

Water Right Number 4052-3

1. Considered 7.27, 1977
2. Name of Applicant TOWN OF HENRY
3. Post Office Address _____
4. Amount of water claimed 3.0 - 2.0 F/U
5. Source of water supply 485' & 539' WELLS
6. Water to be used for MUNICIPAL
Acres to be irrigated _____
7. Water to be diverted and used in CODINGTON County
about 1 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:

No. 40523

Map No. 3204-3 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 Henry
 Postal address Henry, State South Dakota
 If a corporation show date and place of incorporation 1886 - founded 1882

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

3. Name of diversion work _____ 1.00 _____ 3.0

4. Amount of water claimed (cubic feet per second) 2-24 cfs but future request is for 3 cfs.

5. Source of water supply 2 wells but additional wells may be needed in the future

6. Location of point of diversion BOTH WELLS IN THE SW1/4 SW1/4 SECTION 5, T14N, R55W; FUTURE USE AREA WITHIN THE CITY LIMITS OF TOWN OF HENRY 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 State and Public Opinion South Shore Gazette

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Pipe well & water system will be expanded to include 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: \$ _____

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, WILLIAM BREIDEN, JR. 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 William Breiden, Jr.

Subscribed and sworn to before me this 27th day of Oct 1976

Victor Hamer
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4052-3

TOWN OF HENRY
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57243 With the following modifications:
(State)

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 THE 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 85

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 60

WATER RIGHT PERMIT NO. 4052-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4052-3 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:

- The date from which applicant may claim right is OCTOBER 20, 19 76
- The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28, 19 80
- The whole of said work is to be completed on or before JULY 28, 19 82
- The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28, 19 86
- The water appropriated shall be used for the purpose of MUNICIPAL
- 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.
- The amount of the appropriation herein granted shall not exceed 3.0 (2.0 CFS FOR FUTURE USE)* cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~and if for the irrigation purpose said appropriation must be limited to not more than 1 acre foot per acre per year and be limited to not more than $\frac{1}{70}$ of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JULY 28, 19 86; said water to be used during the following described annual period: CONTINUOUSLY
USED FOR MUNICIPAL PURPOSES~~

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

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5, 19 79
Water License Issued APRIL 5, 19 79

Well #1 East Well

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 9", Depth 539'

(2) Casing, Type Steel, Diameter 6", Thickness 6" W. 6 1/2" O.D.
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Stainless Steel, Diameter 3 1/2", Length 20'

(4) Gravel Pack, Thickness 4 1/4", Length of gravel pack 20'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Fine sand - gray to
lighter color

Depth to top of water bearing material 470'

Depth to bottom of water bearing material 490'

Thickness of water bearing material 20'

Depth to water (ground surface to water level) 127'

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

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

G. Water Storage Dams.

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

Michael Brundage
Signature of Applicant

Well #2 Short Well Henry

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 6 1/2", Depth 485'

(2) Casing, Type Steel Diameter 4" Thickness 1/8" wall
(wood, concrete, steel, etc)

(3) Perforated Screen.
Type Stainless Steel, Diameter 2 3/4" O.D., Length 17'

(4) Gravel Pack. Thickness No, Length of gravel pack No

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Fine sand - gray to lighter color

Depth to top of water bearing material 470'

Depth to bottom of water bearing material 487'

Thickness of water bearing material 17'

Depth to water (ground surface to water level) 119'

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

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

G. Water Storage Dams.

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

[Signature]
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 Henry
Post Office Address: Henry, State South Dakota
If a Corporation show date and place of incorporation 1886 - Founded 1882

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____
Recording Data _____

14. Date of start of construction of water supply system Completed but no wells may be

15. Date that water was first applied to beneficial use Early 1920's but latest wells ^{was laid} 1960-1965

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

17. Amount of water originally applied to beneficial use no previous applicants

18. Present Use of Water

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

Date that this amount of water was first used _____

19. Chronological History of Water Use

New wells are being planned.

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 CODDINGTON) ss.

I, A. DEAN BRENDEN, CHAIRMAN, TOWN OF HENRY, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed A. Dean Brenden

Subscribed and sworn to before me this 7TH day of OCTOBER, 19 76.

Victor Lunde
(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.

A. Dean Brenden

WATER LICENSE NO. 4052-3

(1) WHEREAS, On the 20th day of October A. D. 19 76 the Town of Henry

made Water Right Application No. 4052-3 for a permit to use 3.0 (2.0 cfs for future-use) cubic feet per second of the waters of groundwater

County of Codington State of South Dakota, for municipal

purposes; and

(2) WHEREAS, On the 15th day of August A. D. 19 77

Permit No. 4052-3 with a date of priority of October 20, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 28th day of July A. D. 19 82 and for the application to beneficial use of said water on or before the 28th day of July A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 11 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to be used for municipal purposes by the Town of Henry

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Town of Henry

XX

the holder _____ and owner _____ of said permit No. 4052-3 a water right, dating from October 20, 1976
to use of .11* cubic feet per second of the waters
of _____

in the County of Codington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at well #1 - 1100'E and 340"N; Well #2 - 800'E and
330'N, both from the SW corner, Section 5, T116N, R55W

and conduct ^{ed} ~~XXXXXXXX~~ through the town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 4025-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of April A. D.
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

* The future use portion of
the permit is not affected
by this License.

Permit No. 4052-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Henry

_____ the holder _____ of
Permit No. 4052-3, issued upon Application No. 4052-3, bearing date of priority of October 20,
1976 authorizing the diversion of 3.0 ^{*(2.0 cfs for future use)} cu. ft. per second of the waters of _____
groundwater County of Codington, State of South Dakota at _____
Well #1 - 1100'E and 340'N; Well #2 - 800'E and 330'N, both from the SW
corner, Section 5, 1116N, R55W
_____ for municipal

purpose, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use. .11 cu. ft. per second of water.

Date April 5, 1979



JOHN HATCH, Chief Engineer
Water Rights Commission

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

4052-3

Don Johnson Civil Defense Director
called - concerning Water Right for Henry
So. Dak. -

Told him someone from this office
could stop in and visit with them when in
the area (contact Judy Kos -

1-532-3696

1 In 2000

11052-3 Station of Henry

7-12-78 Well #1 505 ft deep

Pumping 25 gpm

Submersible pump. No data

pump into station. Est 7 H.P.

Well #2 515 ft deep

Pumping 25 gpm Est 2 H.P.

Submersible pump. No data

pump into station. Est.

one pressure tank used for both

wells. 3000 gallon tank

3 H.P. pump for station into

pressure tank

Permit No. H052-3

Water Division 3 Big Sioux River Water District

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Town of Henry of Henry, South Dakota 57243 holder of Permit No. H052-3, bearing date of priority of October 20, 1976 authorizing the diversion of 1.0 cu. ft. per second of the waters of Two Wells for Municipal purposes, in Codington County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

- A. Works used to divert the water:
Well #1 Submersible Pump (Est. 2 HP)
Pumping 25 gpm
Well #2 Submersible Pump (Est. 2 HP)
Pumping 25 gpm.

- B. Works used to transport water to place of use,
City Watersystem pipeline

- C. Works used to apply water to beneficial use.
3 HP Pump from Cistern to 3000 gpm pressure Tank thence to City Water system

The system is in the following condition: Good.

The point of diversion is located Well #1 - 1100 ft E and 340 ft N of SW corner of section 5, Well #2 800 ft E and 330 ft N of SW cor of section 5 in T116N R55W

The works are capable of diverting and conveying to the place of use all cu. ft. per second of water which is to be used for Municipal Purposes.

Water has been put to beneficial use to the maximum extent as follows: _____

comprising a total of _____ acres of land.

Well #1 depth 500ft
Pumping 25 gpm

Well #2 depth 500ft
Pumping 25 gpm

50 gpm; 4400 ft. all eff.
11000 for all eff.

Date February 5, 1979
LeRoy J. Merrin
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6842

PIERRE, March 8, 19 79

RECEIVED OF Town of Henry, SD 57243
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>4052-3</u>		
Fee for inspecting Beneficial Use, and issuing Water License No. <u>4052-3</u>	50	00
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH 97

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

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

November 13, 1984

NOTICE

To : Gordon Van Sickle, Town President, Town of Henry
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 4052-3

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. 4052-3, Town of Henry 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. 4052-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4052-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 4052-3 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 Henry 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. 4052-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 4052-3 with the following qualifications:
 - a) Permit No. 4052-3 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 Altamont 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 usual fee for an application to use water to keep Permit No. 4052-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$50.00.

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: Jody Kor, Finance Officer

SS15.wr



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

December 7, 1984

RE: Future Use Permit
No. 4052-3

Gordon Van Sickle, Town President
PO Box 27
Henry SD 57243

Dear Mr. Van Sickle:

This letter is in regard to the motion passed by the Water Management Board December 5, 1984 after review of Henry's Future Use Permit No. 4052-3. The Board continued Permit No. 4052-3 and amended the permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 4052-3 will be subject to review after seven years.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

cc: Judy Kos, Finance Officer

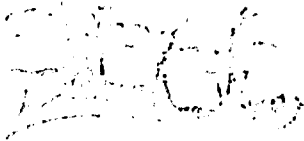
ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4052-3

FOR THE CITY OF HENRY

Future Use Permit No. 4052-3 was continued by action of the Water Management Board December 5, 1984 and amended to add the following qualifications:

- a) Permit No. 4052-3 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 Altamont 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

4052-3

Town of Henry
Gordon VanSickle
PO Box 27
Henry SD 57243-0027

Dear Mr. VanSickle:

I am writing in regard to the seven year review of Future Use Water Permit No. 4052-3 from groundwater which is held by the Town of Henry. 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. 4052-3 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. 4052-3.

Please respond in writing by October 15, 1991, regarding the Town's intention for the future use permit. If the Town of Henry 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 SCHLAAK
Natural Resources Analyst
605 773-3352

October 16, 1991



Department of Environment and
Natural Resources
Pierre, South Dakota 57501-3181

Dear Karen:

In reply to your letter of September 23, 1991 regarding the Future Use Permit No. 4052-3. The Town of Henry would like to re-new this permit and keep it in effect. We are still in the hopes that our Town will grow and the permit will be of use to us. Also with the continued use of farmer irrigation we are wishing to perserve our rights.

We do not keep pumping records so we are unable to supply you with these.

Sincerely,

A handwritten signature in cursive script that reads "Judy Kos".

Judy Kos
Finance Officer
Town of Henry
Henry, South Dakota 57243

South Dakota



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

November 1, 1991

Watertown Public Opinion
PO Box 10
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4052-3 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 Town of Henry, PO Box 27, Henry SD 57243-0027.

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 Schmaak

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

South Dakota

GREAT FACES. GREAT PLACES.

November 1, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

Future Use Permit No. 4052-3 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. 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

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. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 by the Town of Henry, PO Box 27, Henry SD 57243-0027 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. 4052-3. This permit was approved July 28, 1977 to reserve 2 cfs from groundwater (Altamont Aquifer) located within the city limits as existing on October 20, 1976, of the Town of Henry. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4052-3 REMAIN in EFFECT for 869 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. 4052-3 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 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.

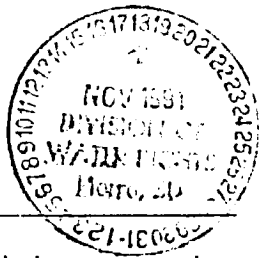
The hearing to review Future Use Permit No. 4052-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01.25.01 thru 74:02:01.25.03; and contested case procedures contained in SDCL 1-26.

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)
County Codington) ss.



I, Monica K. Saathoff
certify that the attached printed Notice 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:

November 6th, 1991
November 13th, 1991

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

November 13th, 1991
(Date Signed)

Cost of Printing: 90.48

The Water Management Board will conduct the hearing to review Future Use Permit No. 4052-3 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. 4052-3 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.

HENRY

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 by the Town of Henry, PO Box 27, Henry, SD 57743-0027 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. 4052-3. This permit was approved July 28, 1977 to reserve 2 cfs from groundwater (Altamont Aquifer) located within the city limits as existing on October 20, 1976, of the Town of Henry. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4052-3 REMAIN in EFFECT for 669 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.

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 hand-capped 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)

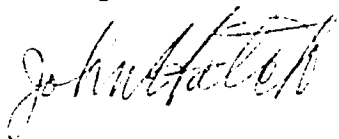
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4052-3, TOWN OF HENRY

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. 4052-3, Town of Henry.

The Chief Engineer is recommending that Future Use Permit No. 4052-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4052-3, 2) the Town of Henry has demonstrated a reasonable need for the water reserved by Permit No. 4052-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4052-3 reserve for future use a total of 869 acre-feet annually. The diversion rate of 2 cfs is deleted from Permit No. 4052-3.

And that maintaining the effectiveness of Future Use Permit No. 4052-3 is subject to payment of the \$37.50 pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of Henry.



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. 4052-3 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. 4052-3 would be about 869 acre-feet per year.

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

Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

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. 4052-3. The Board allowed the permit to remain in effect and amended Permit No. 4052-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4052-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4052-3 is \$37.50 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. 4052-3

TOWN OF HENRY

Pursuant to the December 4, 1991 Water Management Board hearing, Future Use Permit No. 4052-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4052-3 reserve for future use a total of 869 acre-feet annually. The diversion rate of 2 cfs is deleted from Permit No. 4052-3.



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

February 28, 1992

Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

On December 6, 1991 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4052-3. To date, we have not received this payment.

Please submit the \$37.50 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

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

By _____
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 25, 1998

Town of Henry
Judy Kos, Finance Officer
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

I am writing in regard to the seven year review of Future Use Water Permit No. 4052-3 from groundwater (Altamont Aquifer) which is held by the Town of Henry. 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 869 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. 4052-3 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

November 2, 1998



*Karen Schlaak
Environmental Scientist
Water Rights Program
Pierre SD 57501*

Dear Karen,

The Town of Henry would like to renew their Future Use Permit No. 4052-3. We are currently in the process of trying to acquire 15 more acres of land to develop. Our census has increased considerable and we would like the option of this permit. We still have our contract with Clark Rural Water but we use our wells for low pressure times and fire fighting.

Sincerely,

*Judy Kos
Finance Officer
Town of Henry
Henry SD 57243*

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4052-3, Town of Henry 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. 4052-3, Town of Henry, PO Box 27, Henry SD 57243-0027.

The Chief Engineer is recommending that Future Use Permit No. 4052-3 REMAIN in EFFECT for 869 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4052-3, 2) the Town of Henry has demonstrated a reasonable need for the water reserved by Permit No. 4052-3, 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. 4052-3 is subject to payment of the \$37.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of Henry after the Board hearing.



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

January 21, 1999

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

Judy Fos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Fos:

Future Use Permit No. 4052-3 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

January 21, 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. 4052-3 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 the Town of Henry, PO Box 27, Henry SD 57243-0027.

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
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 January 21, 1999 enclosing Notice of Hearing to Review Future Use Water Permit No. 4052-3 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. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 held by the Town of Henry, PO Box 27, Henry SD 57243-0027 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. 4052-3. This permit was approved July 28, 1977 and currently reserves 869 acre-feet from groundwater (Altamont Aquifer) located within the city limits of the Town of Henry (SW ¼ Section 5 and NW ¼ Section 8-T116N-R55W) as existing on October 20, 1976. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4052-3 REMAIN in EFFECT for 869 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. 4052-3 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. 4052-3 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)
County of Codington) SS

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)

HENRY

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4052-3
Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 held by the Town of Henry, PO Box 27, Henry SD 57243-0027 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. 4052-3. This permit was approved July 28, 1977 and currently reserves 869 acre-feet from groundwater (Altamont Aquifer) located within the city limits of the Town of Henry (SW 1/4 Section 5 and NW 1/4 Section 8-T116N-R55W) as existing on October 20, 1976. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4052-3 REMAIN in EFFECT for 869 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. 4052-3 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 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. 4052-3 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/deir

March 5, 1999

NOTICE

Judy Fos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Fos:

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. 4052-3. The Board allowed the permit to remain in effect for 869 acre-feet of water annually. Future Use Permit No. 4052-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4052-3 is \$37.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

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

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

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

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

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

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

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

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

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

Cheryl F. Frost

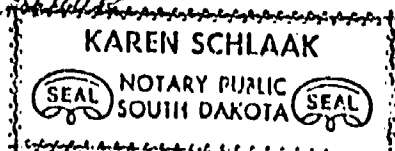
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

Karen Schlaak
Notary Public

KAREN SCHLAAK, Notary Public
My Commission Expires



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416091.

Pierre, _____ April 12, 1999

RECEIVED OF Town of Henry, Henry, SD 57243
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. <u>4052-3</u> to Appropriate Water, for Future Use _____	37	50
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for: _____		

(Any Other Work Provided by Law)	Total	37 50

By _____
Chief Engineer

John Hatch (Signature)

Figure VII-6

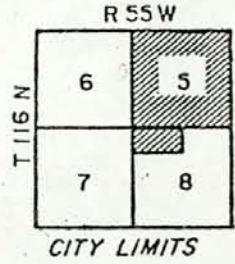
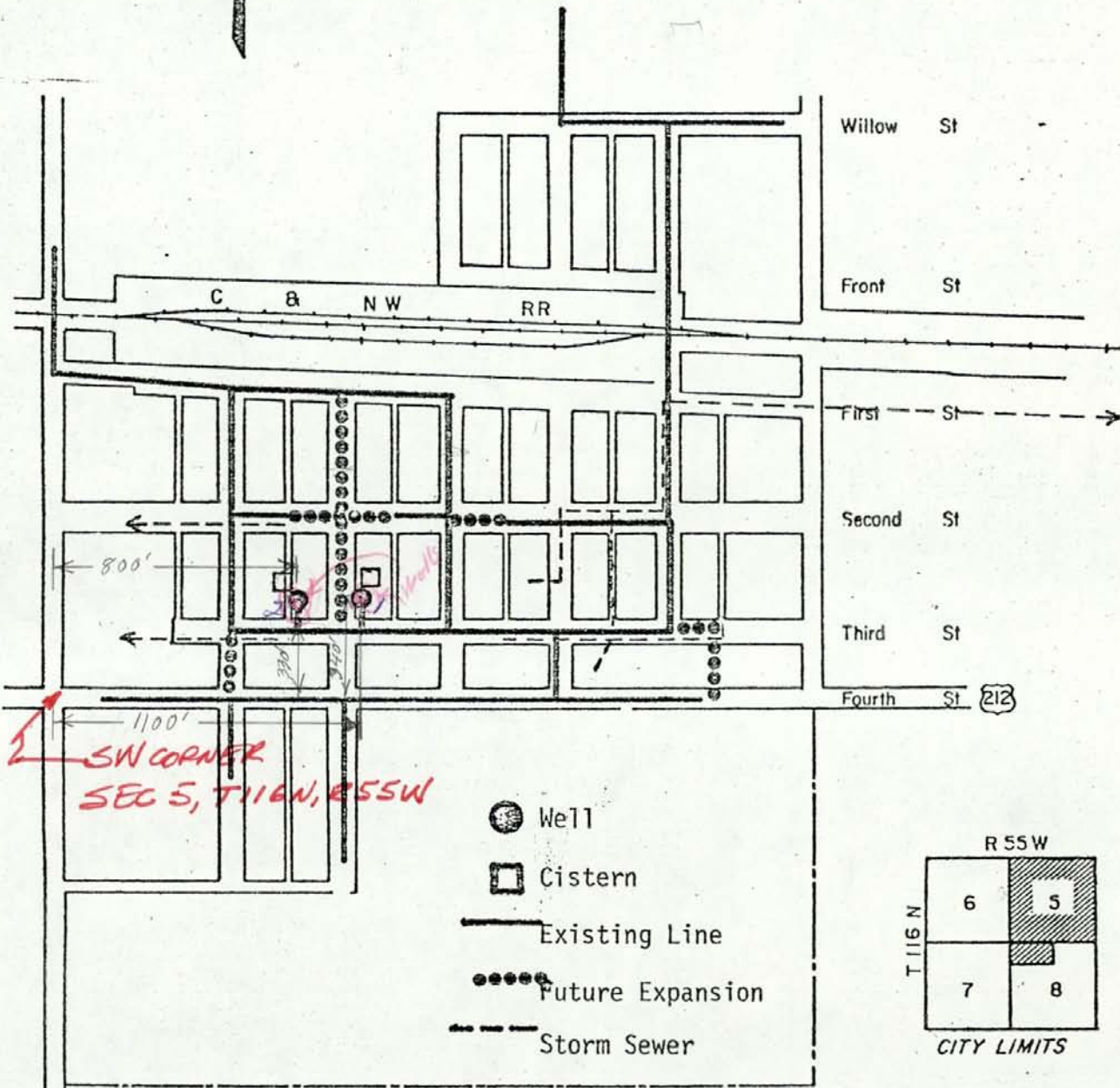
City Map
HENRY
CODINGTON COUNTY · SOUTH DAKOTA

Scale 300ft

Drawn by
First Planning and Development District
Model Rural Development Program
Watertown, South Dakota

WATER SYSTEM

Handwritten in red: APP. NO. 4052-3





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2005

Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

I am writing in regard to the seven year review of Future Use Water Permit No. 4052-3 from groundwater (Altamont Aquifer) which is held by the Town of Henry. 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 869 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. 4052-3 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

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

January 9, 2006

Department of Environment and
Natural Resources
Pierre SD 57501

RECEIVED
JAN - 9 2006
WATER RIGHTS
PROGRAM

Karen Schlaask
Environmental Scientist
Water Rights

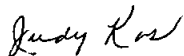
Dear Karen:

The Town of Henry is requesting that the Future Use Water Permit No. 4052-4 be renewed for another seven years.

There is talk about a possible potato company coming into Henry and we would like to be position to retain the future control of water usage. We would like to be in control of any rights for any other development that may occur in Henry.

We are aware of the expense involved and will be expecting to see the scheduled notice.

Sincerely,



Judy Kos
Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4052-3, Town of Henry 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. 4052-3, Town of Henry, PO Box 27, Henry SD 57243-0027.

The Chief Engineer is recommending that Future Use Permit No. 4052-3 REMAIN in EFFECT for 869 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4052-3, 2) the Town has demonstrated a reasonable need for the water reserved by Permit No. 4052-3, 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. 4052-3 is subject to payment of the \$37.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town after the Board hearing.

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
January 24, 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

January 24, 2006

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. 4052-3 to be published twice. Please publish the first notice on February 1, 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 Henry, c/o Judy Kos, Finance Officer, PO Box 27, Henry SD 57243-0027.

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 January 24, 2006 enclosing Notice of Hearing to Review Future Use Water Permit No. 4052-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

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


Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

Future Use Permit No. 4052-3 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 (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

Instruction to Newspaper-Publish first publication of the following Notice on February 1, 2006 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 held by the Town of Henry, PO Box 27, Henry SD 57243 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. 4052-3. This permit was approved in 1977 currently reserves 869 acre-feet from groundwater (Altamont Aquifer) located within the city limits of the Town of Henry (SW ¼ Section 5 and NW ¼ Section 8-T116N-R55W) as existed on October 20, 1976. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4052-3 REMAIN in EFFECT for 869 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. 4052-3 at 11:00 am on March 2, 2006 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 20, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 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. 4052-3 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 February 20, 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 February 20, 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:

FEB. 1st 2006

FEB 8th, 2006

Cost of Printing 157.28

Monica K Saathoff
(Signature)

BOOKKEEPER
(Title)

FEB 8th, 2006
(Date Signed)

RECEIVED
FEB 10 2006
WATER RIGHTS PROGRAM

DENR

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 held by the Town of Henry, PO Box 27, Henry SD 57243 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. 4052-3. This permit was approved in 1977 currently reserves 869 acre-feet from groundwater (Altamont Aquifer) located within the city limits of the Town of Henry (SW 1/4 Section 5 and NW 1/4 Section 8-T116N-R55W) as existed on October 20, 1976. Water is to be used for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4052-3 REMAIN in EFFECT for 869 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. 4052-3 at 11:00 a.m. on March 2, 2006 at Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 20, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg., 523 E. Capitol Ave, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4052-3 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 February 20, 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 February 20, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(February 1, 8, 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

March 3, 2006

NOTICE

Judy Kos, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243-0027

Dear Ms. Kos:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2006 to review Future Use Permit No. 4052-3. The Board allowed the permit to remain in effect for 869 acre-feet of water annually. Future Use Permit No. 4052-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4052-3 is \$37.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive style.

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

CERTIFICATION

I hereby certify that on March 3, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2006 regarding Notice on Future Use Permit Nos. 3977-3, 3371-3, 4052-3 addressed as stated below:

3977-3

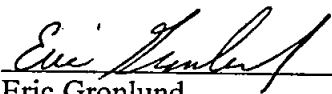
Don Johnston
Supt of Utility and Public Works
PO Box 343
Flandreau SD 57028

3371-3

Jeffrey W Weldon City Manager
City of Yankton
PO Box 176
Yankton SD 57078-0176

4052-3

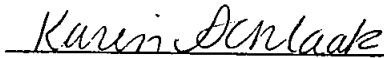
Judy Kos Finance Manager
Town of Henry
PO Box 27
Henry SD 57243-0027



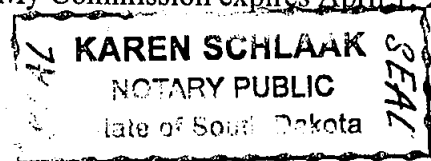
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 2, 2006

RECEIVED OF Town of Henry, Henry SD 57243

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>4052-3</u> after period of seven years.	37	50
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	37.50

No. 02840

By Garland Erbele
Chief Engineer

(115)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 26, 2013

Pam Deutsch, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243

Dear Ms. Deutsch:

I am writing in regard to the seven year review of Future Use Water Permit No. 4052-3 from groundwater (Altamont Aquifer) held by the town. 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 869 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 March 15, 2013 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. 4052-3 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 869 acre-feet remain in reserve, the fee will be \$135.00.

Please contact Eric Gronlund, 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 30, 2013

Pam Deutsch, Finance Officer
Town of Henry
PO Box 27
Henry SD 57243

Dear Ms. Deutsch:

On February 26, 2013, we notified you that Future Use Water Permit No. 4052-3 held by the Town of Henry 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 by the town in 1977 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the February 26th letter. 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.

The Water Management Board will not schedule Permit No. 4052-3 for review until the above information has been submitted.

Please contact Eric Gronlund 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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 28, 2013

Pam Deutsch, Finance Officer
Town of Henry
PO Box 27 117
Henry SD 57243

Dear Ms. Deutsch:

On February 26, 2013 and April 30, 2013, DENR notified you that Future Use Permit No. 4052-3 held by the town was to be scheduled for review by the Water Management Board and requested the town's intentions regarding the permit. To date, we have not received a response from the town.

Future Use Permit No. 4052-3 was obtained in 1977 and reserves groundwater (Altamont Aquifer) for future development by the town. Currently our records show that 869 acre-feet of water remains in reserve under this permit.

By state law, future use 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 past pumping records and an estimate of future needs. If the entire 869 acre-feet remains in reserve, the fee will be \$135.00. If the town has no intention of developing this water source, the permit can be scheduled for cancellation.

Please respond by **September 15, 2013** to avoid violating the regulation regarding review of the future use permit. If you have any questions, please contact Karen Schlaak or me.

Sincerely,

Eric Gonlund
Water Rights Program
605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, November 14, 2013 10:11 AM
To: 'pdeutsch@itctel.com'
Subject: FW: Town of Henry's future use permit

Has the town board made any decision regarding the future use permit for the town of Henry?

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

From: Gronlund, Eric
Sent: Thursday, September 12, 2013 1:55 PM
To: 'pdeutsch@itctel.com'
Cc: Schlaak, Karen
Subject: Town of Henry's future use permit

Ms. Deutsch:

Karen Schlaak asked the I email me. This is in regard to the Town of Henry which holds a future use permit that reserves water for future development. It is my understanding that you brought this up with the town board as Henry is served by Clark RWS so the town does not have a need for the future use permit. However there was concern regarding the existing well used to fill fire trucks. Based on our database, a water right permit is not held for use from this existing well. Based on water rights law, the use of water from this well would require a water right permit only if the pump rate exceeds 18 gallons per minute (gpm). The use of water not in excess of 18 gpm for fire protection is a domestic use of water and does not require a permit. If the pump rate from the well is greater than 18 gpm, a water permit is required. If this is true and the well is completed into the Altamont Aquifer (approx.. 500 feet deep) the opportunity exists to apply to use the reserved water under the future use permit for this use.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Schlaak, Karen

From: pdeutsch@itctel.com
Sent: Wednesday, November 20, 2013 8:29 AM
To: Schlaak, Karen
Subject: Re: FW: Town of Henry's future use permit

Sorry this is taking so long. I finally found out that this well does pump more than 18 gpm. But, I think this well is on rural water. If you decide we need permit, the board will approve. Once again, this is only used by fire department to fill trucks.

Pam Deutsch
FO-Town of Henry



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 8, 2025

Town of Henry
208 Main St
Henry SD 57243

To whom it may concern:

I am writing regarding Future Use Water Permit No. 4052-3, held by the Town of Henry, reserving 869 acre-feet of water from the Altamont Aquifer for future development. Pursuant to South Dakota Codified Law 46-5-38.1, future use permits are subject to review by the Water Management Board (Board) every seven years to determine whether a reasonable need exists for the reserved water. Regarding scheduling of a Board review of the future use permit, correspondence between Pam Deutsch, a representative of the Town of Henry, and Water Rights Program staff, indicated that the town had been fully connected to rural water, with no action being taken since then.

Our intent is to schedule Permit No. 4052-3 for review by the Board. Part of that review involves public notice and the acting Chief Engineer making a recommendation (see Administrative Rules of South Dakota [ARSD] 74:02:01:25.01) to the Board as to whether the permit should remain in effect or be cancelled. For the acting Chief Engineer to recommend that the future use permit remain in effect, the Town of Henry needs to demonstrate a reasonable need to retain the future use permit. If the town cannot demonstrate a reasonable need for the permit to remain in effect, then the acting Chief Engineer will recommend that the Board cancel the permit pursuant to ARSD 74:02:01:25.

A response is requested by August 1, 2025. If no response is received by August 1, 2025, the acting Chief Engineer will recommend that the Board cancel the future use permit since the town did not demonstrate a reasonable need to retain the permit. Notice of hearing, including the acting Chief Engineer's recommendation, will be provided to the town pursuant to ARSD 74:02:01:25.02.

Please contact me if you have any questions.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605-773-3352
Amanda.Dewell@state.sd.us

already on file

File No. 4052-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Amber (Finance Office), Town of Henry

DATE: 08/21/2025

TELEPHONE: 605-532-3230

RE: Future Use Permit (cancellation)

COMMENTS:

After receiving the letter I'd sent, dated July 8, 2025, Amber, with the town's Finance Office called. She confirmed that the town was completely serviced by rural water and had no need to maintain Future Use Permit No. 4052-3, saying the town is not experiencing any new growth, nor does it expect to in the near future.



Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 8, 2025

Town of Henry
208 Main St
Henry SD 57243

To whom it may concern:

I am writing regarding Future Use Water Permit No. 4052-3, held by the Town of Henry, reserving 869 acre-feet of water from the Altamont Aquifer for future development. Pursuant to South Dakota Codified Law 46-5-38.1, future use permits are subject to review by the Water Management Board (Board) every seven years to determine whether a reasonable need exists for the reserved water. Regarding scheduling of a Board review of the future use permit, correspondence between Pam Deutsch, a representative of the Town of Henry, and Water Rights Program staff, indicated that the town had been fully connected to rural water, with no action being taken since then.

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A response is requested by August 1, 2025. If no response is received by August 1, 2025, the acting Chief Engineer will recommend that the Board cancel the future use permit since the town did not demonstrate a reasonable need to retain the permit. Notice of hearing, including the acting Chief Engineer's recommendation, will be provided to the town pursuant to ARSD 74:02:01:25.02.

Please contact me if you have any questions.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605-773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 14, 2025

Town of Henry
Mark O'Neill, President of Board of Trustees
208 Main Street
Henry SD 57243

Dear Mr. O'Neill:

Future Use Permit No. 4052-3 will be reviewed by the Water Management Board on October 1, 2025, at 9:30 AM (Central Time). Enclosed is a Notice of Hearing for Future Use Permit No. 4052-3 which is also being published in the Watertown Public Opinion. For your information, a copy of the Acting Chief Engineer's recommendation is also enclosed.

The publisher has been instructed to publish this notice on August 28, 2025.

NOTE: If the town intends to oppose cancellation of the future use permit, then the town needs to be represented by legal counsel.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

cc: Amber Dill, Finance Officer

Instruction to Newspaper - Publish the following Notice on August 28, 2025. The Water Right Program is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4052-3

Notice is given that the Water Management Board will review Future Use Permit No. 4052-3 held by the Town of Henry, 208 Main Street, Henry SD 57243 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. 4052-3. This permit was approved 1977 and currently reserves 869 acre-feet from groundwater (Altamont Aquifer) located within the city limits of the Town of Henry (SW 1/4 Section 5 and NW 1/4 Section 8; all in T116N-R55W) for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program is recommending that Future Use Permit No. 4052-3 be CANCELLED, pursuant to ARSD 74:02:01:25 since the town has not demonstrated a reasonable need to retain the permit. The Acting Chief Engineer's recommendation is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4052-3 on October 1, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that cancellation of the future use permit, if adopted by the Board, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the recommendation to cancel, or other matter concerning the cancellation within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the cancellation shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by September 8, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon cancellation of the future use permit on the petitioner, the reasons for petitioner's opposition to cancellation of the future use permit, and the name and mailing address of the petitioner or petitioner's legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 4052-3 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 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose the cancellation of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by September 8, 2025.

Any interested person may file a comment on the future use permit cancellation with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 8, 2025.

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

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is September 8, 2025.

Published once at the approximate cost of _____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER
PERMIT NO. 4052-3, Town of Henry**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources, concerning Future Use Water Permit No. 4052-2, Town of Henry, 208 Main St, Henry SD 57243.

On July 8, 2025, a letter was sent to the Town of Henry, concerning Future Use Permit No. 4052-3. The letter asked the town to demonstrate a reasonable need to retain the permit, no later than August 1, 2025, or the permit would be subject to cancellation. To date, no response has been received.

The acting Chief Engineer is recommending that Future Use Permit No. 4052-3 be CANCELLED, pursuant to ARSD 74:02:01:25, since the town has not demonstrated a reasonable need to retain the permit.

Mark Mayer, PE
Director of the Office of Water
August 14, 2025

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, August 13, 2025 4:16 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11578970 4052-3 Town of Henry - Public Notice
Attachments: 11578970.pdf

Please Read Through ENTIRE Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Watertown Public Opinion, on Aug. 28, costing \$80.00. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Tuesday Aug. 26.** Your notice is scheduled to run per your request and will publish.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

**Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. **

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, August 13, 2025 4:04 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11578970 4052-3 Town of Henry - Public Notice

Attached is a notice to be published on August 28, 2025.

Please bill the SD Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

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

Thank you,

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

File No. 4052-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Amber (Finance Office), Town of Henry

DATE: 08/21/2025

TELEPHONE: 605-532-3230

RE: Future Use Permit (cancellation)

COMMENTS:

After receiving the letter I'd sent, dated July 8, 2025, Amber, with the town's Finance Office called. She confirmed that the town was completely serviced by rural water and had no need to maintain Future Use Permit No. 4052-3, saying the town is not experiencing any new growth, nor does it expect to in the near future.



Amanda Dewell
Water Rights Program

RECEIVED

SEP 05 2025

OFFICE OF WATER

PO Box 630567 Cincinnati, OH 45263-0567

LOCALiQ

Aberdeen News
Watertown Public Opinion

AFFIDAVIT OF PUBLICATION

WATER RIGHTS PROGRAM
Dept Of Environ & Nat Resource
Water Rights Program
523 E Capitol Joe Foss Bldg
Pierre SD 57501

SEP 05 2025

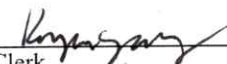
OFFICE OF WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON


The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

08/28/2025

and that the fees charged are legal.
Sworn to and subscribed before on 08/28/2025



Legal Clerk



Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	\$80.00	
Tax Amount:	\$0.00	
Payment Cost:	\$80.00	
Order No:	11578970	# of Copies:
Customer No:	1248802	1
PO #:	NO. 4052-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

RECEIVED

SEP 05 2025

OFFICE OF
WATER

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 4052-3
Notice is given that the
Water Management Board
will review Future Use
Permit No. 4052-3 held by
the Town of Henry, 208
Main Street, Henry SD
57243 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. 4052-3. This permit
was approved 1977 and
currently reserves 869
acre-feet from groundwa-
ter (Altamont Aquifer)
located within the city
limits of the Town of
Henry (SW 1/4 Section 5
and NW 1/4 Section 8; all
in T116N-R55W) for
municipal use.

Pursuant to SDCL 46-2A-2
the Acting Chief Engineer
of the Water Rights
Program is recommending
that Future Use Permit No.
4052-3 be CANCELLED,
pursuant to ARSD
74:02:01:25 since the
town has not demon-
strated a reasonable need
to retain the permit. The
Acting Chief Engineer's
recommendation is avail-
able at
<https://danr.sd.gov/public>
or contact Ron Duvall for
this information, or other
information, at the Water
Rights Program address
provided below.

The Water Management
Board will conduct the
hearing to review Future
Use Permit No. 4052-3 on
October 1, 2025, at 9:30
AM (Central Time), Floyd
Matthew Training Center,
Joe Foss Bldg, 523 E Capi-
tol Ave., Pierre SD.

The recommendation of
the Acting 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 develop-
ment, or 4) take no action
after it reaches a conclu-
sion based upon facts
presented at the public
hearing.

Any person who intends to
participate in the hearing
before the Board and
present evidence or cross-
examine witnesses
according to SDCL 1-26,
shall allege that cancella-
tion of the future use
permit, if adopted by the
Board, will cause injury to
the person that is unique
from any injury suffered by
the public in general. The
injury must concern a
matter either within the
regulatory authority found
in SDCL 46-2A-9 for
approval or denial of the
recommendation to
cancel, or other matter
concerning the cancella-
tion within the regulatory
authority of the board to
act upon as defined by
SDCL 46-2-9 and 46-2-11,
or both. Any person meet-
ing the petitioner require-
ments and wishing to be a
party of record in a
contested case hearing
shall file a written petition

with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the cancellation shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by September 8, 2025.

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RECEIVED

SEP 05 2025

OFFICE OF
WATER

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OC1 03 2025

4052-3

NOTICE OF ENTRY OF ORDER

Town of Henry
c/o Finance Officer
208 Main St
Henry SD 57243

To whom it may concern:

This will notify you that on Wednesday, October 1, 2025, the South Dakota Water Management Board cancelled the town's Future Use Permit No. 4052-3, which had reserved 869 acre-feet of water from the Altamont Aquifer for future development.

This action was taken under the conditions outlined in our letter to you dated July 8, 2025, and public notice run in the Watertown Public Opinion on August 28, 2025. If you have any questions concerning the Board's action, please contact Amanda Dewell, Water Rights Permitting Administrator at (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of the Office of Water

