afternoon.

My name is Patrick Callan and I am the Mayor of the Town of Florence. I need information pertaining to the Future Use Water Permit #4051-3 that we received notice concerning a review. Can you email a copy of the last response , from 2006?

Thank you for your time and attention.

Sincerely,  
Patrick S. Callan  
Mayor  
[patcallan@hotmail.com](mailto:patcallan@hotmail.com)

August 26, 2013  
Pat Callan  
Town of Florence  
PO Box 137  
Florence, SD 57235

RECEIVED  
AUG 28 2013  
WATER RIGHTS  
PROGRAM

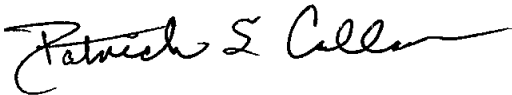
Eric Gronlund  
DENR  
Pierre, SD 57501

**Dear Eric Gronlund,**

In response to your letter dated July 30, 2013 about the seven year review of Future Use Water Permit No. 4051-3 from groundwater currently held by the Town of Florence: yes, we want to retain the permit. The Town of Florence has grown to 374 according to the latest census and it continues to grow. We wish to retain the permit so we have adequate water for the town and for firefighting capabilities.

We have not been able to use the well until just recently due to mechanical problems. Therefore, we have no pumping records other than the 5000 gallons used recently.

Sincerely,



Pat Callan  
Mayor  
Town of Florence  
605-758-2156  
patcallan@hotmail.com



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

[denr.sd.gov](http://denr.sd.gov)

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4051-3, Town of Florence SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4051-3, Town of Florence PO Box 137, Florence SD 57235.

The Chief Engineer is recommending that Future Use Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4051-3, 2) the town has demonstrated a reasonable need for the water reserved by Permit No. 4051-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4051-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Jeanne Goodman, Chief Engineer  
September 3, 2013



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[danr.sd.gov](http://danr.sd.gov)

September 3, 2013

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

Town of Florence  
c/o Pat Callan, Mayor  
PO Box 137  
Florence SD 57235

Dear Mayor Callan:

Future Use Permit No. 4051-3 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 Watertown Public Opinion (605 886-6901). 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 IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on September 11, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

September 3, 2013

Public Opinion  
PO Box 10  
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4051-3 to be published on September 11, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Town of Florence, c/o Pat Callan, Mayor, PO Box 137, Florence SD 57235.

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

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on September 11, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

#### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57235 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved 1977 and currently reserves 38 acre-feet of water annually from groundwater (Prairie Choteau Aquifer) located within the city limits (S 1/2 Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 10:00 am on October 3, 2013 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capital 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 permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and 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 23, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of\_\_\_\_\_.

RECEIVED

SEP 19 2013

Form 8

WATER RIGHTS  
PROGRAM

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 ) SS  
County of Codington )

I, Monica K. Saathoff

certify that the attached printed Notice was  
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

September 11th, 2013

Cost of Printing 79.51

Monica K. Saathoff  
(Signature)

Bookkeeper  
(Title)

September 11th, 2013

(Date Signed)

No. 4051-3 held by the Town of Florence, PO Box 137, Florence SD 57235 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved 1977 and currently reserves 38 acre-feet of water annually from ground-water (Prairie Chateau Aquifer) located within the city limits (S 1/2 Section 4-T118N-R54W) as existing on October 20, 1976, for the Town of Florence. Water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 10:00 am on October 3, 2013 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capital 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 permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and 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 23, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 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

79.51  
All legal notices in the Public Opinion and other South Dakota newspapers can be found at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

**DEPARTMENT  
OF ENVIRON-  
MENT AND  
NATURAL  
RESOURCES**

**NOTICE OF HEARING TO  
REVIEW FUTURE USE  
WATER PERMIT NO. 4051-3**

Notice is given that the Water Management Board will review Future Use Permit



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

[denr.sd.gov](http://denr.sd.gov)

October 4, 2013

**NOTICE**

Town of Florence  
c/o Pat Callan, Mayor  
PO Box 137  
Florence SD 57235

Dear Mayor Callan:

I am writing in response to action taken by the Water Management Board at the hearing on October 3, 2013 to review Future Use Permit No. 4051-3. The Board allowed the permit to remain in effect for 38 acre-feet of water annually. Future Use Permit No. 4051-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4051-3 is \$50.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on October 4, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 4, 2013 regarding Future Use Permits addressed as stated below:

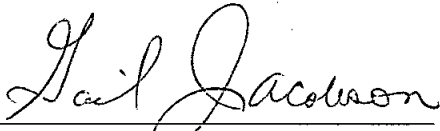
Lake Andes-Wagner Irrigation Dist., Chuck Eitmiller, PO Box 818, Wagner SD 57380 **1688A-3**

Town of Florence, Pat Callan, PO Box 137, Florence SD 57235 **4051-3**

City of Canton, Jeff Fossum, 210 N Dakota St, Canton SD 57013 **1262C-3**

City of Madison, Fred Snoderly, PO Box 308, Madison SD 57042 **747-3**

City of Belle Fourche, Ryan C Kavan, 511 6<sup>th</sup> Ave, Belle Fourche SD 57717 **369-1**



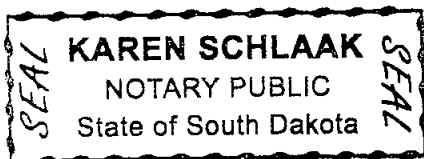
Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                                      ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 4<sup>th</sup> day of October, 2013.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2019



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/21, 20 13

RECEIVED OF Florence Sewer & Water PO Box 137 Florence SD 57835

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 | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. <u>4051-3</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. _____                                         | 50    | 00    |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. **06466**

By Jeanne Goodman 99  
Chief Engineer

4051-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

July 15, 2020

Town of Florence  
Patrick Callan, Mayor  
PO Box 137  
Florence SD 57235

Dear Mayor Callan:

I am writing in regard to the seven year review of Future Use Water Permit No. 4051-3 from groundwater (Prairie Choteau Aquifer) held by the Town of Florence. 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 town. Currently, our records show that 38 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2013.

Please respond in writing by September 1, 2020 regarding the town's intention for the future use permit. If the town plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4051-3 will then be public noticed at the town'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 permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 38 acre-feet remain in reserve, the fee will be \$50.00.

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

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

August 26, 2020

Patrick Callan  
Town of Florence  
PO Box 137  
Florence SD 57235

RECEIVED

AUG 31 2020

WATER RIGHTS  
PROGRAM

Karen Schlaak  
Water Rights Program

Dear Karen Schlaak,

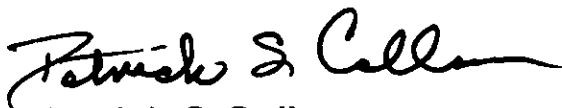
In response to your letter dated July 15, 2020 concerning the seven year review of Future Use Water Permit No 4051-3 held by the Town of Florence: yes, we want to retain the permit.

While we do not use the water in our distribution system, we need it for a backup for the Fire Department in the event of a fire. If we have a fire it wouldn't take long for the storage tank to be drained. It is also used by crews working in the area that require water for their machinery.

Recent use of the water source:

|      |                |
|------|----------------|
| 2018 | 1500 gallons   |
| 2019 | 2000 gallons   |
| 2020 | 20,000 gallons |

Sincerely,



Patrick S Callan  
Mayor  
Town of Florence  
(605) 758-8696



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4051-3, Town of Florence SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4051-3, Town of Florence, c/o Patrick S Callan, Mayor, PO Box 137, Florence SD 57235.

The Chief Engineer is recommending that Future Use Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4051-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4051-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4051-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Eric Gronlund, Chief Engineer  
August 31, 2020

RECEIVED

SEP 16 2020

WATER RIGHTS  
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Codington ) SS

I, Jackie Wettestad

certify that the attached printed Notice was  
taken

from the Watertown  
Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was  
published

in the newspaper on the following date:

September 10, 2020

Cost of Printing \$58.37

Jackie Wettestad  
(Signature)

Office Manager  
(Title)

9-10-2020  
(Date Signed)

FLORENCE

NOTICE OF HEARING TO REVIEW  
FUTURE USE WATER PERMIT NO.  
4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, Patrick S. Callan, Mayor, PO Box 137, Florence SD 57235 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved in 1977 and currently reserves 38 acre-feet of water annually from the Prairie Chateau Aquifer, located in the S 1/2 Section 4-T118N-R54W for municipal use by the town. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN IN EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020. According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by September 21, 2020. Published once at the approximate cost of \$59.30.

\$58.37 (September 10, 2020)



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 1, 2020

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

Town of Florence  
Patrick S Callan, Mayor  
PO Box 137  
Florence SD 57235

Dear Mayor Callan:

Future Use Permit No. 4051-3 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 Public Opinion, Watertown SD (886-6901). 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 IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on September 10, 2020. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosures

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Monday, August 31, 2020 1:53 PM  
**To:** Watertown Public Opinon (legals@thepublicopinion.com)  
**Subject:** 4051-3, Town of Florence  
**Attachments:** 4051-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on September 10, 2020.

The Town of Florence, Patrick S Callan, Mayor, PO Box 137, Florence SD 57235 (605 758-8696) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak  
Water Rights Program  
(605) 773-3352



**DENR**  
SOUTH DAKOTA

Instruction to Newspaper - Publish the following Notice on September 10, 2020. The Town of Florence is responsible for payment.

-----

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4051-3

Notice is given that the Water Management Board will review Future Use Permit No. 4051-3 held by the Town of Florence, Patrick S Callan, Mayor, PO Box 137, Florence SD 57235 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4051-3. This permit was approved in 1977 and currently reserves 38 acre-feet of water annually from the Prairie Chateau Aquifer located in the S 1/2 Section 4-T118N-R54W for municipal use by the town.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4051-3 REMAIN in EFFECT for 38 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4051-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4051-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by September 21, 2020. Published once at the approximate cost of \_\_\_\_\_.



**DENR**  
SOUTH DAKOTA

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

October 13, 2020

**NOTICE OF ENTRY OF ORDER**

Town of Florence  
Patrick Callan, Mayor  
PO Box 137  
Florence SD 57235

Dear Mayor Callan:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2020 to review Future Use Permit No. 4051-3. The Board allowed the permit to remain in effect for 38 acre-feet of water annually. Future Use Permit No. 4051-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4051-3 is \$50.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

# CERTIFICATION

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

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



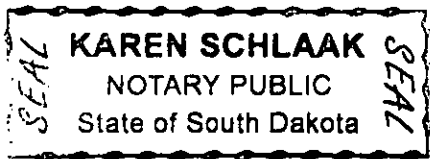
Eric Gronlund, Water Rights Program

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 13<sup>th</sup> day of October, 2020



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2025



# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date November 5, 2020

RECEIVED OF City of Florence PO Box 137 Florence SD 57235

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

|                                                                                                                |         |
|----------------------------------------------------------------------------------------------------------------|---------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   | \$      |
| Fee to retain Future Use Permit No. <u>4051-3</u> after period of seven years.                                 | \$50.00 |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$      |
| Fee for Filing Transfer Form _____                                                                             | \$      |
| Fee for _____                                                                                                  | \$      |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$      |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$      |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$      |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$      |
| (Any Other Work Provided by Law) TOTAL                                                                         | \$50.00 |

By *Eric Gronlund*  
Chief Engineer  
*vm*