

1. Considered _____ July 26 _____, 19 78 _____
2. Name of Applicant _____ City of Mobridge _____
3. Post Office Address _____
4. Amount of water claimed _____ 12.0 _____ Sec. 12-124-78 _____
5. Source of water supply _____ Missouri River _____
6. Water to be used for _____ Municipal use _____
- Acres to be irrigated _____ -- _____
7. Water to be diverted and used in _____ Walworth _____ County
about IN CITY LIMITS Miles _____ of _____
8. Proof of Publication Received 6-26-78 _____
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 4290-3Map No. 3503-3 Water Division No. 3 MISSOURI RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

FUTURE USE
APPLICATION FOR A PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant City of Mobridge, a municipal corporation
 Postoffice address City Hall, Mobridge, State South Dakota 57601
 If a corporation show date and place of incorporation State of South Dakota-date unknown
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Future use works
4. Amount of water claimed (cubic feet per second) 12.0
5. Source of water supply Missouri River
6. Location of point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 124N, Range 78

County Walworth

7. Annual period or periods during which water is to be used continuously
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____
9. For irrigation use, Total number of acres to be irrigated _____

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system not applicable years. Additional time required to complete application of water to the proposed beneficial use not applicable years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Mobridge Tribune
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. This is a request to appropriate water for future development by the City of Mobridge

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Walworth)

I, LeRoy C. Marin, Mayor of the City of Mobridge, S. D. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed LeRoy C. Marin
 Mayor

Subscribed and sworn to before me this 24th day of May, 1978

A. N. BUCKMEIER
 Notary Public (or other qualified officer)

A. N. BUCKMEIER
 Notary Public, South Dakota
 My Commission Expires Aug. 31, 1985

11/11/11 35033 11/11/11 No. 4290-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4290-3

CITY OF MOBRIDGE
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57601 With the following modifications:
(State)

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

This Future Use Permit No. 4290-3 is approved with the stipulation that this Permit to Appropriate Water is subject to review by the Water Rights Commission as to accomplishment thereunder, upon expiration of Seven (7) years.

Date of first receipt of application JUNE 2, 19 78

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

Date of receipt of corrected application _____, 19 _____

Approved JULY 26, 19 78, Recorded in Book 20 Page 53

WATER RIGHT PERMIT NO. 4290-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4290-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 2, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE, 19 _____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE, 19 _____
5. The water appropriated shall be used for the purpose of FUTURE USE - MUNICIPAL

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

7. The amount of the appropriation herein granted shall not exceed 12.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~

USED FOR MUNICIPAL PURPOSES

~~actually and beneficially applied for irrigation on or before _____, 19 _____; said water to be used during the following described annual periods:~~

Witness my hand this 1ST day of AUGUST, 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Publish first publication, on or before June 30, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 13, 1978Notice is hereby given that the City of Mobridge whose

post office address is _____, South Dakota, has made an application
in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, Future Use 46-5-38,
Temporary Permit 46-5-39, 46-5-40; Ground Water 46-6-3, 46-6-6, 46-6-10, 46-6-14
and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21
thru 52:01:01:24, for a permit to appropriate for beneficial use 12.0 cubic feet
of water per second of time from the Missouri River through
the Future Use Works, the point of diversion of which is
to be located in the SE 1/4 SE 1/4

of Section 12, Twp. 124 N, Range 78 W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

~~Municipal water supplies for the City of Mobridge~~

This Application No. 4290-3 will be considered by the Water Rights Commission
at their office at Pierre upon the 26th day of July 1978, at 10 AM. The
Commission is authorized to make a determination on this application at the hearing.
All interested persons may appear and be heard. Any person who may be affected by
a Commission decision who desires to present evidence or cross-examine witnesses
according to SDCL 1-26 may notify the Commission in writing prior to the hearing or
orally at the hearing.

WATER RIGHTS COMMISSION

BETTY WESTLUND
Water Rights Specialist

cc: City of Mobridge

No. 4290-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Cindi K. Volk hereby

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

Water was taken from the Mobridge Tribune

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

City of Mobridge

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

June 22, 1978

June 29, 1978

Cindi K. Volk
(Signature)

Bookkeeper
(Title)

June 23, 1978
(Date Signed)

*received
June 26, 1978*

City of Mobridge

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 13, 1978

Notice is hereby given that the City of Mobridge, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for a Future Use permit to appropriate for beneficial use 12.0 cubic feet of water per second of time from the Missouri River through the Future Use Works, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Twp. 124N, Range 78W. Said water to be used for the purpose of

seeks permit

providing Municipal water supplies for the City of Mobridge.

This Application No. 4290-3 will be considered by the Water Rights Commission at the Ramada Inn in Sioux Falls, SD 26th day of July, 1978, at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
Betty Westlund
Water Rights Specialist

-622-629

Law Offices

LAKEMAN AND KRAUSE

Arend E. Lakeman

Newell E. Krause

RECEIVED

JAN 3 1977

U.S. DEPT. OF AGRICULTURE
BUREAU OF RECLAMATION

P. O. BOX 397

PROFESSIONAL BUILDING

210 EAST GRAND CROSSING BOULEVARD

MOBRIDGE, SOUTH DAKOTA 57601

December 23, 1976

Maynard Sommer
Director of State Highway Engineers
State Capitol
Pierre, South Dakota 57501

Col. James W. Ray, District Engineer
U.S. Army Engineer District
6014 U.S.P.O. and Courthouse
215 North 17th
Omaha, Nebraska 68102

Gentlemen:

As City Attorney I have been asked to check into the status of the City of Mobridge water rights as a municipal corporation taking its water from the Oahe Reservoir.

In checking back through the records I am unable to determine whether or not these rights were adequately obtained at the time of the Government construction of the City of Mobridge water pumping and purification stations.

Will you please check your records with regard thereto and advise as to your findings. Should you find that there are any actions that should be taken by the City please advise and send me whatever forms are necessary so that we may take care of the same promptly.

Yours very truly,

Arend E. Lakeman

Arend E. Lakeman

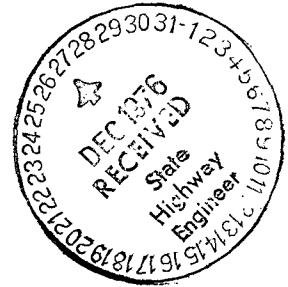
AEL:jb

Someone will stop on the next
trip into the Mobridge Area

Vern Butler?

Mayor -
Jim Marin

Contact Arend
Lakeman
or if he is not
available, then
Contact the City Hall and
to get hold of Mayor Jim Marin.



Law Offices of
LAKEMAN AND KRAUSE

Arend E. Lakeman
Newell E. Krause

RECEIVED

NOV 10 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Will STOP IN

TELEPHONE 605-845-2981

File: Walworth Co.

4290-3

SUITE 100-102
MORRISON BUILDING
MOBRIDGE, SOUTH DAKOTA 57601

November 9, 1976

South Dakota Water Resources Commission
Pierre,
South Dakota 57501

Dear Sir:

October 11, as City Attorney, I wrote you making inquiry as to the present status of the City of Mobridge, a municipal corporation, as to water rights in taking water from the Oahe Reservoir for domestic purposes.

I have had no acknowledgement of receipt of said letter or reply thereto. Please refer to my letter of October 11 for information requested.

Yours very truly,


Arend E. Lakeman

AEL:jb

Instruction to Newspaper-Publish first publication of the following Notice on or before January 22, 1986 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4290-3 held by City of Mobridge for progress made in the development of the water reserved by the Permit and future plans for development of the reserved Water Permit No. 4290-3 was approved July 26, 1978 to reserve 12.00 cfs ~~(acre-feet)~~ from the Missouri River located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 T124N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4290-3 be continued.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4290-3 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD, on March 6, 1986 at 9:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) Continue the Permit, 2) Continue the Permit with qualifications, 3) Cancel the Permit for no development or no planned future development, or 4) Take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 1986. 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. 4290-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

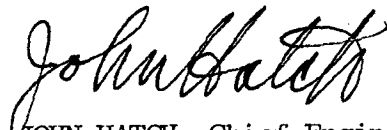
Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty 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 extension must be filed with the Chief Engineer by February 21, 1986.

REPORT AND RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4290-3, City of Mobridge, SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 4290-3, City of Mobridge, 205 E 2nd, Mobridge SD.

The Chief Engineer is recommending CONTINUANCE of Future Use Permit No. 4290-3.

If the Water Management Board continues Permit No. 4290-3 for another seven years the owner will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 4290-3 in effect. The 10% fee based upon the remaining permit cubic feet per second will be \$200.00.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
January 14, 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 17, 1986

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

Mayor Darrell Bender
City of Mobridge
205 East 2nd
Mobridge SD 57601

Dear Sir:

You are hereby notified that the publication notice concerning review of
Future Use Permit No. 4290-3 has been sent to the Publisher of the

Mobridge Tribune, Mobridge SD

For your information, a copy of this notice and the recommendation of the
Chief Engineer are enclosed. Please review and contact this office, if
you have any questions.

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

Sincerely,

KEVIN C LARSON
Natural Resources Engineer

enclosures

cc: Darlene Zahn, Finance Officer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 17, 1986

Mobridge Tribune
Box 250
Mobridge, SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Permit No. 4290-2
for City of Mobridge. Please publish this
notice each week for two consecutive weeks in your paper. The first
publication should be on or before January 22, 1986.

The PERMIT OWNER must verify to you that the notice is to be published, before
you make the first publication. The permit owner is to pay the cost of pub-
lication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching
thereto a copy of the first publication so that it may be compared with the
records. For your convenience, you may use the printed form below for this
purpose.

After final publication please complete and mail to this office, the enclosed
Form to furnish Proof of Publication. The review cannot be considered by the
Water Management Board until proof of publication has been received.

Sincerely,

KEVIN C LARSON
Natural Resources Engineer

enclosures

cc: permit owner

NO. _____

Date _____

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

We are in receipt of your letter of January 17, 1986 enclosing Notice of Hearing
to Review Future Use Permit No. _____ which was first published in our
issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

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

4290-3

PROOF OF PUBL

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Linda K. Volk

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

Water was taken from the Mobridge, Nebraska

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

State of South Dakota

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

January 22, 1986

January 29, 1986

Linda K. Volk
(Signature)

office manager
(Title)

1/80/86
(Date Signed)

Cost of Printing: \$39.51

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4290-3

Notice is hereby given that the
Water Management Board will
review Future Use Permit No. 4290-3
held by City of Mobridge for progress
made in the development of the water
reserved by the Permit and future
plans for development of the
reserved Water Permit No. 4290-3
was approved July 26, 1978, to
reserve 12.00 cfs from the Missouri
River located in SE 1/4 SE 1/4 Section 12
T124N-R78W.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights
Division recommends that Permit
No. 4290-3 be continued.

The Water Management Board will
conduct the hearing to review Future
Use Permit No. 4290-3 in Room 216,
Joe Foss Building, 523 E. Capitol,
Pierre, S.D., on March 6, 1986, at 9:00
a.m.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is
authorized to 1) Continue the Permit,
2) Continue the Permit with
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 partici-
pate in the hearing before the
Board and present evidence or
cross-examine witnesses according
to SDCL 1-26, must file a written
petition with BOTH the permit owner
and the Chief Engineer by February
21, 1986. The petition may be in-
formal, 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. 4290-3 will be conducted
pursuant to the provisions of SDCL
46-1-14, 46-5-38.1 Board Rules ARSD
74:02:01:27 and contested case
procedures contained in SDCL 1-26.

This hearing is an adversary

proceeding. The permit owner or any
person, after filing a petition, has the
right to be present or to be
represented by a lawyer. These and
other due process rights will be
forfeited if they are not exercised.
Decisions of the Board may be ap-
pealed to the Circuit Court and the
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, DWRN, Joe Foss
Building, Pierre, S.D., (605 773-3352)
for assistance prior to the hearing
date. The time of the hearing will be
automatically extended for at least
twenty 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 ex-
tension must be filed with the Chief
Engineer by February 21, 1986.

-122-129





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 19, 1986

4290-3

NOTICE

Mayor Darrell Bender
City of Mobridge
205 E 2nd
Mobridge SD 57601

Dear Mayor Bender:

This letter is in regard to the action taken by the Water Management Board March 6, 1986, after review of the City of Mobridge Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect and amended Permit No. 4290-3 by adding the qualification on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 4290-3 will be subject to review after seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$200.00. Please remit within 60 days.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

cc: Darlene Zahn, Finance Officer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4290-3

CITY OF MOBRIDGE, SD

Following a hearing by the Water Management Board March 6, 1986 Future Use Permit No. 4290-3 was allowed to remain in effect and amended by adding the following qualification:

Maintaining the effectiveness of Future Use Permit No. 4290-3 is contingent upon payment of a \$200.00 fee.

CERTIFICATION

I hereby certify that on March 19, 1986 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice and Attachment for Future Use Permit No. 4290-3, City of Mobridge addressed as stated on the notice.

Karen Schlaak
Karen Schlaak
Administrative Aide

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of March, 1986.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 11, 1980

RECEIVED OF City of Mobridge, 204 E. 2nd St., Mobridge, SD 57001

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>4290-2</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 Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	

By [Signature]
Chief Engineer

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 23, 1992

Darrell Bender, Mayor
City of Mobridge
205 East 2nd
Mobridge SD 57601-2692

Dear Mr. Bender:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from the Missouri River which is held by City of Mobridge. Currently, our records show that 12.0 cubic feet of water per second remain in reserve under this future use permit which was issued in 1978.

Permit No. 4290-3 will be scheduled for review by the Water Management Board on March 3, 1993 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. 4290-3.

Please respond in writing by December 31, 1992, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Darlene Zahn, Finance Officer

4290-3

On U. S. 12
Milwaukee Road
Community
Hospital
Museum
City Parks
Oahe Lake
Auditorium
Swimming Pool

THE CITY OF BRIDGES ON THE SHORES OF LAKE OAHE

CITY OF MOBRIDGE

MOBRIDGE, S. D. 57601

Sitting Bull
Monument

Library

Lighted Ball Park

Municipal Airport

Annual Rodeo

Radio Station

National Guard

Water Treatment
Plant



December 3, 1992

Karen Schlaak
Natural Resources Analyst
Dept of Water & Natural Resources
Joe Foss Bldg
523 East Capitol
Pierre, SD 57501-3181

Attn: Karen Schlaak

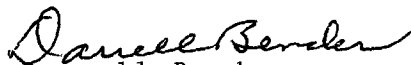
I am writing in regard to the seven year review of future use Water Permit No. 4290-3 from the Missouri River, which is held by the City of Mobridge.

The City of Mobridge would very much like to retain their future use Water Permit No. 4290-3 for the purpose of population growth, economic development and future land irrigation. A fair future use estimate would probably be two to three times our 10 year average usage.

Pumping records for the past three years are: 1989 259.9 MGY - 1990 227.2 MGY - 1991 245.6 MGY.

A ten year average of pumping records would be 270 MGY

Sincerely


Darrell Bender
Mayor



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 1993

Darrell Bender, Mayor
City of Mobridge
205 East 2nd
Mobridge SD 57601-2692

Dear Mr. Bender:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from the Missouri River which is held by the City of Mobridge. We have received your December 3, 1992 letter requesting the retention of this permit. A copy of the **draft recommendation** is enclosed for your review.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Water Management Board Rule 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you believe the recommended amount to remain in reserve does not adequately meet your community's future development needs, please provide additional justification for a greater amount. This draft recommendation is to provide you the opportunity to comment on our recommendation prior, to publishing the notice of hearing.

If we do not receive comments from you by January 20, 1993, we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the March 3 & 4, 1993, Water Management Board meeting.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

cc: Addison Dame, Water Superintendent

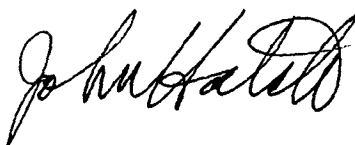
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4290-3, City of Mobridge SD

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. 4290-3, City of Mobridge SD.

The Chief Engineer is recommending that Future Use Permit No. 4290-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4290-3, 2) the City of Mobridge has demonstrated a reasonable need for the water reserved by Permit No. 4290-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4290-3 reserve for future use a total of 1,656 acre-feet annually. The diversion rate of 12 cfs is deleted from Permit No. 4290-3.

And that maintaining the effectiveness of Future Use Permit No. 4290-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Mobridge.



JOHN HATCH, Chief Engineer
January 25, 1993

NOTE: The maximum annual acre-feet of full-time pumping represented by 12 cubic feet of water per second (cfs) reserved by No. 4290-3 is 8,688 acre-feet. Assuming that the total amount pumped annually would equal 60% of 8,688 acre-feet, then expected developed pumping of water reserved under Permit No. 4290-3 would be about 5,213 acre-feet per year.

The ten year average annual water usage by the City of Mobridge is 828 acre-feet. Doubling this annual use (1,656 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 12 cfs (8,688 acre-feet under Permit No. 4290-3). 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. 4290-3 should be allowed to remain in effect for 1,656 acre-feet as outlined in the above qualification.



4290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1993

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

Darrell Bender, Mayor
City of Mobridge
205 East 2nd
Mobridge SD 57601-2692

Dear Mr. Bender:

Future Use Permit No. 4290-3 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 Mobridge Tribune printed at Mobridge SD (Phone # 845-3646). 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



4290-3

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

January 27, 1993

Mobridge Tribune
Box 250
Mobridge SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4290-3 to be published twice. Please publish the first notice on February 3, 1993 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 City of Mobridge, 205 East 2nd, Mobridge SD 57601-2692.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

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

Name_____
Newspaper

4290-3

Instruction to Newspaper-Publish first publication of the following Notice on February 3, 1993 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 205 East 2nd, Mobridge SD 57601-2692 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. 4290-3. This permit was approved July 26, 1978 to reserve 12.0 cubic feet of water per second from the Missouri River at a point located in the SE 1/4 SE 1/4 Section 12-T124N-R78W for municipal use by the City of Mobridge.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre SD on March 3, 1993 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 1993. 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. 4290-3 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 Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by February 22, 1993. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 1993. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of _____) ss

I, Linda Volk

certify that the attached printed Notice was

taken from the _____

Mobridge Tribune

printed and published in Mobridge

County of Wichita and State of

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

Feb 3, 1993

Feb 10, 1993

Cost of Printing: \$49.30

Linda K. Volk
 (Signature)

office mgr.
 (Title)

February 15, 1993
 (Date Signed)



NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 205 East 2nd, Mobridge, S.D. 57601-2692 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. 4290-3. This permit was approved July 26, 1978 to reserve 12.0 cubic feet of water per second from the Missouri River at a point located in the SE 1/4 SE1/4 Section 12-T124N-R78W for municipal use by the City of Mobridge.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre SD on March 3, 1993 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 1993. 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. 4290-3 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 Division, DENR, Joe Foss Building, Pierre, S.D. 605-773-3352 by February 22, 1993. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 22, 1993. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

23-210

0444-215-000



4290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 1993

NOTICE

Darrell Bender, Mayor
City of Mobridge
205 East 2nd
Mobridge, SD 57601-2692

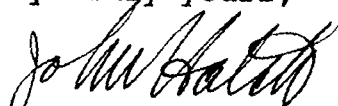
Dear Mr. Bender:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 1993 to review Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect and amended Permit No. 4290-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4290-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$52.50 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

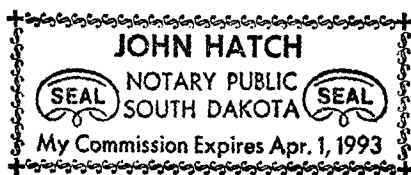
enclosures

cc: Darlene Zahn, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 4290-3**CITY OF MOBRIDGE**

Pursuant to the March 3, 1993 Water Management Board hearing, Future Use Permit No. 4290-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4290-3 reserve for future use a total of 1,656 acre-feet annually. The diversion rate of 12 cfs is deleted from Permit No. 4290-3.



RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413684

4290-3

Pierre, _____ March 18 _____, 19 93

RECEIVED OF City of Mobridge, 205 E 2nd St, Mobridge, SD 57601

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>4290-3</u> after period of seven years.	52	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 _____		

(Any Other Work Provided by Law)	Total	52 50

By _____
Chief Engineer

John Haldeman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2000

Darrell Gill, Mayor
City of Mobridge
205 E 2nd St
Mobridge SD 57601-2692

Dear Mayor Gill:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from the Missouri River which is held by the City of Mobridge. The city obtained this future use permit in 1978 to reserve Missouri River water for future development purposes for the city. By law, all future use permits are to be reviewed by the Water Management Board every seven years. Currently, our records show that 1,656 acre-feet remain in reserve under this future use permit that was last reviewed in 1993.

Please respond in writing by March 15, 2000, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4290-3 will then be public noticed scheduling a 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

On U. S. 12
Milwaukee Road
Community
Hospital
Museum
City Parks
Oahe Lake
Auditorium
Swimming Pool

THE CITY OF BRIDGES ON THE SHORES OF LAKE OaHE

CITY OF MOBRIDGE

MOBRIDGE, S. D. 57601

Sitting Bull
Monument
Library
Lighted Ball Park
Municipal Airport
Annual Rodeo
Radio Station
National Guard
Water Treatment
Plant



March 9, 2000

Karen Schlaak
Environment Scientist
Water Rights Program
Joe Foss Building
523 East Capital
Pierre, S. D. 57501-3181

Dear Karen Schlaak:

I am writing in regard to the seven year review of the future use Water Permit No. 4290-3 from the Missouri River, which is held by the City of Mobridge.

The City of Mobridge would like very much to retain their future use Water Permit No. 4209-3 for the purpose of population growth, economic development and future land irrigation. A fair future use estimate would probably be two to three times our 10 year average usage.

Pumping records for the past three years are: 1997 223.4 MGY - 1998 268.2 MGY - 1999 237.2 MGY.

A ten year average of pumping records would be 270 MGY.

Sincerely,

Darrell Gill
Mayor

Instruction to Newspaper-Publish first publication of the following Notice on April 5, 2000 with 2nd publication 7 days later. The City of Mobridge is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 205 E 2nd St, Mobridge SD 57601 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. 4290-3. This permit was approved July 26, 1978 and currently reserves 1,656 acre feet of water from the Missouri River at a point located in the SE ¼ SE ¼ Section 12-T124N-R78W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on May 3, 2000 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 24, 2000. 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. 4290-3 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 24, 2000. 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 24, 2000. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2000

Mobridge Tribune
Box 250
Mobridge SD 57601-0250

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4290-3 to be published twice. Please publish the first notice on April 5, 2000 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mobridge, 205 E 2nd St, Mobridge SD 57601.

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 29, 2000 enclosing Notice of Hearing to Review Future Use Water Permit No. 4290-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2000

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

Darrell Gill, Mayor
City of Mobridge
205 E 2nd St
Mobridge SD 57601

Dear Mayor Gill:

Future Use Permit No. 4290-3 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 Mobridge Tribune (Phone #845-3646). 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

c: Ron Buechler, Finance Officer

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Roberta Atkinson, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of hearing

City

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

April 5 & 12, 2000

that the full amount of the fees charged for publishing the same to-wit: the sum of 46.85 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Roberta Atkinson

Subscribed and sworn to before me this 13 day of April, 2000.

Conde K. Volk
Seal expires 29th July, 2004

(Seal)

Water board to review Mobridge permit

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 205 E 2nd St, Mobridge SD 57601 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. 4290-3. This permit was approved July 26, 1978 and currently reserves 1,656 acre feet of water from the Missouri River at a point located in the SE 1/4SE 1/4Section 12-T124N-R78W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on May 3, 2000 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 24, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4290-3 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 24, 2000. 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 24, 2000. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4290-3, City of Mobridge 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. 4290-3, City of Mobridge, 205 E 2nd St, Mobridge SD 57601-2692.

The Chief Engineer is recommending that Future Use Permit No. 4290-3 REMAIN in EFFECT for 1,656 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4290-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4290-3, 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. 4290-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" and last name "Erbele" clearly distinguishable.

Garland Erbele, Chief Engineer
March 29, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 2000

NOTICE

Darrell Gill, Mayor
City of Mobridge
205 E 2nd St
Mobridge SD 57601-2692

Dear Mayor Gill:

I am writing in response to action taken by the Water Management Board at the hearing on May 3, 2000 to review Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect for 1,656 acre-feet of water annually. Future Use Permit No. 4290-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$52.50 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

c: : Ron Buechler, Finance Officer

CERTIFICATION

I hereby certify that on May 8, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 8, 2000, regarding response to action taken by the Water Management Board at the hearing on May 3, 2000, to review Future Use Permit No. 4290-3, addressed as stated below:

Darrell Gill, Mayor, City of Mobridge, 205 E. 2nd St., Mobridge, SD 57601-2692.

A copy of the above described Notice was sent to the following:

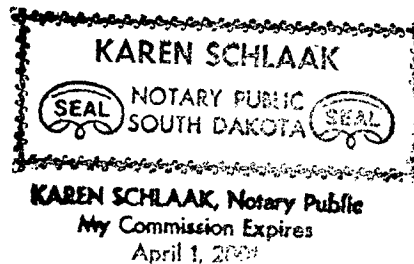
Ron Buechler, Finance Officer, City of Mobridge, 205 E. 2nd St., Mobridge, SD 57601-2692.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 2000


Notary Public



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416519

Pierre, May 17, 2000

RECEIVED OF City of Mobridge, 205 E. 2nd Street, Mobridge, SD 57601-2692
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. <u>4290-3</u> to Appropriate Water, for Future Use _____	52	50
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	52 50

By Harold Ebel
Chief Engineer



March 12, 2007

Taylor Oster, Mayor
City of Mobridge
114 1st Ave E
Mobridge SD 57601

Dear Mayor Oster:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from the Missouri River which is held by the City of Mobridge. 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 1,656 acre-feet remain in reserve under this future use permit that was issued in 1978 and last reviewed in 2000.

Please respond in writing by April 1, 2007, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4290-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the 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
karen.schlaak@state.sd.us

4290-3

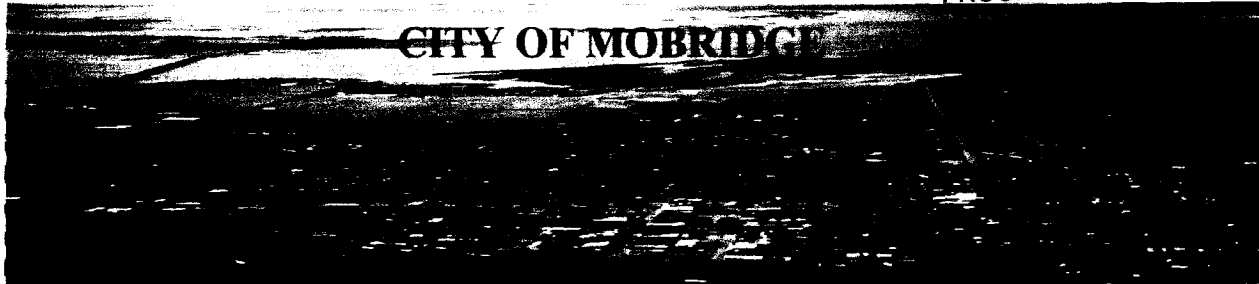
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED

APR - 2 2007

WATER RIGHTS
PROGRAM



114 1st AVENUE EAST MOBRIDGE, SD 57601
WATER/WASTEWATER (605)845-2102 FAX (605)845-3309

March 30, 2007

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

Dear Karen Schlaak:

I am writing in regard to the seven year review of the Future Use Water Permit No. 4209-3 from the Missouri River, which is held by the City of Mobridge.

The City of Mobridge would like very much to retain their future Use Water Permit No. 4209-3 for the purpose of population growth, economic development and future land irrigation.

Pumping records for the past three years are; 2004 - 258 MG, 2005 - 278 MG and 2006 - 344 MG.

Sincerely, -

Brad Milliken
Water Supt.
City of Mobridge



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4290-3, City of Mobridge 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. 4290-3, City of Mobridge, 114 1st Ave E, Mobridge SD 57601.

The Chief Engineer is recommending that Future Use Permit No. 4290-3 REMAIN in EFFECT for 1,656 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4290-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4290-3, 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. 4290-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
April 4, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 2007

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

City of Mobridge
Brad Milliken, Water Supt.
114 1st Ave E
Mobridge SD 57601

Dear Mr. Milliken:

Future Use Permit No. 4290-3 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 Mobridge Tribune (Phone #605 845-3646). 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

April 4, 2007

Mobridge Tribune
PO Box 250
Mobridge SD 57601-0250

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4290-3 to be published twice. Please publish the first notice on April 11, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Mobridge, 114 1st Ave E, Mobridge SD 57601.

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 April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 4290-3 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 11, 2007 with 2nd publication 7 days later. The City of Mobridge is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 114 1st Ave E, Mobridge SD 57601 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. 4290-3. This permit was approved 1978 currently reserves 1,656 acre feet from the Missouri River at a point located in the SE ¼ SE ¼ Section 12-T124N-R78W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 10:00 am, May 9, 2007 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 30, 2007. 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. 4290-3 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 30, 2007. 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 30, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

APR 30 2007

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Elizabeth Rische, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing, Water Permit 4290-3

City of Mobridge

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

April 11 and 18, 2007

that the full amount of the fees charged for publishing the same to-wit: the sum of \$54.58 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Elizabeth Rische

Subscribed and sworn to before me this 19th day of April, 2007

Roberta R. Atkinson

Seal expires 19th May, 2012

(Seal)

Future water use hearing for City of Mobridge is May 9

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 114 1st Ave. E., Mobridge, SD 57601 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. 4290-3. This permit was approved 1978 currently reserves 1,656 acre feet from the Missouri River at a point located in the SE1/4SE1/4 Section 12-T124N-R78W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 10:00 a.m., May 9, 2007 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 an 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 30, 2007. The Chief Engineer's address is "Water Rights

Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-733-3352) 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. 4290-3 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 30, 2007. 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 30, 2007.

Steven M. Pirmer,
Secretary, Department of Environment
and Natural Resources.

-041107-041807



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 2007

NOTICE

City of Mobridge
Brad Milliken, Water Supt.
114 1st Ave E
Mobridge SD 57601

Dear Mr. Milliken:

I am writing in response to action taken by the Water Management Board at the hearing on May 10, 2007 to review Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect for 1,656 acre-feet of water annually. Future Use Permit No. 4290-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$52.50 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 10, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 10, 2007 regarding permit 4290-3 addressed as stated below:

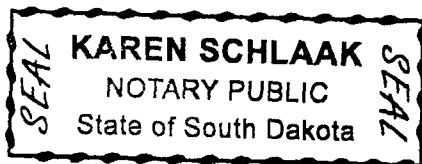
City of Mobridge
Brad Milliken, Water Supt.
114 1st Ave E
Mobridge SD 57601


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 2007.


Karen Schlaak
Notary Public
My Commission expires April 1, 2008 / 3



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 23, 2007

RECEIVED OF City of Mobridge 114 1st Ave E Mobridge SD 57601

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	52	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4290-3</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. _____	52	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	52	50

No.

03752

By [Signature]
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



4290-3

March 12, 2014

City of Mobridge
Brad Milliken, Water Superintendent
114 1st Ave E
Mobridge SD 57601

Dear Mr. Milliken:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from Missouri River held by the City of Mobridge. 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 1,656 acre-feet of water remain in reserve under this future use permit that was issued in 1978 and last reviewed in 2007.

Please respond in writing by April 12, 2014 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4290-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the 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 1,656 acre-feet remains in reserve, the fee will be \$195.00.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



May 8, 2014

City of Mobridge
Brad Milliken, Water Superintendent
114 1st Ave E
Mobridge SD 57601

Dear Mr. Milliken:

On March 12, 2014, we notified you that Future Use Water Permit No. 4290-3 held by the City of Mobridge was to be scheduled for review by the Water Management Board. On April 14, 2014, you called indicating you were in the process of preparing a letter. To date, we have not received a response from you.

The future use permit was obtained by the city in 2007 to reserve water for future development. By state law, these permits are subject to review every seven years. As stated in our previous letter, if the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The Water Management Board will not schedule Permit No. 4290-3 for review until the above information has been submitted.

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

Sincerely,

Karen Schlaak

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 27, 2014

City of Mobridge
Brad Milliken, Water Superintendent
114 1st Ave E
Mobridge SD 57601

Dear Mr. Milliken:

As stated in my previous letters dated March 12 and May 8, 2014, Future Use Water Permit No. 4290-3 from the Missouri River held by the City of Mobridge is scheduled to be reviewed by the Water Management Board. Currently, our records show that 1,656 acre-feet of water remain in reserve under this future use permit that was issued in 1978 and last reviewed in 2007.

Prior to scheduling this review, we require a written response regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

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.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

c: Heather Beck, Finance Officer



City of Mobridge

RECEIVED

JUL - 7 2014

WATER RIGHTS
PROGRAM

114 1st Avenue East
Mobridge, South Dakota 57601
605-845-3555

AN EQUAL OPPORTUNITY EMPLOYER

July 1, 2014

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

Dear Karen Schlaak,

I am writing in regard to the seven year review of the Future Use Water Permit # 4209-3 from the Missouri River which is held by the City Of Mobridge.

The City of Mobridge would like very much to retain their future use Water Permit # 4209-3 for the purpose of population growth, economic development and future land irrigation.

Pumping for the past three years are 2011 257 mg., 2012 296 mg., 2013 274 mg.

Sincerely,

Steve Gasser
City Administrator
City of Mobridge



**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. 4290-3, City of Mobridge**

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. 4290-3, City of Mobridge, 114 1st Ave E, Mobridge SD 57601.

The Chief Engineer is recommending that Future Use Permit No. 4290-3 REMAIN in EFFECT for 1,656 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4290-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4209-3, 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. 4290-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
August 20, 2014



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



August 25, 2014

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

City of Mobridge
Steve Gasser, City Administrator
114 1st Ave E
Mobridge SD 57601

Dear Mr. Gasser:

Future Use Permit No. 4290-3 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 and the nearest daily paper. The notice of this review has been sent to the Publishers of the Mobridge Tribune (605 845-3646) and the Capitol Journal (605 224-7301). 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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on September 3, 2014. 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 57501-3182
denr.sd.gov



August 25, 2014

Capital Journal
PO Box 878
Pierre SD 57501

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4290-3 to be published on September 3, 2014. 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

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 City of Mobridge, c/o Steve Gasser, City Administrator, 114 1st Ave E, Mobridge SD 57601 (605 845-3509).

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

The City of Mobridge 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

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



August 25, 2014

Mobridge Tribune
PO Box 250
Mobridge SD 57601

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4290-3 to be published on September 3, 2014. 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

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 City of Mobridge, c/o Steve Gasser, City Administrator, 114 1st Ave E, Mobridge SD 57601 (605 845-3509).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on September 3, 2014. The City of Mobridge 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. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 114 1st Ave E, Mobridge SD 57601 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. 4290-3. This permit was approved 1978 currently reserves 1,656 acre-feet of water annually from the Missouri River at a point located in the SE 1/4 SE 1/4 Section 12-T124N-R80W for municipal use. This notice also serves to correct the legal description of the range to R80W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 10:00 am, October 22, 2014 at the 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 October 10, 2014. 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. 4290-3 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 October 10, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 10, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of _____.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Franklin Gross, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Future Use Water Permit hearing is Oct. 22 in Pierre

Water Rights Program

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks upon the following dates, to-wit:

September 3rd, 2014

that the full amount of the fees charged for publishing the same to-wit: the sum of \$37.43 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

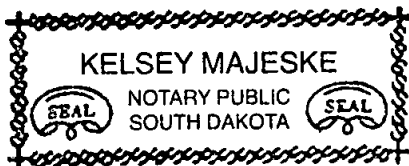


Subscribed and sworn to before me this 23rd day of September, 2014



Kelsey Majeske, Notary Public
State of South Dakota
My commission expires September, 2018

(Seal)



Future Use Water Permit hearing is Oct. 22 in Pierre

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, 114 1st Ave. E., Mobridge SD 57601 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. 4290-3. This permit was approved 1978 currently reserves 1,656 acre-feet of water annually from the Missouri River at a point located in the SE 1/4 SE 1/4 Section 12-T124N-R80W for municipal use. This notice also serves to correct the legal description of the range to R80W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 10:00 am, October 22, 2014 at the 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 October 10, 2014. The Chief

Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre SD 57501 (605773-3352) 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. 4290-3 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 October 10, 2014.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 10, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$37.43.

-090314

RECEIVED
SEP 26 2014
WATER RIGHTS
PROGRAM

RECEIVED

SEP 09 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marilynn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

9-3-14

Cost of Printing \$47.15

Marilynn Baker
(Signature)

Bookkeeper
(Title)

9-5-14
(Date Signed)

Public Notice

and present evi-
dence or cross-ex-
amine witnesses
according to
SDCL 1-26, must
file a written peti-
tion with BOTH
the permit owner
and the Chief En-
gineer by October
10, 2014. 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 peti-
tion may be infor-
mal, but it must in-
clude a statement
describing the pe-
titioner's interest in
the future use per-
mit, the reasons
for petitioner's op-
position to or sup-
port of continuing
the future use per-
mit, and the signa-
ture of the permit
holder or his legal
counsel. If legal
counsel is ob-
tained, the permit
holder need not
appear at the hearing.
The hearing to re-
view the future use
permit No. 4290-3
development of will be conducted
pursuant to the
provisions of
SDCL 46-1-14,
46-2-5, 46-2-9,
46-2-11, and
46-2-12. Board
ARSD
74-02-01:25.01
Missouri River at a thru
point located in 74-02-01:25.03
the SE 1/4 SE 1/4 and contested
Section 12-T124N-R60W contained in
12-T124N-R60W SDCL 1-26.
This notice also This hearing is an
adversary pro-
ceeding. The peti-
tioner of the range must owner or any
person, after filing
a petition, has the
right to be present
at the hearing or to be
represented by a law-
yer. These and
other due process
rights will be for-
feited if they are
not exercised. De-
cisions of the
Board may be ap-
pealed to the Cir-
cuit Court and
then to the State
Supreme Court.
The proposed use by law.
Any person wish-
ing a copy of the
public notice, Chief Engineer's
recommendation,
Board further information
on this permit, to
will conduct the hearing by the
Future Use Permit the hearing by the
No. 4290-3 at handicapped or
10:30 am, October obtain an inter-
view at the preter for the
Floyd Matthew hearing impaired
Training Center, may contact Eric
Joe Foss Bldg, Grandstand, Water
Rights Program,
523 E Capitol, Pi-
erre SD.
October 10, 2014.
The time of the
hearing will be
final or binding automatically de-
termined by the Board for at least
20 days upon writ-
ten request of the
permit owner or
any person who
remains in effect, 2) any person who
opposes or sup-
ports the permit by adding quali-
fications, 3) cancel part continuance
the permit for no of the Future Use
development or no Permit. The re-
quest for a delay
development, or 4) must be filed with
the Chief Engineer
no later than October 10.
Steven M.
Pomeroy, Secretary,
Department of En-
vironment and
Natural Resources
who may be af-
fected by a Board
decision and who
intends to partici-
pate in the hearing must
before the Board \$47.15.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 24, 2014

NOTICE

City of Mobridge
Steve Gasser, City Administrator
114 1st Ave E
Mobridge SD 57601

Dear Mr. Gasser:

I am writing in response to action taken by the Water Management Board at the hearing on October 22, 2014 to review Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect for 1,656 acre-feet of water annually. Future Use Permit No. 4290-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$195.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on October 24, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 24, 2014 regarding Future Use review of 4290-3 addressed as stated below:

City of Mobridge, Steve Gasser, 114 1st Ave E, Mobridge SD 57601



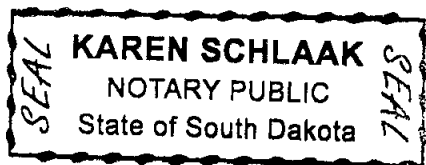
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of October, 20 14.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/6, 20 14

RECEIVED OF City of Mobridge 114 1st Ave E Mobridge SD 57601

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	195	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4290-3</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	195 00

No. **06979**

By Jean Goodman
Chief Engineer

4290-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2021

City of Mobridge
Heather Beck, City Administrator
114 1st Ave E
Mobridge SD 57601

Dear Ms. Beck:

I am writing in regard to the seven year review of Future Use Water Permit No. 4290-3 from the Missouri River held by City of Mobridge. 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 1,656 acre-feet remain in reserve under this future use permit that was issued in 1978 and last reviewed in 2014.

Please respond in writing by April 1, 2021 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4290-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the 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 1,656 acre-feet remain in reserve, the fee will be \$195.00.

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

Sincerely,

A handwritten signature in black ink that reads 'Karen Schlaak'.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 16, 2021 3:32 PM
To: Heather Beck
Subject: RE: [EXT] Permit
Attachments: Untitled Extract Pages.pdf

Attached is a copy of what the city submitted 7 years ago. Hopefully this will help.
Let me know if you have more questions.

Karen Schlaak

Water Rights Program
(605) 773-3352



From: Heather Beck <cityhall@westriv.com>
Sent: Tuesday, March 16, 2021 2:31 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: mobridgewater@westriv.com
Subject: [EXT] Permit

Hi Karen,
I'm working on the response to your letter regarding the City of Mobridge's Permit No. 4290-3. For annual pumping records, do you want what we pumped for the last three years?

Kurt, our Water Superintendent, or I was not involved in the 2014 review, so I'm unable to look back to see what was submitted previously.

Thank you for your help,

Heather Beck
Finance Officer/City Administrator
City of Mobridge
114 1st Ave E
Mobridge, SD 57601
605-845-3509
www.cityofmobridge.com

Schlaak, Karen

From: Heather Beck <cityhall@westriv.com>
Sent: Monday, March 22, 2021 3:04 PM
To: Schlaak, Karen
Cc: mobridgewater@westriv.com
Subject: [EXT] Future Use Water Permit
Attachments: Water Permit Letter 3.22.21.pdf

RECEIVED

MAR 23 2021

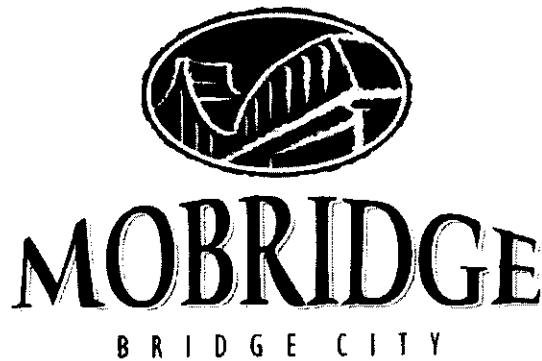
**WATER RIGHTS
PROGRAM**

Hi Karen,
Please see a letter from the City of Mobridge in regards to permit no. 4290-3.

Please contact me with any questions.

Thank you,

Heather Beck
Finance Officer/City Administrator
City of Mobridge
114 1st Ave E
Mobridge, SD 57601
605-845-3509
www.cityofmobridge.com



RECEIVED

MAR 23 2021

WATER RIGHTS
PROGRAM

March 22, 2021

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

RE: Permit No. 4290-3

Dear Karen,

The City of Moberge is requesting a renewal of Permit No. 4290-3. The Missouri River provides water under this permit to approximately 3,500 residents, plus the outlying areas.

In the previous three years, the City has pumped the following:

2018 – 291,286,000

2019 – 219,509,000

2020 – 303,745,000

This permit allows us to provide water for our regional hospital, schools, commerce, and homes; along with future economic development.

The City of Moberge would like to retain the entire 1,656 acre-feet in reserve.

Thank you,

Heather Beck
Finance Officer/City Administrator



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. 4290-3, City of Mobridge 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. 4290-3, City of Mobridge, c/o Heather Beck, Finance Officer, 114 First Ave E, Mobridge SD 57601.

The Chief Engineer is recommending that Future Use Permit No. 4290-3 REMAIN in EFFECT for 1,656 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4290-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4290-3, 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. 4290-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
March 29, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 30, 2021 9:34 AM
To: Heather Beck
Subject: Future Use Permit No. 4290-3
Attachments: 0963.pdf

Attached is a copy of the chief engineer recommendation and information regarding the public notice for the future use review of the City's Future Use Permit No. 4290-3. As stated in the letter, please contact the papers 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

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 2021

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

City of Mobridge
c/o Heather Beck, Finance Officer
114 First Ave E
Mobridge SD 57601

Dear Ms. Beck:

Future Use Permit No. 4290-3 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 Mobridge Tribune (605 845-3646) and the Aberdeen American News (605 225-4100). 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 NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on April 7, 2021. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on April 7, 2021. The City of Mobridge is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, c/o Heather Beck, Finance Officer, 114 First Ave E, Mobridge SD 57601 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. 4290-3. This permit was approved in 1978 and currently reserves 1,656 acre-feet from the Missouri River at a point located in SE 1/4 SE 1/4 Section 12-T124N-R80W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 9:30 AM, Central Time, May 5, 2021, 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 April 23, 2021. 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. 4290-3 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 April 23, 2021. 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 23, 2021.

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 April 19, 2021.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 30, 2021 9:31 AM
To: Aberdeen News Legals (aan-legals@aberndeennews.com)
Subject: 4290-3, City of Mobridge
Attachments: 4290-3.pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on April 7, 2021.

The City of Mobridge, Heather Beck, Finance Officer, 114 First Ave E, Mobridge SD 57601 (605 845-3509) 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, March 30, 2021 9:31 AM
To: 'news@mobridgetribune.com'
Subject: 4290-3, City of Mobridge
Attachments: 4290-3.pub notice.doc; FORM8.FRM.doc

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Karen Schlaak

Water Rights Program
(605) 773-3352



APR 22 2021

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of _____) SS

I, Lori Cox

certify that the attached printed Notice was taken

from the Mobridge Tribune

printed and published in Mobridge

County of Walworth and

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

April 7th, 2021

Cost of Printing \$43.34

Lori Cox
(Signature)

Office manager
(Title)

4-19-21
(Date Signed)

Water management board to review city water permit

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4290-3**
Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, c/o Heather Beck, Finance Officer, 114 First Ave E, Mobridge SD 57601 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by the permit.

This permit was approved in 1978 and currently reserves 1,656 acre-feet from the Missouri River at a point located in SE 1/4 SE 1/4 Section 12-5124N-R80W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 9:30 AM, Central Time, May 5, 2021, Floyd Mathew Training Center, Joe Ross 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 to SDCL 46-2A-2, must file a written petition with BOTH the permit owner and the Chief Engineer by April 23, 2021. The Chief Engineer's address is "Water Rights Program" Joe Ross 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 continuing the 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. 4290-3 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 AFSD 74-02-0125.01 thru 74-02-0125-03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding.

RECEIVED

APR 20 2021

WATER RIGHTS
PROGRAM

City of Mobridge
114 First Ave E
Mobridge, SD 57601

STATE OF WISCONSIN

County of Brown

Rang Pappalardo
Signature

Rang Pappalardo
Printed Name

being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit.

Published Dates:
04/07/21

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$108.87, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 20th
day of
April,
A.D.
2021

Signed:

Vicky Felty

NOTARY PUBLIC
State of Wisconsin
County of Brown

My commission expires

9/9/21

VICKY FELTY
Notary Public
State of Wisconsin

Ad ID 952508

AFFIDAVIT OF PUBLICATION

(No. 952508)
(April 7, 2021)

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 4290-3

Notice is given that the Water Management Board will review Future Use Permit No. 4290-3 held by the City of Mobridge, c/o Heather Beck, Finance Officer, 114 First Ave E, Mobridge SD 57601 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. 4290-3. This permit was approved in 1978 and currently reserves 1,656 acre-feet from the Missouri River at a point located in SE 1/4 SE 1/4 Section 12-T124N-R80W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4290-3 REMAIN in EFFECT for 1,656 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. 4290-3 at 9:30 AM, Central Time, May 5, 2021, 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.

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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 April 19, 2021. Published once at the approximate cost of \$108.87



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 6, 2021

NOTICE OF ENTRY OF ORDER

City of Mobridge
Heather Beck, Finance Officer
114 1st Ave E
Mobridge SD 57601

Dear Ms. Beck:

I am writing in response to action taken by the Water Management Board at the hearing on May 5, 2021 to review Future Use Permit No. 4290-3. The Board allowed the permit to remain in effect for 1,656 acre-feet of water annually. Future Use Permit No. 4290-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4290-3 is \$195.00 pursuant to SDCL 46-2-13(2). Please make checks payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

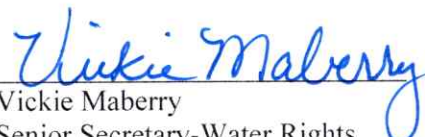
Sincerely,

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

CERTIFICATION

I hereby certify that on May 6, 2021, 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, 2021, regarding Notice of Entry of Order addressed as stated below:

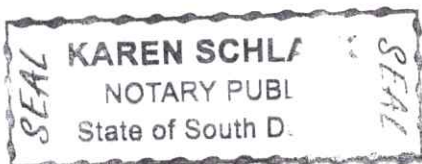
City of Mobridge, Heather Beck, Finance Officer, 114 1st Ave E., Mobridge SD 57601


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 2021.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 14, 2021

RECEIVED OF City of Mobridge 114 1st Ave E. Mobridge SD 57601

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>4290-3</u> after period of seven years.	<u>\$195.00</u>
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	<u>\$195.00</u>

By Eric Bronlund
Chief Engineer
vm