

*South Dakota*

4053B-3

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

GREAT FACES. GREAT PLACES.

December 10, 1991

Chris Meyer, Mayor  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Mr. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 4053-3 which is held by the Town of South Shore. Currently, our records show that 1.91 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 4053-3 will be scheduled for review by the Water Management Board on March 4, 1992 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. 4053-3.

Please respond in writing by January 15, 1992, regarding the Town's intention for the future use permit. If the Town 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. If pumping records are not available, please indicate the maximum diversion rate, from the well in gallons per minute.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Natural Resources Analyst  
605 773-3352

4053B-3

## Town of South Shore

Box 57

South Shore, SD 57263-0057



January 10, 1992

Karen Schlaak  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Dear Karen Schlaak:

It is the intention of the Town of South Shore to retain Future Use Water Permit No. 4053-3, which was issued in 1977. This well currently pumps approximately 30 gals. of water per minute. The residents who are supplied by this well, depend upon it as the primary source of water. It is for this reason, that the South Shore Board of Trustees have decided to retain the permit.

Sincerely,

*Garry Waage*

Garry Waage  
Finance Officer  
605-756-4210 (Bus.)  
605-756-4506 (Hm)

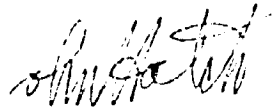
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4053B-3, TOWN OF SOUTH SHORE

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. 4053B-3, Town of South Shore, Box 57, South Shore SD 57263-0057.

The Chief Engineer is recommending that Future Use Permit No. 4053B-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4053B-3, 2) the Town of South Shore has demonstrated a reasonable need for the water reserved by Permit No. 4053B-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. 4053B-3 reserves for future use a total of 192 acre-feet annually from the Antelope Valley Aquifer. Wells will be approximately 35 feet deep. The diversion rate of 1.91 cfs is deleted from Permit No. 4053B-3.

And that maintaining the effectiveness of Future Use Permit No. 4053B-3 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of South Shore.



JOHN HATCH, Chief Engineer  
March 26, 1992

NOTE: The maximum annual acre-feet of full-time pumping represented by 1.91 cubic feet of water per second (cfs) reserved by No. 4053B-3 is 1,383 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,383 acre-feet, then expected developed pumping of water reserved under Permit No. 4053B-3 would be about 829 acre-feet per year.

The Town of South Shore has indicated that their wells currently pump approximately 100 gallons per minute, excluding the well used to fill fire trucks, or 160 acre-feet annually. Assuming that the total amount pumped annually would equal 60% of 160 acre-feet, then expected developed pumping of water reserved under Permit No. 4053B-3 would be about 96 acre-feet per year. Doubling this annual use (192 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 1.91 cfs (1,383 acre-feet) under Permit No. 4053B-3. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4053B-3 should be allowed to remain in effect for 192 acre-feet as outlined in the above qualification.

SOUTH DAKOTA  
FUTURE USE PERMIT No. 4053B-3

Date of first receipt of application October 20, 1976.

Water Permit No. 4053-3, for the Town of South Shore, PO Box 57, South Shore, SD 57263-0057, was approved by the former Water Rights Commission on July 28, 1977 authorizing construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4053-3 appropriated 1.00 cubic feet of water per second (cfs) from three wells (32-35 feet deep - Antelope Valley Aquifer) located in the SW 1/4 SE 1/4 Section 15 and W 1/2 NE 1/4 Section 22, T119N, R51W. No. 4053-3 also reserved 2.0 cfs for Future Use purposes from groundwater located within the city limits of South Shore.

Water Permit No. 4053-3 is being divided and reissued as follows:

Water Permit No. 4053A-3 authorizing diversion of 1.0 cfs from three wells in the SW 1/4 SE 1/4 Section 15 and W 1/2 NE 1/4 Section 22, T119N, R51W; and;

Future Use Permit No. 4053B-3 reserving 2.0 cfs for future use purposes from groundwater located within the city limits of South Shore.

2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use for the Town of South Shore.
3. The water is to be used during the following described annual period:  
January 1 - December 31.
4. The date from which applicant may claim right is October 20, 1976.

**QUALIFICATION**

At such time as definite plans are made to construct works and put the reserved water to beneficial use, specific applications for all or any part of the reserved water must be submitted prior to construction of facilities.

**WATER MANAGEMENT BOARD**

By: John Blatch  
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

MAR 26 1992

date



MAR 26 1992

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

4053A-3  
4053B-3

Chris Meyer, Mayor  
Town of South Shore  
PO Box 57  
South Shore, SD 57263-0057

Dear Mayor Meyer:

Enclosed is your Water Permit No. 4053A-3 and Future Use Permit No. 4053B-3. Water Permit No. 4053-3 was divided and reissued to separate the future use portion from the water permit.

Water Permit No. 4053-3 was divided and reissued as follows:

Water Permit No. 4053A-3 authorizing diversion of 1.0 cfs from three wells in the SW 1/4 SE 1/4 Section 15 and W 1/2 NE 1/4 Section 22, T119N, R51W; and;

Future Use Permit No. 4053B-3 reserving 2.0 cfs for future use purposes from groundwater located within the city limits of South Shore.

The reissuance of No. 4053-3 into 4053A-3 and 4053B-3 did not reduce or alter the original permit.

If you have any questions, please contact us.

Very truly yours,

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

enclosures: Water Permit No. 4053A-3 and Future Use Permit  
No. 4053B-3

Instruction to Newspaper-Publish first publication of the following Notice on April 2, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

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NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, Box 57, South Shore SD 57263-0057 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. 4053B-3. This permit was approved July 28, 1977 to reserve 2 cfs from the Antelope Valley Aquifer located within the city limits of the Town of South Shore as existing in 1977. Water Permit No. 5520-3 put 0.09 cfs to beneficial use reserved by No. 4053B-3 leaving 1.91 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 6, 1992 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 April 27, 1992. 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. 4053B-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 April 27, 1992.

# NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, Box 57, South Shore SD 57263-0057 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. 4053B-3. This permit was approved July 22, 1977 to reserve 2 cfs from the Antelope Valley Aquifer located within the city limits of the Town of South Shore as existing in 1977. Water Permit No. 5520-3 put 0.09 cfs to beneficial use reserved by No. 4053B-3 leaving 1.91 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4053B-3 REMAIN IN EFFECT for 192 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. 4053B-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 6, 1992 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 1-20, must file a written petition with BOTH the permit owner and the Chief Engineer by April 27, 1992. 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

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 April 27, 1992.

April 2, 9, 1992



ure 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. 4053B-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

## AFFIDAVIT OF PUBLICATION STATE OF SOUTH DAKOTA County of Codington

SHERRY ELMORE of said county being duly sworn on oath say, that she is the Publisher of the SOUTH SHORE GAZETTE, a weekly newspaper printed and published at South Shore, in said County of Codington, and have full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of this notice herein mentioned, at said place of publication, that the notice

*of Hearing to Review  
Future Use Permit  
No. 4053 B-3*

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for successive weeks on the day of each week on which said newspaper was regularly published, to-wit:

|                     |          |
|---------------------|----------|
| ..... April 2 ..... | 19 92    |
| ..... April 9 ..... | 19 92    |
| .....               | 19 ..... |
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| .....               | 19 ..... |

that the full amount of the fee charged for the publication of such notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication there-

of are \$ 99.92  
*Sherry Elmore*  
Publisher

Subscribed and sworn to before me this

..... day of ....., 19 .....

Notary Public,  
Codington County, S. D.

My Commission expires .....

AMENDMENT TO FUTURE USE PERMIT NO. 4053B-3

TOWN OF SOUTH SHORE

Pursuant to the May 6, 1992, Water Management Board hearing, Future Use Permit No. 4053B-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4053B-3 reserves for future use a total of 192 acre-feet annually from the Antelope Valley Aquifer. Wells will be approximately 35 feet deep. The diversion rate of 1.91 cfs is deleted from Permit No. 4053B-3.



May 15, 1992

4053B-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOTICE

Chris Meyer, Mayor  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Mr. Meyer:

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 1992 to review Future Use Permit No. 4053B-3. The Board allowed the permit to remain in effect and amended Permit No. 4053B-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4053B-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4053B-3 is \$22.50 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

CERTIFICATION

I hereby certify that on May 15, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 15, 1992, regarding Action Taken by the Water Management Board at the Hearing on May 6, 1992 to Review Future Use Permit No. 4053B-3 addressed as stated below:

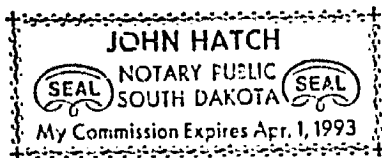
Chris Meyer, Mayor, Town of South Shore, P.O. Box 57, South Shore, SD 57263.

*(Cheryl F. Frost)*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) SS

Sworn to, before me, this 21st day of May, 1992.



*John Hatch*  
Notary Public

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 2, 19 92

RECEIVED OF Town of South Shore, PO Box 57, South Shore, SD 57263-0057  
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. <u>4053B-3</u> after period of seven years.                                            | 22    | 50    |
| 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 | 22 50 |

By

John H. H. H. H.  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 12, 1999

Garry Waege, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263-0057

Dear Mr. Waege:

I am writing in regard to the seven year review of Future Use Water Permit No. 4053B-3 from groundwater which is held by the town of South Shore. 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 192 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 1992.

Please respond in writing by March 1, 1999, 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. 4053B-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

# town of south shore

post office box 57 • south shore, south dakota 57263-0757



February 19, 1999

Karen Schlaak  
Environmental Scientist  
Water Rights Program

Dear Ms. Schlaak:

In regards to #4053B-3, the Town of South Shore wishes to retain this water permit for future use.

Presently, this permit serves 64 connections which supplies water to approximately 180 people. In the last five years, we have averaged one new hookup per year.

Because we charge a monthly usage fee rather than use meters, we do not have accurate pumping records. However, the State Water Program has determined that our wells together pump 105 GPM.

Although some homes use rural water, the majority of residents and business owners depend upon this water source. For these reasons, we need this water permit.

Sincerely,

*Garry Waage*

Garry Waage  
Finance Officer  
Town of South Shore

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4053B-3, Town of South Shore 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. 4053B-3, Town of South Shore, PO Box 57, South Shore SD 57263-0057.

The Chief Engineer is recommending that Future Use Permit No. 4053B-3 REMAIN in EFFECT for 192 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4053B-3, 2) the Town of South Shore has demonstrated a reasonable need for the water reserved by Permit No. 4053B-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. 4053B-3 is subject to payment of the \$22.50 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 "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer  
March 31, 1999



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 31, 1999

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

Garry Waage, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263-0057

Dear Mr. Waage:

Future Use Permit No. 4053B-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 South Shore Gazette (Phone #605 756-4200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 31, 1999

South Shore Gazette  
Box 96  
South Shore SD 57263-0096

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4053B-3 to be published twice. Please publish the first notice on April 8, 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 South Shore, PO Box 57, South Shore SD 57263-0057.

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

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

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

We are in receipt of your letter of March 31, 1999 enclosing Notice of Hearing to Review Future Use Water Permit No. 4053B-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 April 8, 1999 with 2nd publication 7 days later. The Town of South Shore is responsible for payment.

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## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, PO Box 57, South Shore SD 57263-0057 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. 4053B-3. This permit was approved July 28, 1977 and reserves 192 acre-feet of water annually from the Antelope Valley Aquifer located within the city limits of South Shore (portions of the SW ¼ Section 14, SE ¼ Section 15 and NE ¼ Section 22; all in T119N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 5, 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 April 26, 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. 4053B-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 April 26, 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 April 26, 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, Sherry Elmore

certify that the attached printed Notice was taken

from the South Shore gazette

a legal newspaper

printed and published in South Shore

County of Codington and

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

April 8, 1999

April 15, 1999

Cost of Printing \$109.02

Sherry Elmore  
(Signature)

Publisher

(Title)

April 21, 1999  
(Date Signed)



## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, PO Box 57, South Shore SD 57263-0057 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. 4053B-3. This permit was approved July 28, 1977 and reserves 192 acre-feet of water annually from the Axtelops Valley Aquifer located within the city limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T19N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on May 5, 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 April 26, 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. 4053B-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 APED 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 is urged to contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 26, 1999. The time of the hearing will be automatically delayed for a 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 April 26, 1999.

Nettie H. Myers,  
Secretary,  
Department of Environment  
and Natural Resources.  
(Published April 8, 15, 1999)



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 13, 1999

NOTICE

Garry Waage, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263-0057

Dear Mr. Waage:

I am writing in response to action taken by the Water Management Board at the hearing on May 5, 1999 to review Future Use Permit No. 4053B-3. The Board allowed the permit to remain in effect for 192 acre-feet of water annually. Future Use Permit No. 4053B-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4053B-3 is \$22.50 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 May 13, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 13, 1999, regarding response to action taken by the Water Management Board at the hearing on May 5, 1999, to review Future Use Permit No. 4053B-3, addressed as stated below:

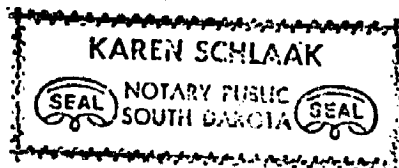
Garry Waege, Finance Officer, Town of South Shore, P.O. Box 57, South Shore, SD 57263-0057.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                      )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 14<sup>th</sup> day of May, 1999

  
Notary Public



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

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416136

Pierre, June 10, 19 99

RECEIVED OF Town of South Shore, P.O..Box 57, South Shore, SD 57263-0057  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                         |       |       |
|-------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. 4053B-3 to Appropriate Water, for Future<br>Use _____                                | 22    | 50    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. _____                  |       |       |
| Fee for Filing Transfer Form _____                                                                                      |       |       |
| Fee for Filing Extension Request _____                                                                                  |       |       |
| Fee for _____                                                                                                           |       |       |
| _____                                                                                                                   |       |       |
| _____                                                                                                                   |       |       |
| (Any Other Work Provided by Law)                                                                                        | Total | 22 50 |

By

Chief Engineer

*John Hatcher*



4053B-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 23, 2006

Town of South Shore  
Staci Bucholz, Finance Officer  
PO Box 57  
South Shore SD 57263-0057

Dear Ms. Bucholz:

I am writing in regard to the seven year review of Future Use Water Permit No. 4053B-3 from groundwater (Antelope Valley Aquifer) which is held by the Town of South Shore. 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 192 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 March 20, 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. 4053B-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](mailto:karen.schlaak@state.sd.us)

---

# town of south shore

---

post office box 57 • south shore, south dakota 57263-0057

March 6, 2006

Karen Schlaak, Environmental Scientist  
Water Rights Program

PMB 2020 - Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

RECEIVED  
MAR 15 2006  
WATER RIGHTS  
PROGRAM

Dear Karen Schlaak:

It is the intention of the Town of South Shore, to retain Future Use Water Permit No. 4053B-3, which was issued in 1977. This well currently pumps approximately 40 gallons of water per minute. The residents, who are supplied by this well, depend upon it as the primary source of water. It is for this reason that the South Shore Town Board of Trustees have decided to retain the permit.

Sincerely,



Staci Buchholz  
Finance Officer  
605-756-4130 (Business)  
605-756-4528 (Home)

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Future Use Permit NO. 4053B-3, South Shore

ADDRESS: PO Box 57, South Shore SD 57263-0057 COUNTY: Codington

DATE: March 15, 2006 TELEPHONE: 756-4130

RE: Call to Staci Buchholz, Finance Officer

I called Ms. Buchholze in response to her March 6<sup>th</sup> letter on South Shore wanting to retain Future Use Permit No. 4053B-3. I explained that the future use permit is a reservation of water which establishes a priority date. The future use permit does not impact the use of water from the town's existing permitted wells.

Ms. Buchholz stated that she followed the same response as they did in 1997. I told her I wanted to make sure the town is aware that the issue is to retain a reservation of water for future development and does not involve their current wells. She understood and expressed the town's intent to retain the future use permit.

I told her we would proceed with processing the 7 year review.

NAME: Eric Stenberg



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4053B-3, Town of South Shore 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. 4053B-3, Town of South Shore, PO Box 57, South Shore SD 57263.

The Chief Engineer is recommending that Future Use Permit No. 4053B-3 REMAIN in EFFECT for 192 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4053B-3, 2) the town has demonstrated a reasonable need for the water reserved by Permit No. 4053B-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. 4053B-3 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Garland Erbele, Chief Engineer  
March 20, 2006



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 20, 2006

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

Town of South Shore  
Staci Bucholz, Finance Officer  
PO Box 57  
South Shore SD 57263-0057

Dear Ms. Bucholz:

Future Use Permit No. 4053B-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 South Shore Gazette printed at South Shore (Phone #605 756-4200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

South Shore Gazette  
PO Box 96  
South Shore SD 57263-0096

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4053B-3 to be published twice. Please publish the first notice on March 30, 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 South Shore, PO Box 57, South Shore SD 57263.

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

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

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

We are in receipt of your letter of March 20, 2006 enclosing Notice of Hearing to Review Future Use Water Permit No. 4053B-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 March 30, 2006 with 2nd publication 7 days later. The town of South Shore is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, PO Box 57, South Shore SD 57263 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. 4053B-3. This permit was approved in 1977 and currently reserves 192 acre feet from groundwater (Antelope Valley Aquifer) located within the city limits of South Shore (portions of the SW ¼ Section 14, SE ¼ Section 15 and NE ¼ Section 22; all in T119N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at 10:00 am, May 3, 2006 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 April 21, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4053B-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 April 21, 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 April 21, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County of Codington ) SSI, Sherry Elmore

certify that the attached printed Notice was taken

from the South Shore Gazetteprinted and published in South ShoreCounty of Codington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 30, 2006April 6, 2006Cost of Printing 76.85Sherry Elmore  
(Signature)Owner/Publisher  
(Title)April 13, 2006  
(Date Signed)Notice of Hearing  
To review future  
Use Water Permit  
No. 4053B-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, PO Box 57, South Shore, SD 57263 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. 4053B-3. This permit was approved in 1977 and currently reserves 192 acre feet from groundwater (Antelope Valley Aquifer) located within the city limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T119N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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 beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4053B-3 at 10:00 am, May 3, 2006 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief of 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 planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 21, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the 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 is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4053B-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

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 April 21, 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 of Engineer by April 21, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. (Publish March 30, April 6, 2006)

RECEIVED  
APR 20 2006  
WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 4, 2006

**NOTICE**

Town of South Shore  
Staci Bucholz, Finance Officer  
PO Box 57  
South Shore SD 57263-0057

Dear Ms. Bucholz:

I am writing in response to action taken by the Water Management Board at the hearing on May 3, 2006 to review Future Use Permit No. 4053B-3. The Board allowed the permit to remain in effect for 192 acre-feet of water annually. Future Use Permit No. 4053B-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4053B-3 is \$22.50 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,

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

# CERTIFICATION

I hereby certify that on May 4, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2006 regarding Notice of Future Use Permit Nos. 5522-3, 5523-3, 4053B-3, 4039-3, 3428-3, 427-3, 3124-3, and 1289-3, addressed as stated below:

5522-3 & 5523-3  
City of Sioux Falls  
Randy Janssen Water Superintendent  
224 W 9<sup>th</sup> St  
Sioux Falls SD 57104-6407

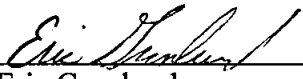
4053B-3  
Town of South Shore  
Staci Bucholz Finance Officer  
PO Box 57  
South Shore SD 57263-0057

4039-3  
City of Montrose  
Carol Flickinger Finance Officer  
PO Box 97  
Montrose SD 57048

3428-3  
Janel Ellingson Water Supt  
City of Aberdeen  
12668 391 Ave  
Aberdeen SD 57401

427-3 & 3124-3  
Tim McGannon Public Works Director  
City of Mitchell  
612 N Main St  
Mitchell SD 57301

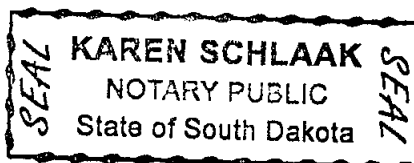
1289-3  
Craig Nussbaum Utility Superintendent  
City of Garretson  
PO Box 370  
Garretson SD 57030-0370

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 5<sup>th</sup> day of May, 2006.

  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 10, 2006

RECEIVED OF Town of Shuth Shore, PO Box 57, South Shore SD 57263

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>4053B-3</u> after period of seven years.                                | 22    | 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 | 22.50 |

No.

02487

By

Darland White

Chief Engineer

gm



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

Kathleen Meyer, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Ms. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 4053B-3 from groundwater (Antelope Valley Aquifer) held by the Town of South Shore. 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 192 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 South Shore 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. 4053B-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 192 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

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

*town of south shore*  
post office box 57 • south shore, south dakota 57263-0057

RECEIVED

MAR 15 2013

WATER RIGHTS  
PROGRAM

March 11, 2013

Karen Schlaak, Environmental Scientist  
Water Rights Program  
PMB 2020 – Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

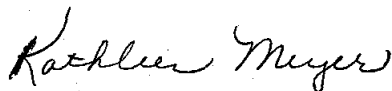
Dear Ms. Schlaak:

It is the intention of the Town of South Shore to retain Future Use Water Permit #4053B-3, which was issued in 1977.

The Town Board of South Shore is aware that the issue is to retain a reservation of water for future development and does not involve our current wells.

Our well currently pumps between 40-60 gallons of water per minute, supplying our residents with city water.

Sincerely,



Kathleen Meyer, Finance Officer  
PO Box 57  
South Shore SD 57263  
[townsouthshore@sstel.net](mailto:townsouthshore@sstel.net)  
605-756-4130



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4053B-3, Town of South Shore 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. 4053B-3, Town of South Shore, PO Box 57, South Shore SD 57263.

The Chief Engineer is recommending that Future Use Permit No. 4053B-3 REMAIN in EFFECT for 192 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4053B-3, 2) the town has demonstrated a reasonable need for the water reserved by Permit No. 4053B-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. 4053B-3 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the town after the Board hearing.

Garland Erbele, Chief Engineer  
March 28, 2013

RECEIVED

APR 15 2013

Form 8

WATER RIGHTS  
PROGRAM

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 date:

April 10th, 2013

Cost of Printing 90.70

Monica K. Saathoff  
(Signature)

Bookkeeper

(Title)

April 10th, 2013

(Date Signed)

DEPARTMENT  
OF ENVIRON-  
MENT AND  
NATURAL  
RESOURCES

NOTICE OF HEARING TO  
REVIEW FUTURE USE  
WATER PERMIT NO.  
4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by Town of South Shore, P.O. Box 57, South Shore, SD 57263 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. 4053B-3. This permit was approved in 1977 and currently reserves 192 acre feet from groundwater (Antelope Valley Aquifer) located within the city limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T119N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at 9:00 am, May 2, 2013, 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 per-

son who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4053B-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 April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continu-

ance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$85.75.  
(April 10, 2013)

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

Instruction to Newspaper-Publish the following Notice on April 10, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by Town of South Shore, PO Box 57, South Shore SD 57263 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. 4053B-3. This permit was approved in 1977 and currently reserves 192 acre feet from groundwater (Antelope Valley Aquifer) located within the city limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T119N-R51W).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at 9:00 am, May 2, 2013, 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 April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4053B-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 April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published once at the approximate cost of \_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

April 1, 2013

Public Opinion  
PO Box 10  
Watertown SD 57201

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4053B-3 to be published on April 10, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Town of South Shore, Kathleen Meyer, Finance Officer, PO Box 57, South Shore SD 57263.

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

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

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

April 1, 2013

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

Kathleen Meyer, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Ms. Meyer:

Future Use Permit No. 4053B-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. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on April 10, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

May 6, 2013

**NOTICE**

Kathleen Meyer, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Ms. Meyer:

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2013 to review Future Use Permit No. 4053B-3. The Board allowed the permit to remain in effect for 192 acre-feet of water annually. Future Use Permit No. 4053B-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4053B-3 is \$75.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on May 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 6, 2013 regarding Future Use Permits addressed as stated below:

Tim McGannon, City of Mitchell, 612 N Main St, Mitchell SD 57301 #'s 427-3 & 3142-3  
Craig Nussbaum, City of Garretson, PO Box 370, Garretson SD 57030 # 1289-3  
Kyle Goodmanson, City of Yankton, PO Box 176, Yankton SD 57078 # 3371-3  
Janel Ellingson, City of Aberdeen, 12668 391<sup>st</sup> Ave, Aberdeen SD 57401 # 3428-3  
Donald Whitman, City of Flandreau, 1005 W Elm Ave, Flandreau SD 57028 # 3977-3  
Kathleen Meyer, Town of South Shore, PO Box 57, South Shore SD 57263 # 4053B-3  
Greg Anderson, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104 --  
#'s 5522-3 & 5523-3



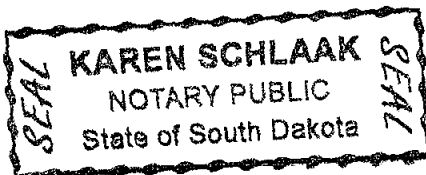
Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                                      ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 6<sup>th</sup> day of May, 20 13.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2019



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Town of South Shore PO Box 57 South Shore SD 57263 Date 5/22, 20 13

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 | 75    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. <u>4053B-3</u> after period of seven years.                                |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form _____                                                                             |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 75 00 |

No. **06343**

By

*Jeanne Lodaum*  
Chief Engineer



4053B-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 31, 2020

Kathleen Meyer, Finance Officer  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Ms. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 4053B-3 from the Antelope Valley Aquifer held by South Shore. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 192 acre-feet of water remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2013.

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

Permit No. 4053B-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 192 acre-feet remain in reserve, the fee will be \$75.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

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

---

# town of south shore

---

post office box 57 • south shore, south dakota 57263-0057

RECEIVED

FEB 18 2020

WATER RIGHTS  
PROGRAM

February 6, 2020

Karen Schlaak, Environmental Scientist  
Water Rights Program  
PMB 2020 – Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

Dear Ms. Schlaak:

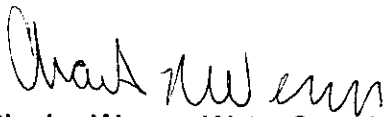
It is the intention of the Town of South Shore to retain Future Use Water Permit #40538-3, which was issued in 1977.

The Town Board of South Shore is aware that the issue is to retain a reservation of water for future development and does not involve our current wells.

Our well currently pumps between 40 – 60 gallons of water per minute, supplying our residents with city water.

Thank you.

Sincerely,



Charles Werner, Water Superintendent  
Town of South Shore  
PO Box 57  
South Shore SD 57263  
[townsouthshore@sstel.net](mailto:townsouthshore@sstel.net)  
605-756-4130



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4053B-3, Town of South Shore 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. 4053B-3, Town of South Shore, PO Box 57, South Shore SD 57263.

The Chief Engineer is recommending that Future Use Permit No. 4053B-3 REMAIN in EFFECT for 192 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4053B-3, 2) the town has demonstrated a reasonable need for the water reserved by Permit No. 4053B-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. 4053B-3 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in blue ink that reads "Eric Gronlund". The signature is written in a cursive style.

Eric Gronlund, Chief Engineer  
August 4, 2020

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Codington ) SS

I, Jackie Wettstad

certify that the attached printed Notice was taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

August 12, 2020

Cost of Printing \$64.30

Jackie Wettstad  
(Signature)

Office Manager  
(Title)

8-12-2020  
(Date Signed)

RECEIVED

AUG 14 2020

WATER RIGHTS  
PROGRAM

## SOUTH SHORE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, Charles Werner, Water Supt., PO Box 57, South Shore SD 57263 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. 4053B-3. This permit was approved 1977 and currently reserves 192 acre-feet from the Antelope Valley Aquifer located within the town limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T119N-R51W) for municipal use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 182 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. 4053B-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 4053B-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020. According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published once at the approximate cost of \$59.30.

64.30  
(August 12, 2020)



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 4, 2020

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

Town of South Shore  
Charles Werner, Water Supt.  
PO Box 57  
South Shore SD 57263

Dear Mr. Werner:

Future Use Permit No. 4053B-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Watertown Public Opinion (605 886-6901). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on August 12, 2020. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak  
Water Right Program  
605 773-3352

enclosures

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, August 4, 2020 8:34 AM  
**To:** 'legals@thepublicopinion.com'  
**Subject:** 4053B-3, Town of South Shore  
**Attachments:** 4053B-3notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Town of South Shore, Charles Werner, Water Supt, PO Box 57, South Shore SD 57263 (605 756-4130) has been notified to contact you to authorize publication and arrange for payment.

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

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

*Karen Schlaak*

Water Rights Program  
(605) 773-3352



## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, August 4, 2020 8:44 AM  
**To:** Kathy Meyer (townsouthshore@sstel.net)  
**Subject:** 4053B-3, Town of South Shore  
**Attachments:** 4053B-3appl pn ltr.doc; 4053B-3notice.doc; 4053B-3.rec.doc

Attached is a copy of the chief engineer recommendation and information regarding the public notice for review of the town's future use permit. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

*Karen Schlaak*

Water Rights Program  
(605) 773-3352



**DENR**  
SOUTH DAKOTA

Instruction to Newspaper - Publish the following Notice on August 12, 2020. The Town of South Shore is responsible for payment.

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## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4053B-3

Notice is given that the Water Management Board will review Future Use Permit No. 4053B-3 held by the Town of South Shore, Charles Werner, Water Supt., PO Box 57, South Shore SD 57263 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. 4053B-3. This permit was approved 1977 and currently reserves 192 acre-feet from the Antelope Valley Aquifer located within the town limits of South Shore (portions of the SW 1/4 Section 14, SE 1/4 Section 15 and NE 1/4 Section 22; all in T119N-R51W) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4053B-3 REMAIN in EFFECT for 192 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. 4053B-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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

The hearing to review Future Use Permit No. 4053B-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published once at the approximate cost of \_\_\_\_



**DENR**  
SOUTH DAKOTA

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

October 13, 2020

**NOTICE OF ENTRY OF ORDER**

Charles Werner, Water Supt  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Mr. Werner:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2020 to review Future Use Permit No. 4053B-3. The Board allowed the permit to remain in effect for 192 acre-feet of water annually. Future Use Permit No. 4053B-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4053B-3 is \$75.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

CERTIFICATION

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

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



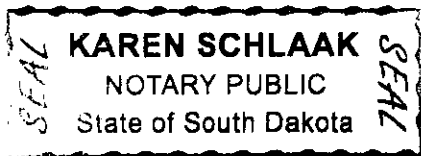
Eric Gronlund, Water Rights Program

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

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



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2025





**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 15, 2020

Charles Werner, Water Supt  
Town of South Shore  
PO Box 57  
South Shore SD 57263

Dear Mr. Werner:

On October 13, 2020 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4053B-3. To date, we have not received this payment.

Please submit the \$75.00 as soon as possible to avoid violating the regulation regarding the town's future use permit. If you have questions, please contact this office.

Sincerely,

*Karen Schlaak*

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

# RECEIPT

## WATER RIGHTS PROGRAM

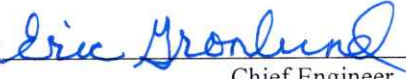
South Dakota Department of Environment and Natural Resources

Date January 19, 2021

RECEIVED OF Town of South Shore 102 N Main St. PO Box 57 South Shore SD 57263

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>4053B-3</u> after period of seven years.                                | \$75.00 |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$      |
| Fee for Filing Transfer Form _____                                                                             | \$      |
| Fee for _____                                                                                                  | \$      |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$      |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$      |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$      |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$      |
| (Any Other Work Provided by Law) TOTAL                                                                         | \$75.00 |

By   
Chief Engineer  
