

1. Considered May 15, 1957
2. Name of Applicant City of Sioux Falls # 448-3
3. Post Office Address Sioux Falls, S.D.
4. Amount of water claimed 46.8 cfs
5. Source of water supply Ground Water
6. Water to be used for Municipal use
- Acres to be irrigated _____
7. Water to be diverted and ~~used~~ in the Sioux River Valley County about
_____ miles _____ of _____ north of Sioux Falls
8. Proof of Publication Received _____ Not Received ✓
9. Application Approved _____ Subject to _____
Not approved _____ Action deferred _____
10. Remarks:

No. 448-3Water Division No. 3Big Sioux River District
(blanks to be filled by the Engineer for the W. D. C.)

APR 8 - 1957

**APPLICATION FOR PERMIT
WITHDRAWAL FOR FUTURE USE****To Appropriate Water within the State of South Dakota**

(NOTE—Draw a line through items not applicable.)

1. Name of applicant CITY OF SIOUX FALLS, SOUTH DAKOTAPostoffice address Sioux Falls, County Minnehaha, State S. Dak.I. If a corporation Municipal Corporation

(a) Name of same _____

(b) Date and place of Incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors Fay Wheeldon - MayorJohn N. Browning - CommissionerBert T. Yeager - Commissioner

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

by contract

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

SIOUX VALLEY
Township 102 North Range 49 West

North One-Half of Section 20
 Southeast Quarter of Section 20
 West One-Half of Section 21
 West One-Half of Section 16
 West One-Half of the East One-Half of Section 16
 Section 17
 Section 8
 West One-Half of Section 9
 West One-Half of the East One-Half of Section 9
 East One-Half of Section 5
 West One-Half of Section 4
 West One-Half of the East One-Half of Section 4

Township 103 North Range 49 West

East One-Half of Section 32
 West One-Half of Section 33
 West One-Half of East One-Half of Section 33
 East One-Half of Section 29
 West One-Half of Section 28
 West One-Half of East One-Half of Section 28
 East One-Half of Section 20
 West One-Half of Section 21
 West One-Half of Section 16
 Section 17

(c) Location of plant _____

(d) Method of developing power _____

Water where water will be returned to stream Sioux Falls Sewage Treatment

Map No. 342-3, 343-3, 344-3

3. Estimated cost of work: \$1,500,000

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom ----- feet; length at top -----

feet; thickness at bottom -----feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

Reservoir: Capacity when filled -----acre feet. Surface area at highwater mark -----acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate: Width-----feet; height -----feet;
Material -----

(d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work -----years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper or publication of notice of intention to appropriate -----
Argus Leader

STATE OF SOUTH DAKOTA

County of Minnehaha

ss.

I, John N. Browning, acting President, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

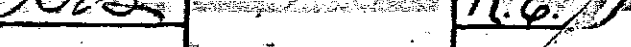
Signed

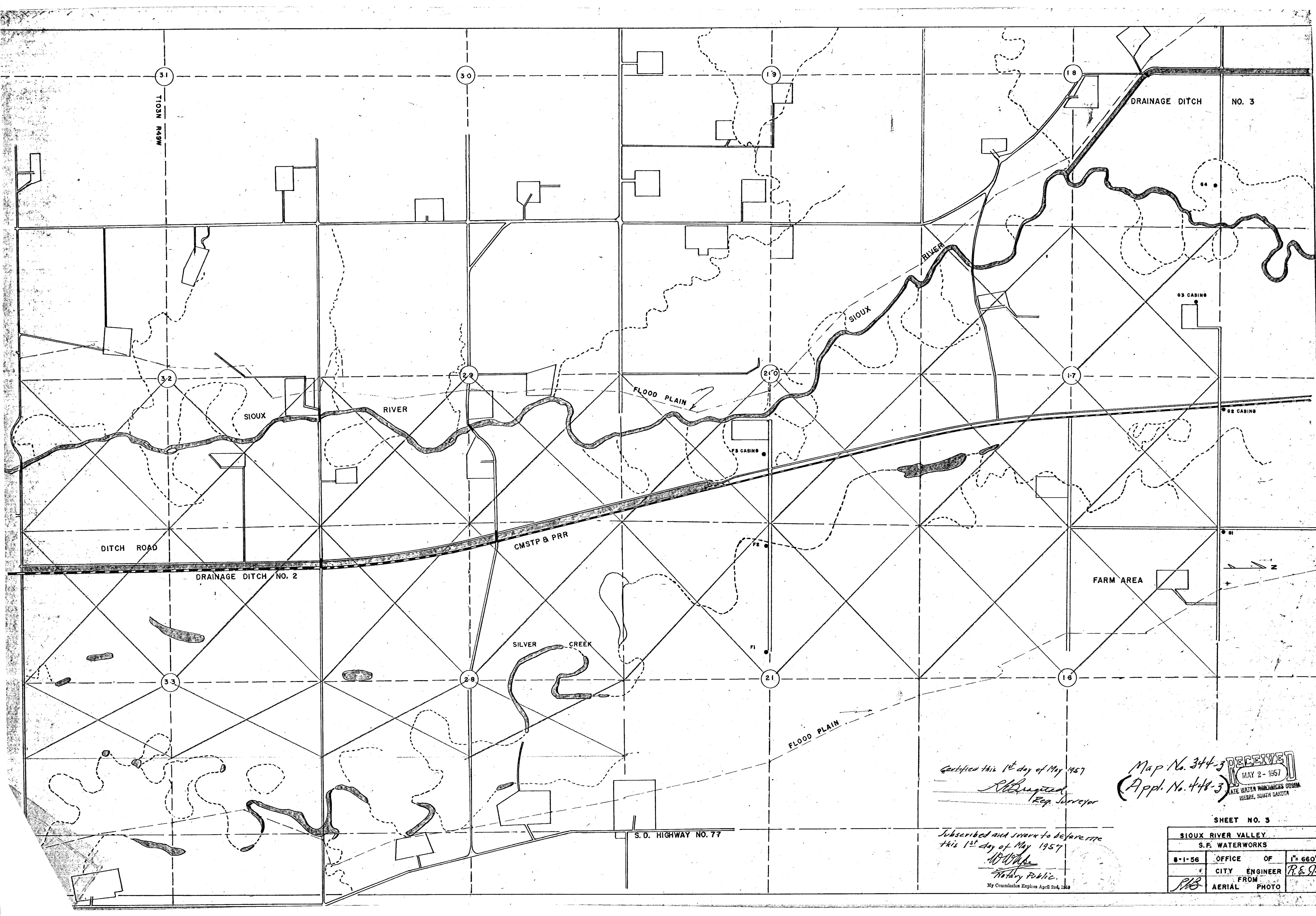
Subscribed and sworn to before me this 14th day of April 1957

Notary Public, for other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission Expires January 7, 1961.





Certified this 1st day of May 1957
R. B. Wright
Reg. Surveyor

Map No. 344-3 RECEIVED
(Appl. No. 448-3) MAY 2 - 1957
STATE WATER WORKS COMMISSION
PIERRE, SOUTH DAKOTA

Subscribed and sworn to before me
this 1st day of May 1957
R. B. Wright
Notary Public.
My Commission Expires April 2nd, 1958

SHEET NO. 3

SIOUX RIVER VALLEY			
S.F. WATERWORKS			
8-1-56	OFFICE	OF	1"= 660'
	CITY	ENGINEER	R. B. Wright
	FROM	AERIAL	PHOTO

Remarks by State Water Resources Commission:

The attached limitation statement is hereby made a part of this permit

STATE OF SOUTH DAKOTA

County of

Sioux

ss.

Pierre, South Dakota,

April 12, 1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

a.m. upon the 8 day of April, 1957

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

for withdrawal of water for future use

Number of permit 448-3

Date of first receipt of application

April 8

1957

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

April 8

1957

Approved

June 28

1957

Recorded in Book

Page

135

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

does not apply

Specific applications must be submitted when definite plans are made to appropriate water under this permit.

2nd. The whole of said work is to be completed on or before

does not apply

19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

does not apply

19

4th. The water appropriated shall be used for the purpose of

withdrawal of water for future use for municipal purposes.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1.8 cubic feet per second; neither shall it exceed the capacity of the above-described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 actually and beneficially applied for irrigation on or before 1957; said water to be used during following described annual period:

Continuously

Witness my hand this

13

day of

September

1957

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

By resolution dated June 24, 1957 the City of Sioux Falls acknowledged the relationship and their understanding of their applications for future use municipal water supplies (448-3 and 449-3) under provisions of the State water laws by stating "whenever in the opinion of the Water Resources Commission, then existing domestic water supplies are adversely affected by construction of the vitally needed City wells, the City at its expense will deepen or otherwise rehabilitate existing domestic wells to assure domestic users of a water supply equivalent to that which they could have expected had not the City's wells been constructed" and "the City recognizes the responsibility imposed by the state water laws for rural domestic water wells adversely affected by construction of City wells as a condition to be met and as a limitation to be observed in any water right permit to use the ground waters of the Big Sioux River and Skunk Creek Valleys which have been or may be issued to the City of Sioux Falls by the State Water Resources Commission".

Such understanding and recognition of the rights to domestic use of water over municipal use under provisions of State Water law by the present administration of the City of Sioux Falls provides a reasonable basis for administration of the State water laws and, while the resolution may not be legally binding upon future City Governments, the requirements of State water law are known and investments by the City in water use facilities will be made with such knowledge. Protection of domestic supplies may be accomplished when necessary by the Water Resources Commission without disputes as to the facts.

With the above understanding and acknowledgment of State Law requirements, Future Use Permits 448-3 and 449-3 are granted subject to the conditions outlined above.

(First Publication not later than April 23, 1957)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak. April 13, 1957Notice is hereby given that The City of Sioux Falls whose postofficeaddress is Sioux Falls S. Dak., has made an application in accordance withthe provisions of the water laws of South Dakota for a permit to appropriate future for beneficial use 46.8cubic feet of water per second of time from the Big Sioux Valley ground water through thefuture municipal water system, the point of diversion of which is to be located in theSections4, 5, 8, 9, 16, 17, 20 & 21T102 N, R 49 W and Sections 15, 17, 20, 21, 28, 29, 32 and 33Twp. 103N Range 49E Said water to be used for the purpose of providing future municipalfuture municipal water supplies for the City of Sioux Falls.WITNESSES 4/16/57

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of May, 1957, at 2:00 p. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

cc - Mr. John A. Kennedy
Daily Argus Leader
Sioux Falls, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Minnehaha } ss.

W. T. Haggard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the

SIoux FALLS ARGUS LEADER a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Sioux Falls County of Minnehaha and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

April 16, 1957

April 23, 1957

April 30, 1957

May 7, 1957

in each and every issue of the full number thereof, the first publication being made on the 16 day of April

1957 and the last publication on the 7th day of

May 1957, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Credit Mgr. the printer and publisher of the said newspaper.

W. T. Haggard

Subscribed and sworn to before me this 7th day of May A. D. 1957.

Eleanor Tague

Notary Public Minnehaha County, S. D.

Eleanor Tague

My Commission Expires

June 30, 1958

APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, So. Dak., April 12, 1957.
Notice is hereby given that The City of Sioux Falls, whose post office address is Sioux Falls, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for future beneficial use 46.8 cubic feet of water per second of time from the Big Sioux Valley ground water through the future municipal water system, the point of diversion of which is to be located Sections 4, 9, 8, 9, 16, 17, 20 & 21 T 102 N, R 49 W and Sections 16, 17, 20, 21, 28, 29, 32 and 33 Twp. 102 N Range 49 W. Said water to be used for the purpose of providing future municipal water supplies for the City of Sioux Falls.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 14th day of May, 1957, at 2:00 p.m. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
—State Water Resources Commission
By: J. W. Grimes, Chief Engineer,
Executive Officer.
(April 16, 23, 30, May 7)

RECEIVED
JUN 6 1957

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

WHEREAS, the City of Sioux Falls has found it necessary to expand the area of the City well field in order to obtain adequate quantities of water for municipal purposes, and

WHEREAS, the City has requested water rights for use of ground water located in the Big Sioux River Valley between Sioux Falls and Baltic and in the lower reaches of Skunk Creek Valley, such water rights to be the basis for present and future expansion of the City's municipal water well field, and

WHEREAS, expansion of the City's well field in the larger and new areas present possibilities of occasional interference with farm domestic use water supplies, a condition which is adverse to the water policy as expressed in the State water laws

NOW THEREFORE be it resolved by the Commission of the City of Sioux Falls that, whenever in the opinion of the State Water Resources Commission, domestic water supplies are adversely affected by installation of the vitally needed City wells, the City at its expense will deepen or otherwise rehabilitate such domestic wells to assure domestic users of a water supply equivalent to that which they could have expected had not the City's wells been constructed,

AND BE IT FURTHER RESOLVED that the City recognize the responsibility for rural domestic water wells adversely affected by construction of City wells as a condition to be met and as a limitation to be observed in any water right permit to use the ground waters of the Big Sioux River and Skunk Creek Valleys which have been or may be issued to the City of Sioux Falls by the State Water Resources Commission.

C O P Y

City of Sioux Falls, No. 449-3 - Skunk Creek

Application is for 15.6 c.f.s. from ground water for Municipal use. Publication not received.

The following objectors from Wayne Township appeared: W. Heldt, John McQuillen, R. Jensen, Matt Jandl and Joe Knock.

Mr. Heldt told the Commission that almost 100% of Wayne Township objected to this application, that the water table had dropped and that almost everyone has had difficulty in their wells just for domestic use. In reply to Mr. Munck's question if any irrigating was being done he answered ^{that} the irrigating for the National Corn Huskers contest had pulled a well down 3½ inches. Mr. Heldt also told of the large housing project going in and of at least 50 or 60 families disturbed about their individual wells. He said his place of business was about 1½ to 2 miles outside the city limits and that he believed that if the City of Sioux Falls was allowed to go through with this it would jeopardize the people in Wayne Township.

Mr. Driscoll asked if they understood that the Sioux Falls applications were not for the immediate future but for an undeterminate future date. Mr. Heldt said he understood that but that knowing even that it might stop the people from building there in the future.

Mr. McQuillen presented a resolution ^{and objection} which he said was signed by practically every person in Wayne Township. He also commented on the building and expansion of Wayne Township and its population of 2000 people and that they didn't want the water of Wayne Township given to Sioux Falls.

Mr. McQuillen was assured that Wayne Township was on record as objecting to the Application No. 449-3 and that they would be notified of any further action of the Commission.

City of Sioux Falls, No. 448-3 - Sioux River Valley

Application is for 46.8 c.f.s. from ground water for municipal use. Publication not received.

Mr. J. L. Endahl, Ole Thompson and Clarence Oien appeared before the Commission in objection to Application No. 448-3. All are on farms north of Sioux Falls in the Sioux River Valley and stated that they feared they would be short of water in their wells if the City of Sioux Falls was allowed this permit, and that they would like to go on record as saying that it would jeopardize their water wells.

When Mr. Munck asked them if they had been consulted by the City of Sioux Falls, the answer was no.

Mr. Munck suggested that they submit their objections in letter form identifying them with the Sioux Valley application #448-3 in order that they may be filed with the application.

Mr. E. K. Mather appeared before the Commission in connection with Application No's. 458-3, 459-3, 460-3, 461-3, 462-3, 463-3, 464-3, 465-3.

Leonard J. Juhnke, No. 458-3

Application is for 1.7 c.f.s. from the James River to

RESOLUTION

WHEREAS, the City of Sioux Falls has found it necessary to expand the area of the City's well field in order to obtain adequate quantities of water for municipal purposes, and

WHEREAS, the City has applied to the South Dakota State Water Resources Commission for water rights for use of ground water located in the Big Sioux River Valley between Sioux Falls and Baltic and in the lower reaches of Skunk Creek Valley, such water rights to be the basis for present and future expansion of the City's municipal water well field, and

WHEREAS, expansion of the City's well field in the larger and new areas present possibilities of occasional interference with farm domestic use water supplies, a condition which is adverse to the water policy as expressed in the state water laws,

NOW, THEREFORE, be it resolved by the Board of Commissioners of the City of Sioux Falls that, whenever in the opinion of the State Water Resources Commission, then existing domestic water supplies are adversely affected by installation of the vitally needed City wells, the City at its expense will deepen or otherwise rehabilitate existing domestic wells to assure domestic users of a water supply equivalent to that which they could have expected had not the City's wells been constructed.

BE IT FURTHER RESOLVED that the City recognize the responsibility imposed by the state water laws for rural domestic water wells adversely affected by construction of City wells as a condition to be met and as a limitation to be observed in any water right permit to use the ground waters of the Big Sioux River and Skunk Creek Valleys which have been or may be issued to the City of Sioux Falls by the State Water Resources Commission.

Adopted this 24th day of June, 1957.

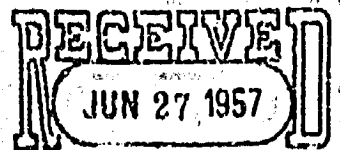
Eay Aberdeen

Mayor

ATTEST:

O. L. Sutton

Auditor



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA)

SS

COUNTY OF MINNEHAHA)

I, O. L. SUTTON, the duly appointed, qualified and acting City Auditor of the City of Sioux Falls, South Dakota, hereby certify that the above Resolution is a true and correct copy of the resolution adopted by the Board of Commissioners of the City of Sioux Falls, at a meeting held on June 24, 1957.

Witness my hand as City Auditor and the official seal of the City of Sioux Falls, South Dakota.

(Seal)

O. L. Sutton
City Auditor

WPK
448-3

REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, SOUTH DAKOTA

HASKINS, RIDDLE & SHARP
Consulting Engineers
1009 Baltimore
Kansas City, Missouri
1959

HASKINS, RIDDLE & SHARP
CONSULTING ENGINEERS
1009 BALTIMORE AVENUE
KANSAS CITY 5, MO.
TEL. GRAND 1-7736

MEMBERS
AMERICAN SOCIETY OF CIVIL ENGINEERS
AMERICAN WATERWORKS ASSOCIATION
FEDERATION OF SEWAGE AND INDUSTRIAL
WASTE ASSOCIATIONS
NATIONAL SOCIETY OF PROFESSIONAL
ENGINEERS

CHAS. A. HASKINS
(1922-1956)
WM. G. RIDDLE
P. CLIFFORD SHARP
L. E. ORDELHEIDE

September 15, 1959

Honorable Mayor and City Commissioners
City Hall
Sioux Falls, South Dakota

Attn: Mr. John Browning
Water Commissioner

Gentlemen:

In accordance with our contract with you dated July 14, 1958, we submit herewith our "Report on Water System Study".

The investigations have been comprehensive and the discussion is comparatively detailed; therefore, for quick convenience, excerpts from Part IV, "Conclusions and Recommendations" are included here as follows:

"The present distribution system is inadequate to assure acceptable system pressures for the present maximum hour demands.

Additional distribution system capacity is required if growth of the community is to flourish.

Additional and more accurate aquifer performance records need to be kept, particularly of the wells and ground water elevations.

The estimated costs of constructing recommended water works improvements are enumerated in Part V.

We have endeavored to make this report of our analytical studies clear and concise, regardless of which, however, in an undertaking of this complexity it is anticipated that elements will require clarification or amplification. We shall be pleased to accommodate in such manner and extent as may be indicated.

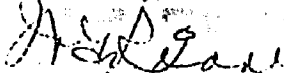
In particular we want to flag your attention to those parts of the report wherein water supply is treated. We emphasize the urgency of initiating and maintaining a comprehensively effective routine program of ground water supply data collection and analysis.

The performance of this work has been a pleasure and we appreciate the considerate cooperation which we have enjoyed from all echelons and departments of the City government.

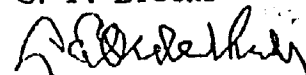
In conformity with normal practice, we are forwarding copies of the Report to the State Board of Health and the National Board of Fire Underwriters.

Respectfully submitted,

HASKINS, RIDDLE & SHARP


W. G. Riddle


C. P. Brooks


L. E. Ordelheide

**REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, SOUTH DAKOTA**

**HASKINS, RIDDLE & SHARP
Consulting Engineers
1009 Baltimore
Kansas City, Missouri
1959**

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8	" " 1965 " " (2 hour 28 min.)	"
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11	" " 1995 " " (1 hour 26 min)	"
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SECTION I - INTRODUCTION

REPORT ON
WATER SYSTEM IMPROVEMENTS
FOR
SIOUX FALLS, SOUTH DAKOTA
Section I -- Introduction

PURPOSE

The purpose of this report is to determine the deficiencies of the existing water system; make recommendations for correcting those deficiencies; and to determine the long range requirements of the system, setting forth the construction necessary to adequately meet these requirements.

SCOPE

This report deals only with the city-owned water works system as it now exists and as it may be expected to grow in the future. Water treatment will be considered only as it affects investigations of the distribution system.

SIOUX FALLS GROWTH

Reports prepared by others during the past few years all indicate various population growth rates and yearly predictions. The projections have been mostly for the purpose of guiding the city planning commission and all its various functions. This report contains population information developed for the express purpose only of planning for future water system capacities. As such, the reader may note some variation with other projections. The intended use of each must be taken into consideration.

Table I shows the tabulation of past and predicted population as contemplated in this investigation. Interesting speculations of 1980 population may be developed from applying U. S. Census Bureau estimates of population growth for the nation as a whole during the next two decades. The Bureau counted 163,000,000 in 1950 and estimates 175,000,000 for 1958. Using the high fertility rate estimate basis, the Bureau predicts 22,600,000 in 1980 or 230,800,000 on the low fertility rate basis. These ratios may be applied to Sioux Falls to yield estimates of 1980 population as follows:

Year	Base Population	1980 Population Predictions Fertility Rates*	
		High	Low
1950	54,282	90,000	76,700
1958	71,500	110,300	94,500

* U. S. Census Bureau - National Average

If material significance is to be attached to the substantial increase in water and other utility meters from 1950 to 1958, and if it can be assumed that the city will grow at least as rapidly as the predicted national average, then the 98,000 population previously predicted for 1980 seems to be as reasonable and conservative as such estimates may be made.

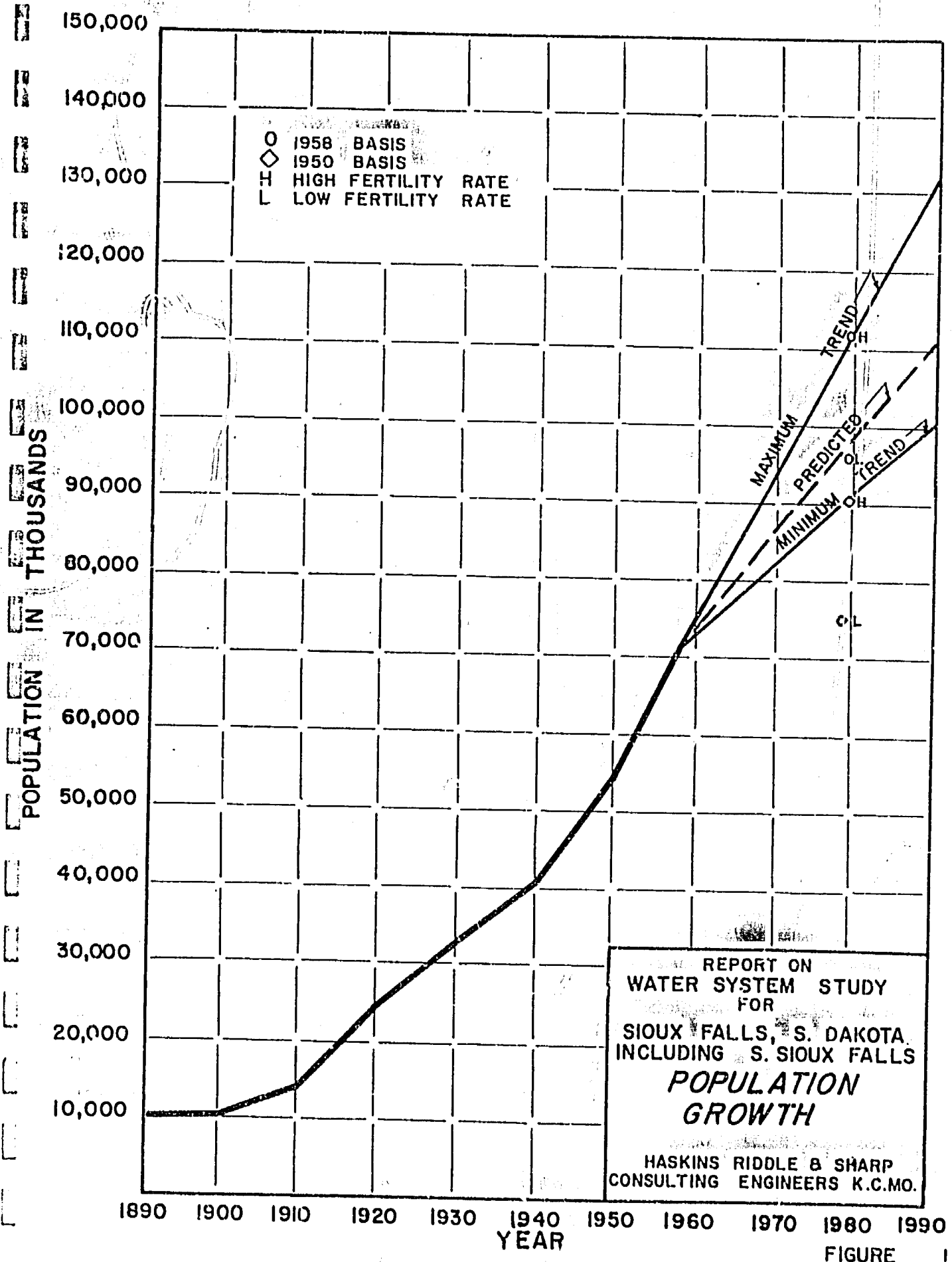
Figure I shows, graphically, the rather dramatic growth which Sioux Falls has enjoyed in the past. The growth curve is very steep from 1940 to date.

TABLE I
POPULATION DATA

(including South Sioux Falls)

<u>Year</u>	<u>Electric Meters</u>	<u>Water Meters</u>	<u>Population</u>	<u>Per Cent Increase</u>
1890			10, 177	
1900			10, 380	2. 0
1910			14, 226	37. 0
1920			25, 397	78. 2
1930			33, 668	32. 6
1940			41, 393	23. 0
1950	13, 310(4. 46)	12, 108(4. 07)	54, 282	23. 0
1958	17, 597	16, 010	71, 500*	(31. 8)
1960			74, 000	36. 3
1965			80, 000	
1970			86, 000	
1975			92, 000	
1980			98, 000	
1985			104, 000	
1990			110, 000	

*Based on utility meters.



REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, S. DAKOTA
INCLUDING S. SIOUX FALLS
**POPULATION
GROWTH**
HASKINS RIDDLE & SHARP
CONSULTING ENGINEERS K.C.MO.

FIGURE 1

SECTION II -- WATER USE

PAST WATER USE

Records secured from the city water department of the past water usage are shown in Table II. The quantities shown in the table are all based on the recorded pumpage from the plant and not the quantities billed for.

As may be seen from the table, the number of water meters has not failed to grow each year. The total pumpage and maximum and average days have shown an overall steady increase with some periods where even though there was an increase in users the total usage was less than in the previous period. These reduced periods coincide with the depression years and the years of economic uncertainty just after World War II.

When these water use data are shown graphically, as in Figure II, a definite trend is indicated which allows a reasonable projection to be made for planning for future requirements.

YEARLY PUMPAGE

In 1920 the total yearly pumpage was just under one billion gallons a year and has grown to approximately four billion gallons to date. Projecting this trend to the year 2000, it appears that 7.4 billion gallons a year will be required. This represents an average day usage of 20 m. g. d., which is the limit of the city's daily allowable usage of water from the present supply.

The distribution of the total yearly pumpage is indicated by the tabulation of data from five consecutive representative years in Table III. As is indicated by this table, the city has made efforts to meter all water and now has less than 10% unmetered water. This program should be

TABLE II
WATER USE DATA

Year	Yearly Pumpage in Billion Gallons	Max. Day Million Gals.	Max. Date	Avg. Day Million Gal.	No. of Meters
1920	.854	--		2.340	
1921	.846	--		2.318	
1922	.921	4.104	June 23	2.560	5223
1923	.941	3.952	Sept 2	2.616	5475
1924	1.014	4.155	Aug 26	2.771	5740
1925	1.153	4.810	Sept 4	3.160	5997
1926	1.104	4.640	July 19	3.025	6222
1927	1.086	4.908	June 28	2.976	6505
1928	1.208	4.965	Aug 1	3.311	6740
1929	1.353	5.610	Aug 24	3.708	6943
1930	1.544	6.780	July 10	4.230	7180
1931	1.640	7.000	June 18	4.500	7470
1932	1.481	6.350	July 21	4.060	7582
1933	1.197	6.142	June 16	3.280	7677
1934	1.366	7.218	June 1	3.743	7797
1935	1.327	6.490	July 29	3.640	8004
1936	1.529	8.633	July 11	4.189	8204
1937	1.674	7.850	July 7	4.587	8427
1938	1.611	7.360	Aug 22	4.416	8679
1939	1.685	8.090	May 25	4.416	8985
1940	1.717	8.370	July 18	4.704	9414
1941	1.965	9.110	May 26	5.385	9783
1942	2.206	9.470	July 16	6.046	9999
1943	2.805	11.050	Aug 6	7.688	10,208
1944	2.775	11.010	June 27	7.605	10,290
1945	2.575	11.530	Sept 5	7.055	10,394
1946	2.685	11.840	Aug 2	7.356	10,659
1947	3.026	14.710	July 29	8.292	11,058
1948	2.970	15.160	July 7	8.137	11,546
1949	3.151	15.010	July 6	8.634	11,166
1950	3.116	13,870	Aug 9	8.534	11,700
1951	3.344	14.470	Aug 1	9.163	12,295
1952	3.234	15.350	July 26	8.861	12,697
1953	3.241	15.622	Aug 28	8.902	13,099
1954	3.000	16.720	July 12	8.210	13,660
1955	3.611	18.240	Aug 3	9.895	14,460
1956	2.857	13.420	July 25	7.857	14,159
1957	2.649	17.400	July 19	7.235	15,514

continued until all except unaccounted-for water is metered.

During the years shown on Table III, a single large user, Morrell Packing Company, used from 21.0% to 27.47% of the total yearly pumpage, which is approximately equal to the total of all other commercial water usage. It is fortunate that this large user is near the water plant and excessive amounts of head loss through the system do not have to be contended with.

If the Morrell water usage is removed from considerations of a hydraulic analysis of the system, we can then arrive at a more nearly true picture of normal municipal water usage. This has been done and is shown in Table IV.

TABLE III

CLASSIFICATION OF WATER PUMPAGE

	1953		1954		1955		1956		1957	
	Percent	Million Gallon	Percent	Million Gallon	Percent	Million Gallon	Percent	Million Gallon	Percent	Million Gallon
Metered Water	72.0	2331	74.9	2246	73.14	2640	89.3	2561	91.3	2418
Station Cooling Water	7.2	235	5.8	179	4.15	150	0.7	20	0.7	19
General City Use	7.4	240	8.7	253	10.85	392	7.0	201	7.0	185
Flat Rate Accounts	0.3	10	0.3	9	0.25	9	0.2	6	0.3	9.04
Anti-freeze Bleeders	1.2	40	1.3	40	1.10	40	1.4	40	0.2	5
Dead & Slow Meters	6.3	205	5.0	150	4.15	150	1.4	40	.05	13.72
Unaccounted For	5.6	180	4.0	120	6.36	230	--	--	--	--
Totals	100	3241	100	2997	100	3612	100	2868	100	2649

Disposition

Morrell	21.0	681	22.6	677	20.74	785	27.47	790	26.95	714
Commercial	25.1	815	25.2	755	24.48	885	27.0	775	27.17	719
Residential	25.9	840	26.5	794	27.97	1001	34.81	1060	37.12	984
City	14.6	474	8.4	251	10.85	392	7.0	201	8.02	212
Other	13.4	431	17.03	520	15.96	549	3.72	102	0.74	19

TABLE IV

DISTRIBUTION OF WATER PUMPAGE

Year	Population	Annual Pumpage MG				Water Connections	Persons Per Connection	Avg. Day Use Per Meter	
		Total	Morrell	Total Less Morrell	Avg. Day GPCD				
1953	61,660	3241	681	2560	7.02	114.0	13,099	4.71	536
1954	64,120	2997	677	2320	6.35	99.0	13,660	4.70	465
1955	66,580	3612	785	2827	7.75	116.3	14,460	4.61	536
1956	69,040	2868	790	2078	5.69	82.3	15,159	4.56	376
1957	70,000	2649	714	1935	5.31	76.0	15,514	4.50	342
1958	71,500	3200	750	2450	6.71	94.0	16,010	4.46	425
1960	74,000	3980	740	3240	8.88	120.0			
1965	80,000	4400	830	3570	9.79	122.5			
1970	86,000	4830	910	3920	10.72	125.0			
1975	92,000	5240	960	4280	11.72	127.5			
1980	98,000	5660	1010	4650	12.72	130.0			
1985	104,000	6100	1030	5070	13.90	132.5			
1990	110,000	6540	1120	5420	14.85	135.0			

WATER DEMAND RATES

Demand rates, as meant when discussing water consumption, refer to the total water that would be used in 24 hours at any given flow. If total yearly pumpage is divided by the number of days in the year, the commonly referred to average day is obtained. All other demand rates are related percentage-wise to this average day. As shown on Figure 2, the average day pumpage for Sioux Falls has grown from 2 MGD to 10 MGD in thirty-eight years. During the same period the historical records show that the maximum day during the year has grown from approximately 4 MGD to 20 MGD. The actual ratio computed between average day and maximum day is 1.90. This ratio has held fairly constant over the past and may be reasonably expected to remain substantially constant in the future. Table V indicates the expected demands and ratios for the future.

TABLE V

Year	WATER DEMAND RATES				
	Average Day MGD	Maximum Day MGD	% Avg. Day	Maximum Hour	% Avg. Day
1955	9.65	18.34	190	34.00	352
1965	12.00	22.80	190	43.20	360
1975	14.35	27.27	190	53.10	370
1985	16.70	31.73	190	63.0	380
1995	19.05	36.20	190	74.4	390

Maximum hour information of the past is not desirably complete, but information of apparently adequate accuracy is available for the years of

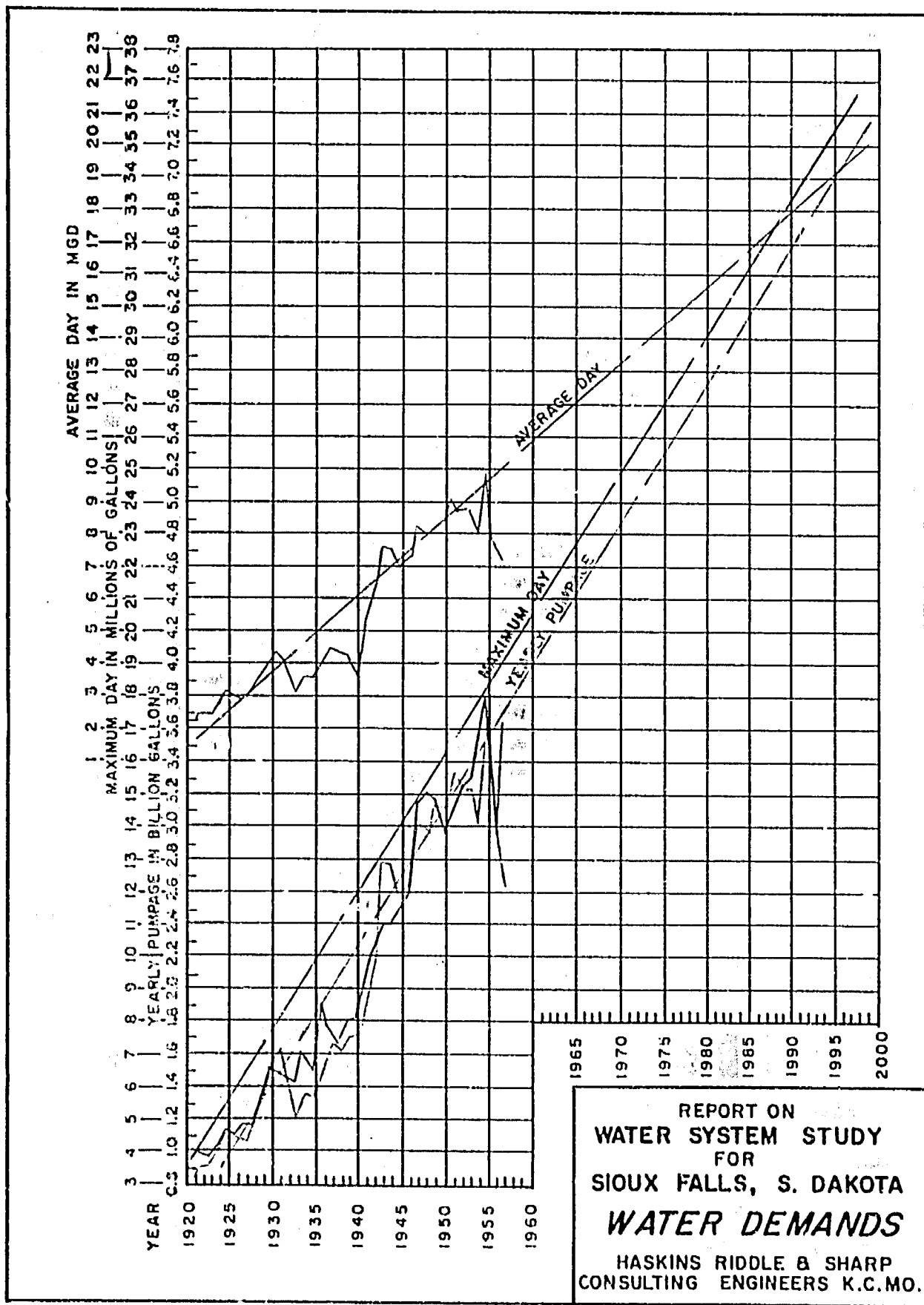


FIGURE 2

1955 and 1957. Figure 3 shows a maximum hour rate of 340% of the average day rate. Records show that the maximum hour rate on the maximum day of 1955 was 352% of the 1955 average day rate.

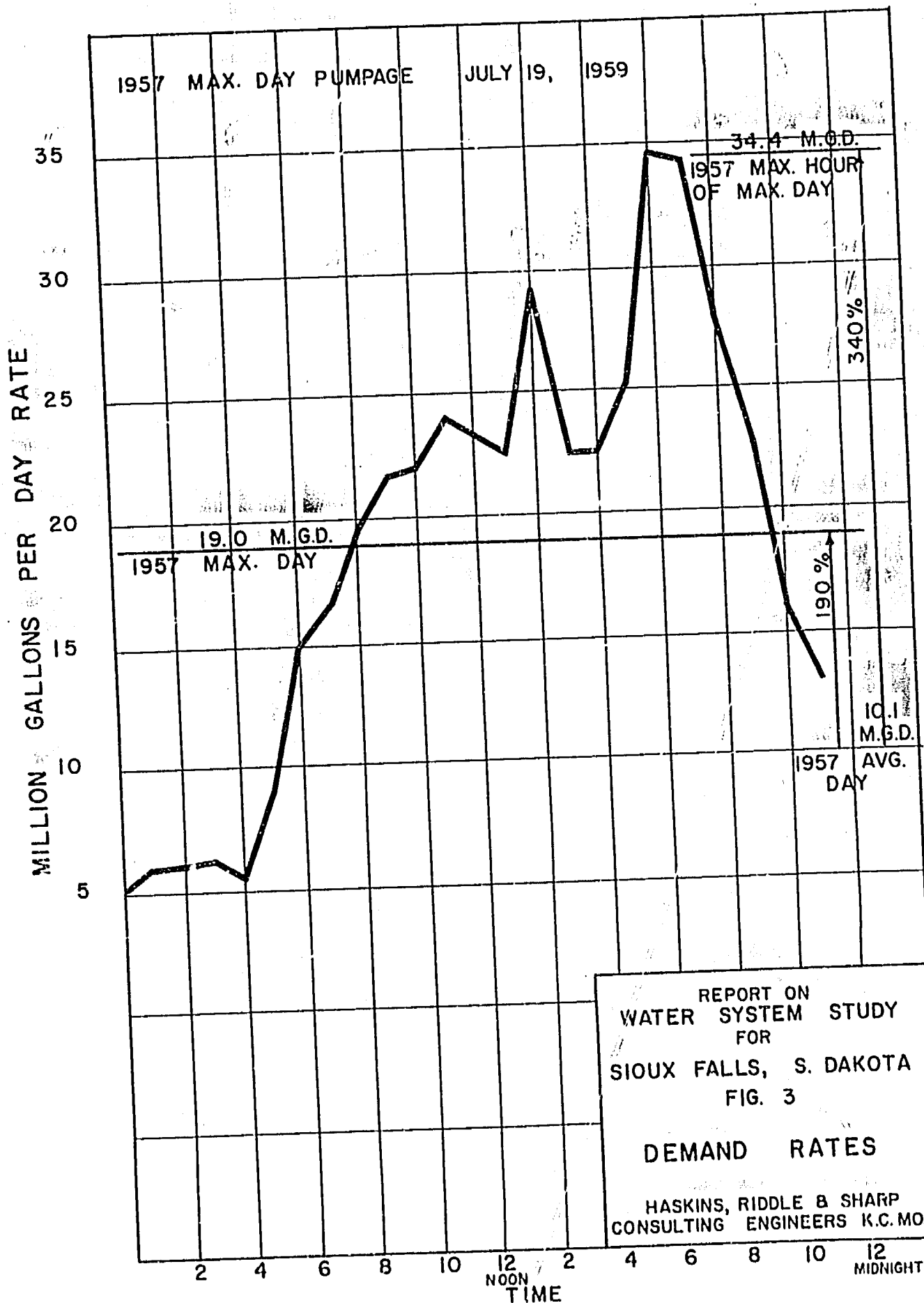
It is prudent to plan for at least a small increase in the ratio of maximum hour to average day rate in order to adequately meet future demands, which are influenced by a variety of factors of unpredictable coincidence. This has been allowed for in this report as shown in Table V.

From a report by the U. S. Department of Health, Education and Welfare concerning Municipal Water Facilities of Communities of 25, 000 Population and Over, published as of January 1, 1958, some interesting observations may be made of maximum day and maximum hour ratios. For all such communities having average day rates between 10 and 12 million gallons per day, the following applies:

	<u>Max. day as % of Avg. Day</u>	<u>Max. Hour as % of Avg. Day</u>
Highest	285%	626%
Lowest	100%	114%
Average	175. 3%	247%

The percentages as determined on Figure 3 fall approximately midway between the above high and low values and slightly above the average.

The reader will note an apparent discrepancy between Figures 2 and 3 and Table II as to the quantity of water pumped on July 19, 1957. A tabulation of such historical data was furnished by the water department office and is the basis for Table II and Figure 2. Figure 3 was developed from meter charts which record the flow from the high service pumps.



REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, S. DAKOTA
FIG. 3

DEMAND RATES

HASKINS, RIDDLE & SHARP
CONSULTING ENGINEERS K.C.MO.

Maximum hour conditions are the most stringent that will be imposed across the system. Maximum day plus downtown fire demand imposes less load than does maximum hour, so the maximum hour analysis will be more than adequate in providing for fire flow demands. This is well illustrated by the following tabulation.

<u>Year</u>	<u>Population</u>	<u>Required Fire Flow</u>		<u>Max Day MGD</u>	<u>Max Day Plus Fire MGD</u>	<u>Max Hour MGD*</u>
		<u>GPM</u>	<u>MGD</u>			
1960	74,000	8000	11.5	20.2	31.7	37.8
1970	86,000	8000	11.5	24.6	36.1	45.3
1980	98,000	9000	12.9	28.7	41.6	56.5
1990	110,000	9000	12.9	32.9	45.8	66.6

* Including Morrell Packing Company draft.

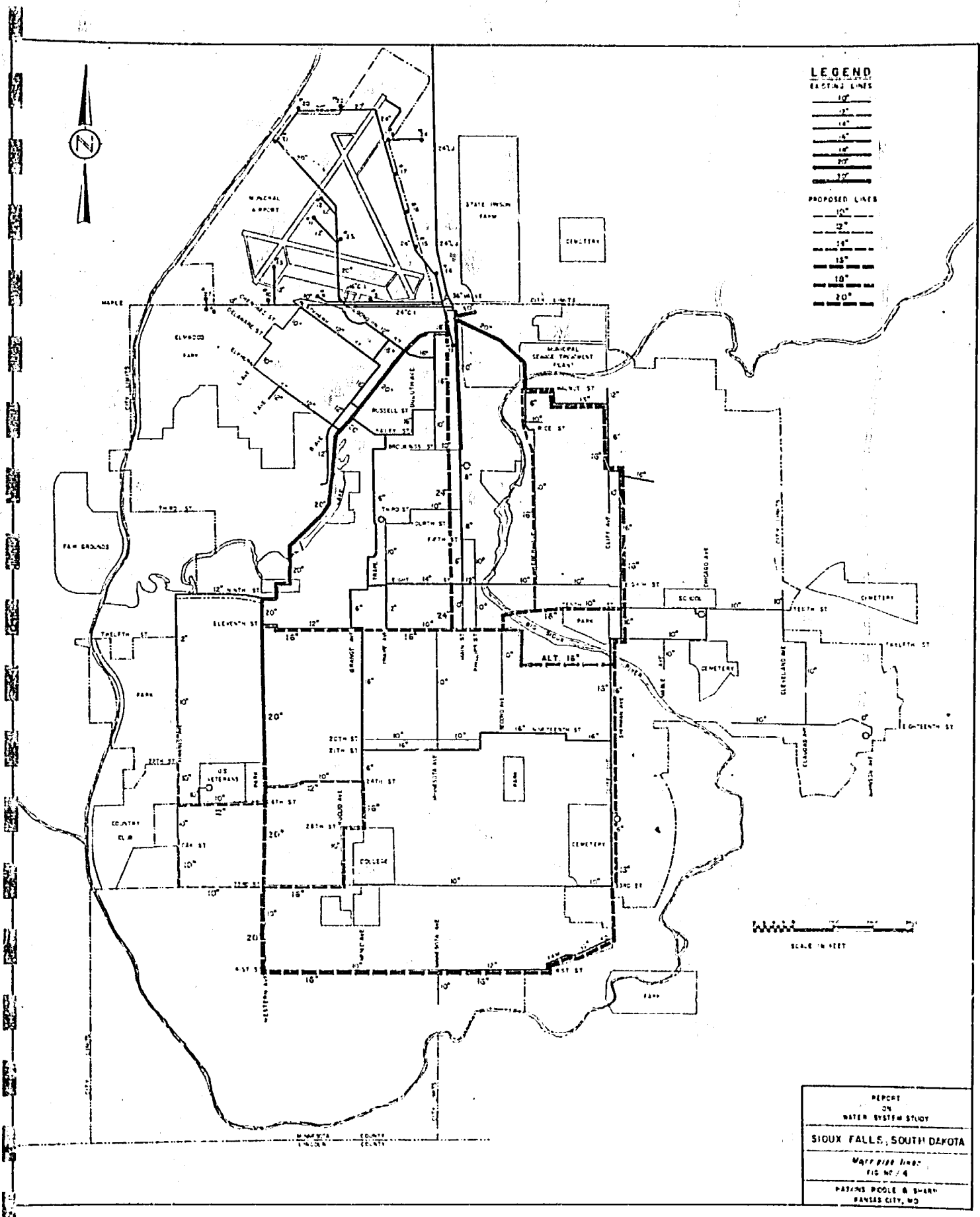
SECTION III -- WATER SYSTEM

DISTRIBUTION SYSTEM

The existing water distribution system has been developed, through the past, into a grid type arrangement with major network loops composed of lines ten inches in diameter and larger and with cross-ties and lateral lines of six inch and eight inch diameter. Figure 4 shows the major network of existing and proposed lines, which is the portion of the distribution system that has the function of delivering water in sufficient quantities at acceptable resulting pressures to sections of the service area for adequate supply of the lateral lines to satisfy all anticipated demands for water in the area.

In order to test the adequacy of the existing master network and determine lines and areas of deficiency, a hydraulic analysis was made of the system, imposing the 1957 maximum day flow rate upon the existing system. Results of this analysis revealed that friction losses at these flow rates caused low pressure areas in the central and southern portions of the city. In order to maintain adequate pressures in these areas as well as adequate emergency water storage in the present storage facilities, the pressure at the water plant would have to be increased to 121 pounds per square inch, from the presently maintained 90 pounds. This means that, in order to adequately satisfy the present maximum day demands, there is an excess of 70 feet too much head loss in the system as it is.

Consideration and study of this first analysis indicated certain weaknesses and deficiencies to be corrected in subsequent analyses, which were made on the maximum hour demands and at 10-year intervals to determine the adequacy of proposed line sizes at each 10-year growth



LEGEND

EXISTING LINES	
10"	---
12"	---
14"	---
16"	---
18"	---
20"	---
24"	---
30"	---
PROPOSED LINES	
10"	- - - -
12"	- - - -
14"	- - - -
16"	- - - -
18"	- - - -
20"	- - - -
24"	- - - -
30"	- - - -

SCALE IN FEET

REPORT
ON
WATER SYSTEM STUDY
SIoux FALLS, SOUTH DAKOTA
MAY 1938
FIG. NO. 4
PATRICK POOLE & SHANN
KANSAS CITY, MO.

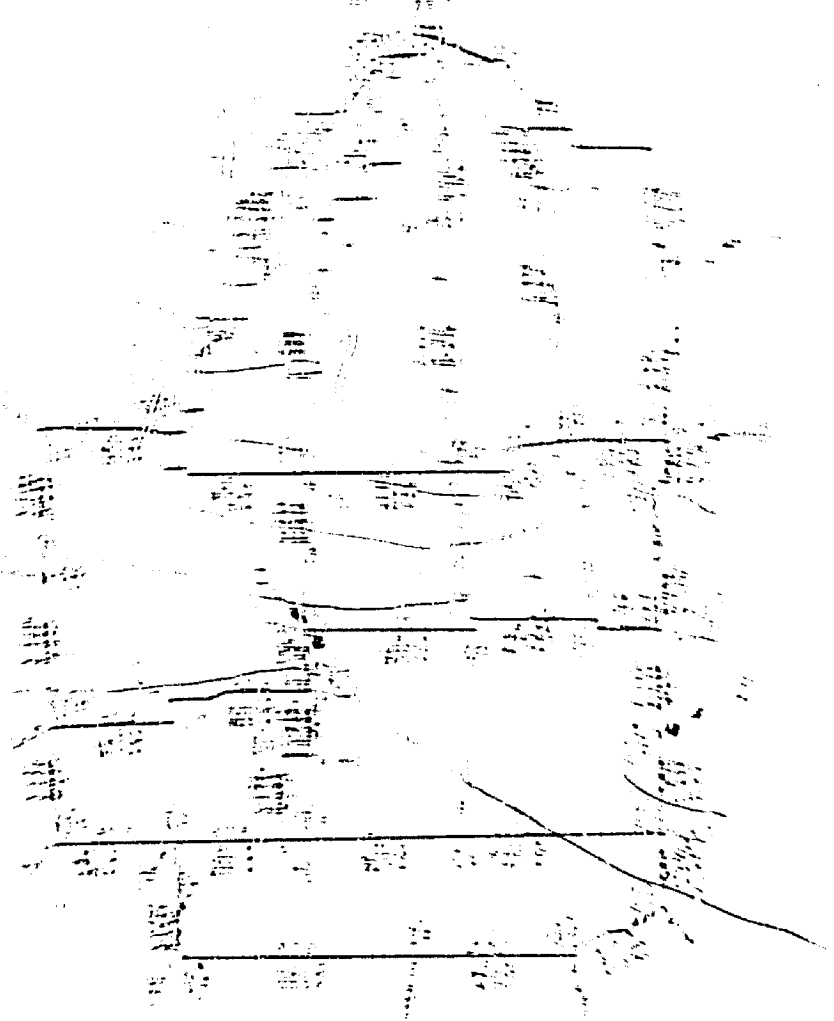
increment in water pumpage. These analyses, which were made on the assumption that only peripheral reinforcements were needed, proved that substantial reinforcements from the water plant south to 11th Street were required in addition to the peripheral reinforcements as previously used. A final analysis showed such system reinforcement to be adequate.

No additional elevated storage facilities have been contemplated, the existing tanks being considered as yielding one-half their capacity to maximum hour demand, with the remaining half held for emergencies. Additional ground storage is required at the water plant and additional high service pump capacity for use during maximum hour periods. The final analysis, as shown on Figure 5, indicates an "across the system" head loss of 108 feet at what is likely to be the most severe demand conditions to be expected in the year 1995. The hydraulic gradient contours show a relatively flat slope with no indications of critical restrictions.

To accomplish these desirable hydraulic results, the following additional line capacity was used in the analysis:

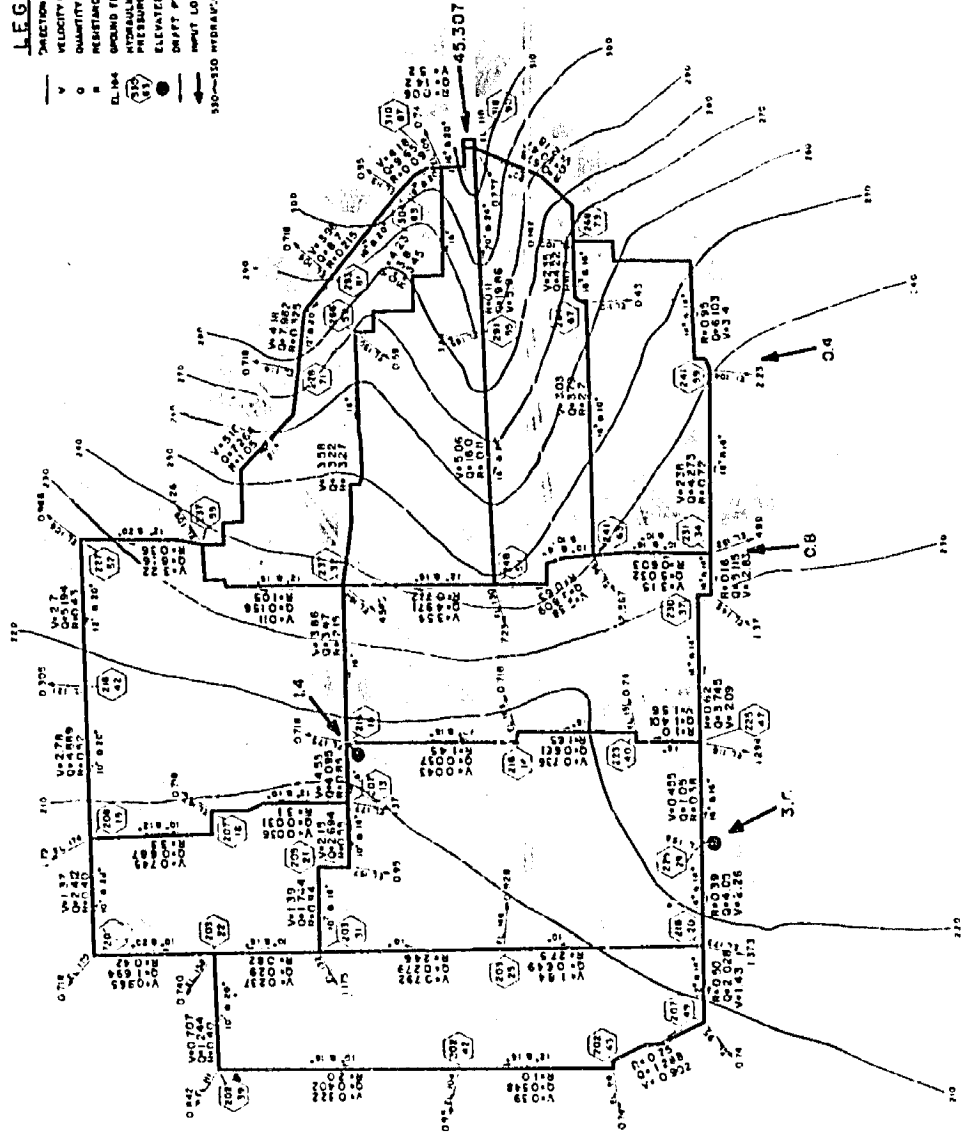
1. A 24" line from the water plant south to 11th Street
2. A 20" line on Western from 22nd to 41st Street
3. A 16" line on 41st Street from Western Avenue to 33rd Street, via Pam and Cliff
4. A 16" line on Cliff from 33rd to 12th, east to Sherman, north to connect to existing 20" line
5. A 16" line on 33rd from Western to Euclid, north to 28th, east to Menlo and north to 24th Street

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LEGEND

- DIRECTION OF FLOW
- VELOCITY (ft/sec)
- QUANTITY (cfs)
- RESISTANCE
- EL. 344
- GROUND ELEVATION (ft)
- HYDRAULIC GRADIENT (ft)
- PRESSURE (psi)
- DEPT PT. & QUANTITY (ft)
- ELEVATED WATER TANK
- WELL LOCATION & QUANTITY (ft)
- 350-350 HYDRAULIC GRADIENT CONTOUR



STORAGE - ONE HALF TANK USED IN 3 HOURS

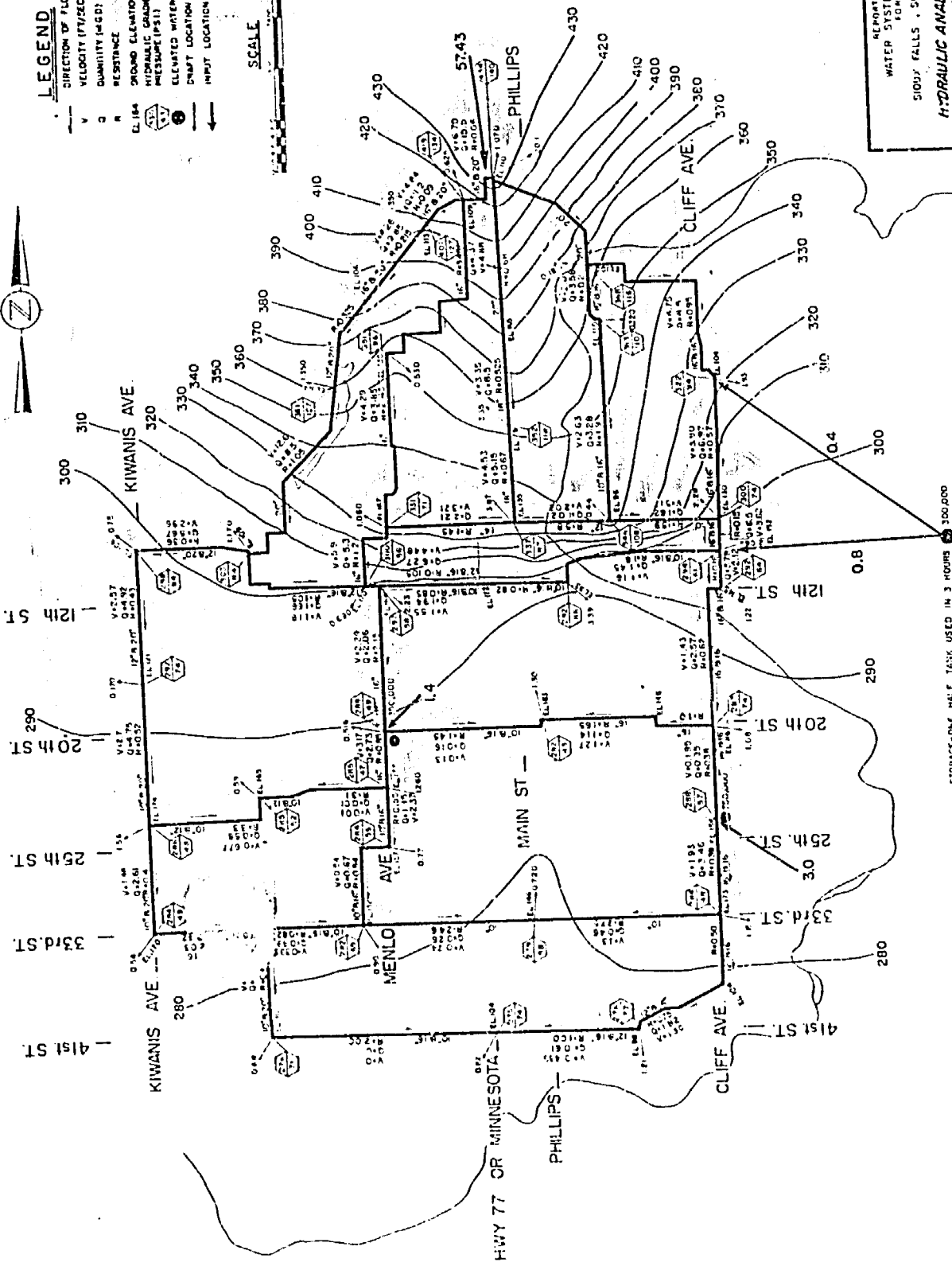
REPORT ON
WATER SYSTEM STUDY
SIOUX FALLS, SOUTH DAKOTA
HYDRAULIC ANALYSIS - 1995
MAXIMUM HOUR
DESIGNED BY: R. L. SHARP
CONDUCTED BY: R. L. SHARP, SIOUX FALLS, S.D.



LEGEND

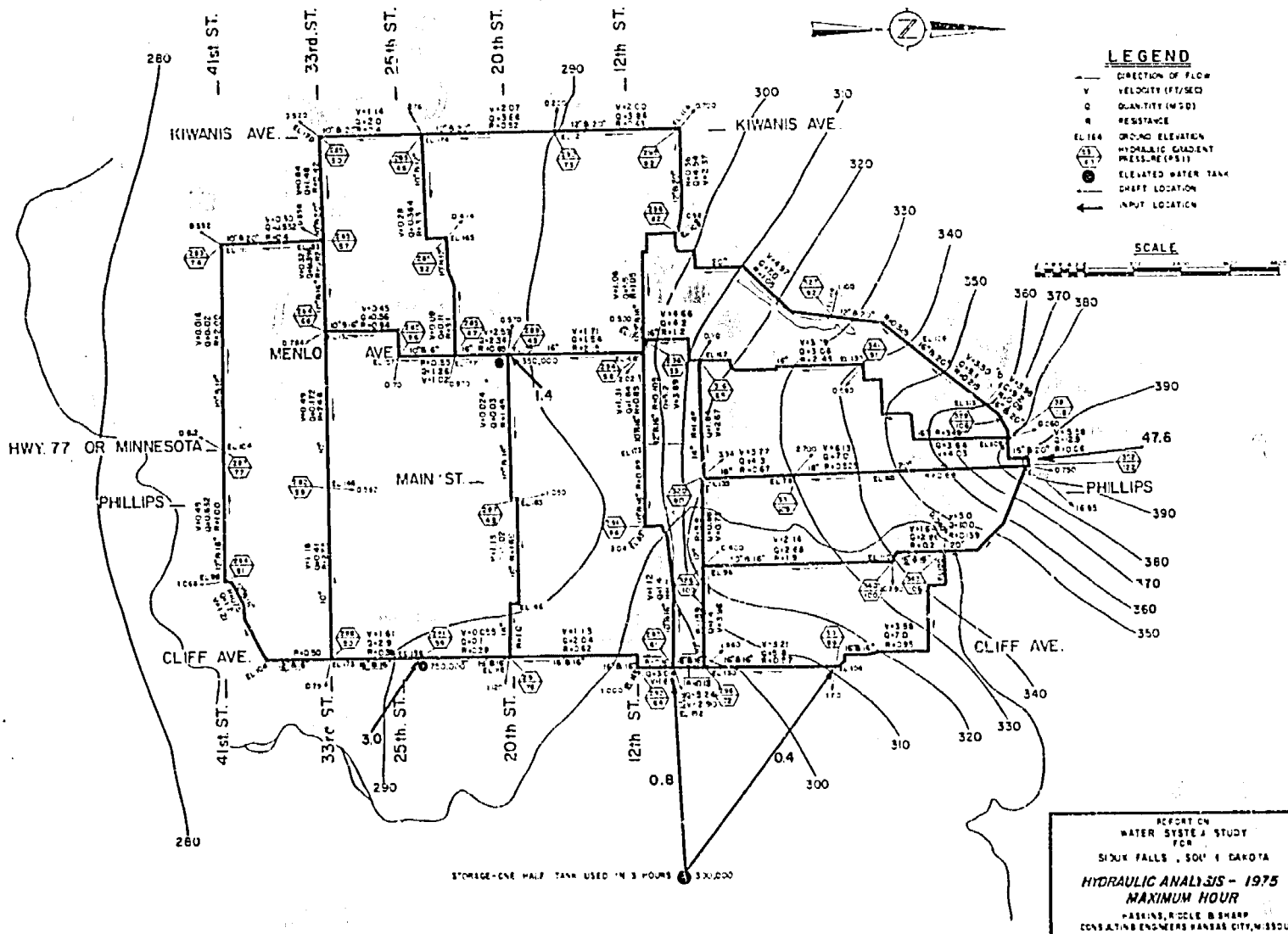
- DIRECTION OF FLOW
- VELOCITY (FT/SEC)
- QUANTITY (MGD)
- RESISTANCE
- GROUND ELEVATION
- HYDRAULIC GRADIENT
- MEASURE (PSI)
- ELEVATED WATER TANK
- DRAFT LOCATION
- INPUT LOCATION

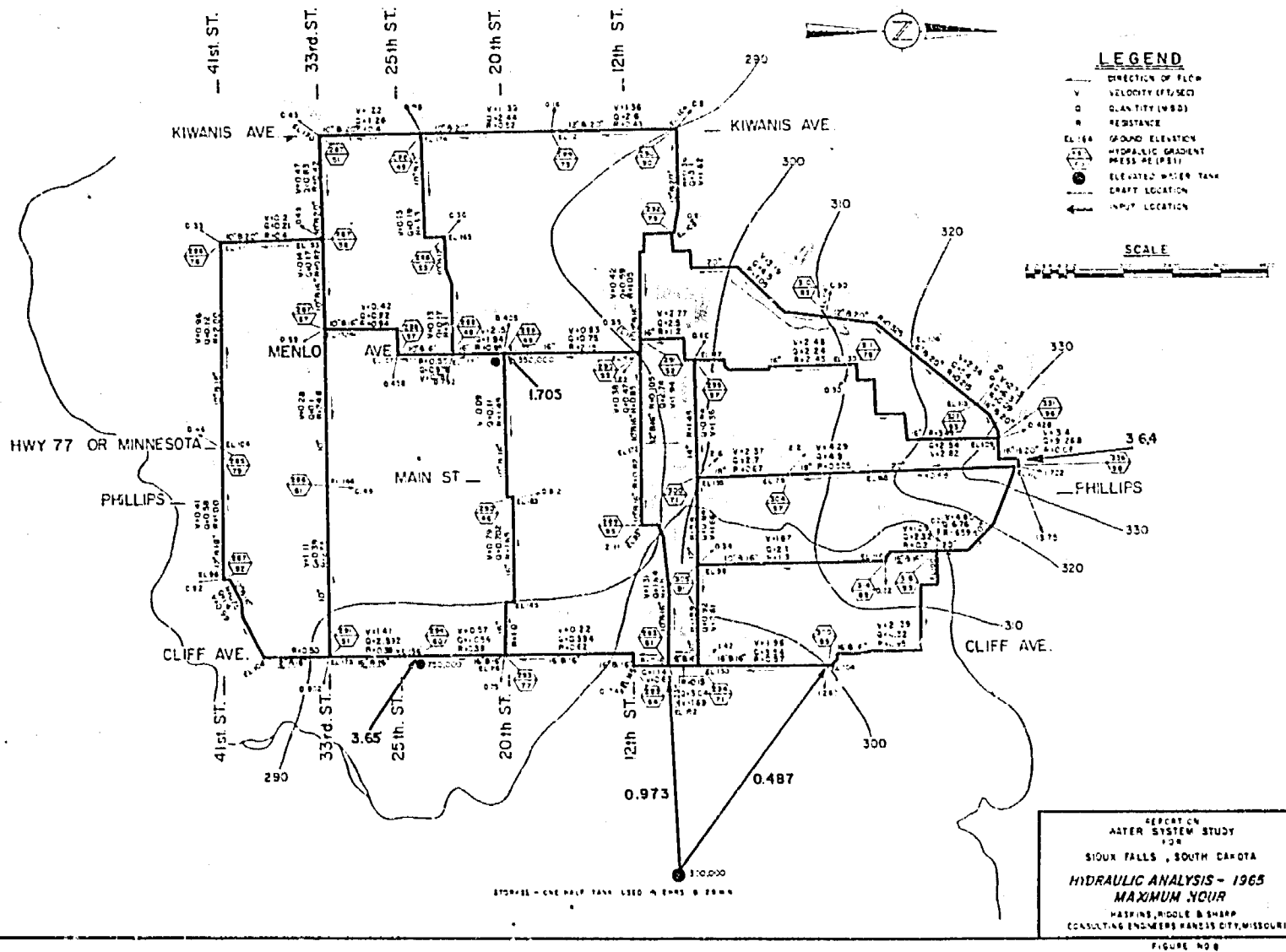
SCALE

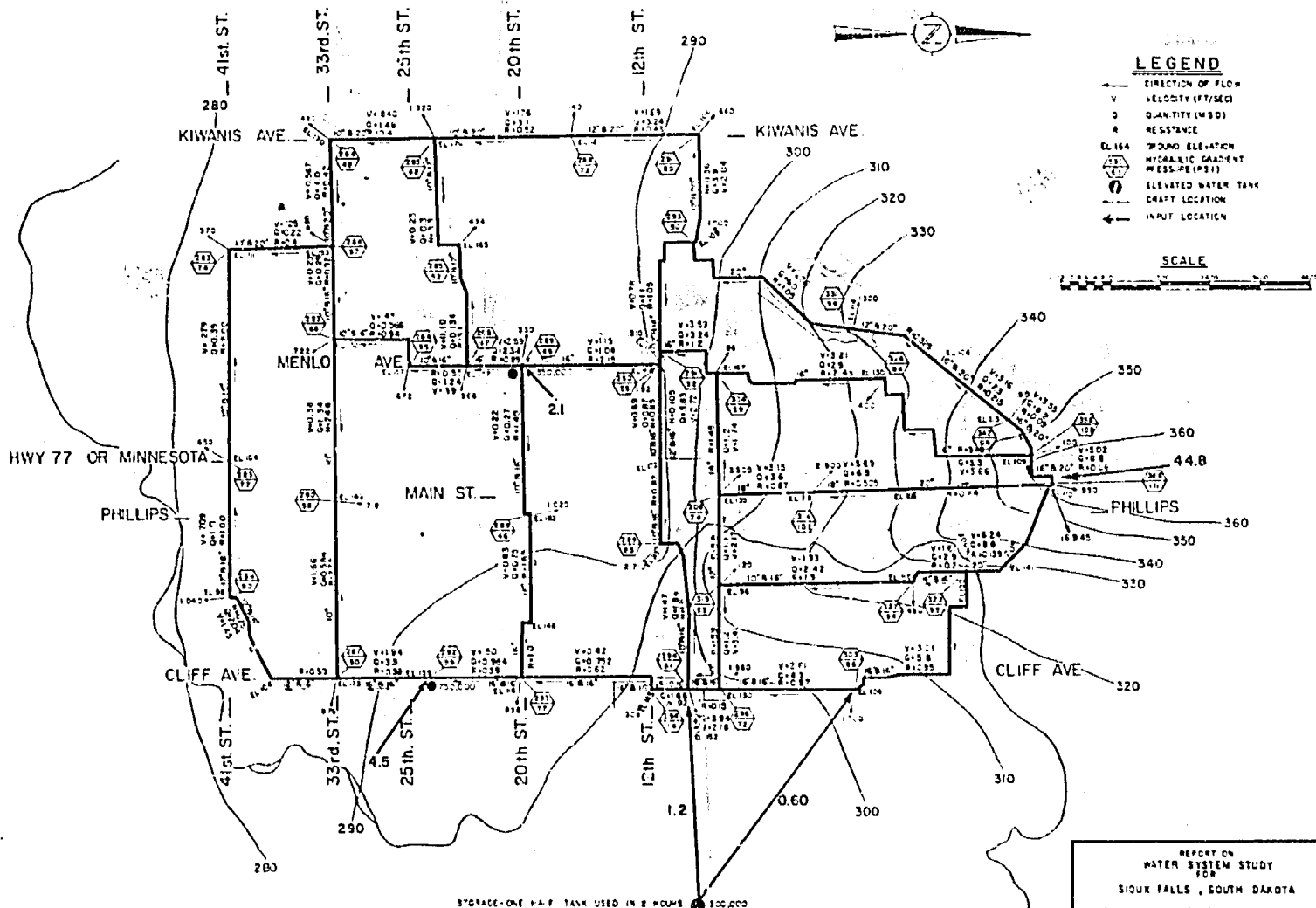


REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, SOUTH DAKOTA
HYDRAULIC ANALYSIS - 1985
MAXIMUM HOUR
P. S. HARRIS, MIDDLE B. SWAMP
CONSULTING ENGINEERS-MANASSAS CITY, VIRGINIA

STORAGE-ONE HALF TANK USED IN 3 HOURS

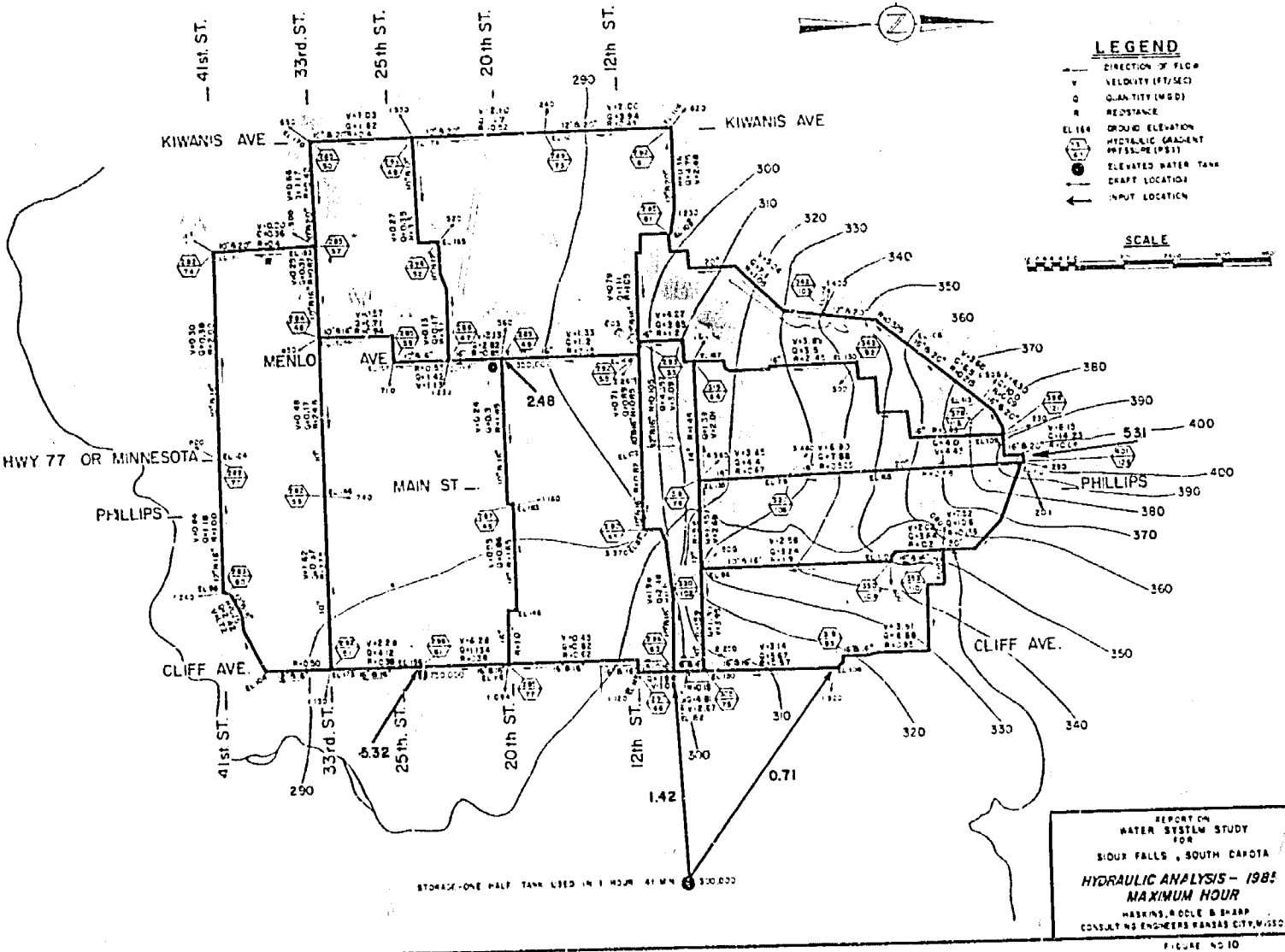


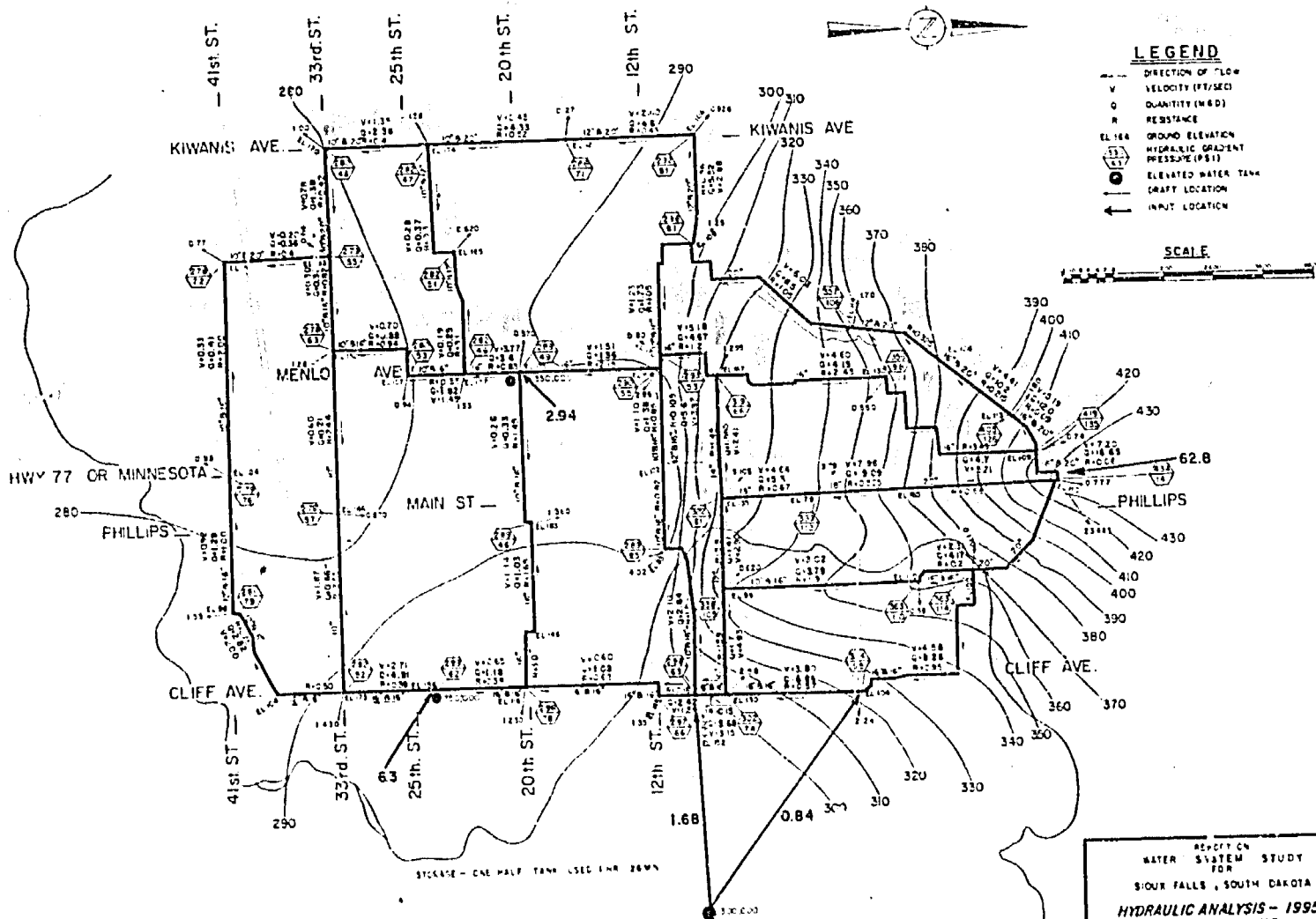




REPORT ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, SOUTH DAKOTA
HYDRAULIC ANALYSIS - 1975
MAXIMUM HOUR
WASHING, MOORE & SHARP
CONSULTING ENGINEERS KANSAS CITY, MISSOURI

FIGURE NO. 9





REVIEW ON
WATER SYSTEM STUDY
FOR
SIOUX FALLS, SOUTH DAKOTA
HYDRAULIC ANALYSIS - 1995
MAXIMUM HOUR
WASSING, MOORE & SHARP
CONSULTING ENGINEERS KANSAS CITY, MISSOURI
P. 1 OF 2

6. A 10" line in Kiwanis from 18th to 26th and from Oak to 33rd, then east to Western.
7. A 12" line in 26th Street from Kiwanis to Western and on 24th Street from Western to Menlo.
8. A 16" line in Weber from Walnut to 10th Street
9. A 16" line in 11th from Western to Second Avenue
10. A 16" line in Second Avenue from 11th to 10th, east to Sherman.
11. A 12" line from Menlo to Prairie in 11th
12. A 12" line in Cliff from Pam to 33rd Street

It is not proposed that these lines as listed represent the exact location for construction, but they do define the area in which the reinforcement should be placed. Undoubtedly when detail plans are made there will be some variance from the locations as outlined.

All analyses of the system were made using a resistance or "C" value of 90. This value was selected after making measurements at various locations in the system designed to yield information from which the existing probable "C" value was calculated. These values varied from 60 to 116. New cast iron pipe may safely be assumed to have a "C" value of at least 130 and if used in a service transporting a properly treated and stabilized water, would not be likely to ever have a "C" value less than 90. The Sioux Falls distribution system, however, has not enjoyed such easy service. Prior to 1953, when the present water plant was constructed, water was aerated, filtered, chlorinated, and pumped

into the mains. This partial treatment prevailed for almost 30 years and was responsible for many lines becoming badly coated, particularly with manganese, to the extent that capacity was lost. The city's chemist and plant operators have for some time now been producing a water of a character intended to chemically remove the deposits of previous years. Definite, specific success has been claimed for this procedure, and the men in charge of the operation indicate that up to 75% of the deposits have been removed from the lines. In view of this apparent success and the intention to continue the program, it is considered entirely reasonable to expect the system to have a "C" value of 90 or better.

All hydraulic analyses were made with the use of the McIlroy analyzer at the Mid-West Research Institute. This analyzer is a direct current, electrical representation of hydraulic factors in such a manner as to solve problems of flow and pressure loss by reading electrical meters.

SYSTEM STORAGE

At the present time there are six elevated tanks on the distribution system, totaling 2, 155, 000 gallons of storage. Only three of these tanks are of any benefit to the system for supplying water during demand peak periods. These are:

1. Menlo and 21st	350, 000 gallons
2. Cliff and 27th	750, 000 gallons
3. Chicago and 10th	300, 000 gallons
Total	<u>1, 400, 000 gallons</u>

In addition to these, there is a 250, 000 gallon standpipe in a higher pressure section of the system that will be discussed later. One other tank and standpipe located in the north end of the city are of no value, since the hydraulic gradient is always above the overflow elevation. The standpipe is in an unsafe structural condition and should be removed. The tank could logically remain operable for certain uncommonly occurring conditions when its contents may re-enter the distribution system.

The three tanks above mentioned were the only ones which were assumed to contribute water during peak demand periods in the hydraulic analyses of the system. Only half the full contents of the tanks was deemed available for meeting system demands, the remaining half being held in reserve for emergency use. For maximum hour analysis in the year 1995 the demand storage portion was assumed to be used in a 3-hour period, which amounts to a total instantaneous input rate of 5.6 MGD. The system then requires an additional instantaneous input of 45.3 MGD which has been assumed at the water plant location on Figure 5. Since there is

only 5.2 MG storage at the water plant at present, additional storage will be required to meet the demand. The 5.2 MG storage presently located at the plant is actually only 3.6 MG effective, due to improper suction piping arrangements of the high service pumps.

The entire additional amount of storage need not be located at the plant; however, since the clearwell capacity is less than the desirable amount, at least a portion of the new storage should be in the form of additional clearwell. The remaining storage can apparently be best utilized if located in the south part of the city.

Figure 2 indicates that by 1995 the average day consumption will be 19 MGD, which is almost as much as the city allotment of water from the Big Sioux Basin. Probably by 1985 additional supply will have to be developed and it appears that the Skunk Creek aquifer is the most probable location. Underground storage properly arranged and located in the Skunk Creek area now could very nicely fit in as clearwell capacity for a future water treatment plant. Further, this location is an excellent water input point to greatly enhance the effectiveness of the distribution system and would very probably preclude the necessity of later having to build additional reinforcements to serve the present area.

PLANT CAPACITY

From Figure 12 it may be seen that plant capacity will have to be increased in the very near future in order to meet impending maximum day demands. Plant capacity increases are shown in two steps which will ultimately double the plant output. The solid lines represent the nominal

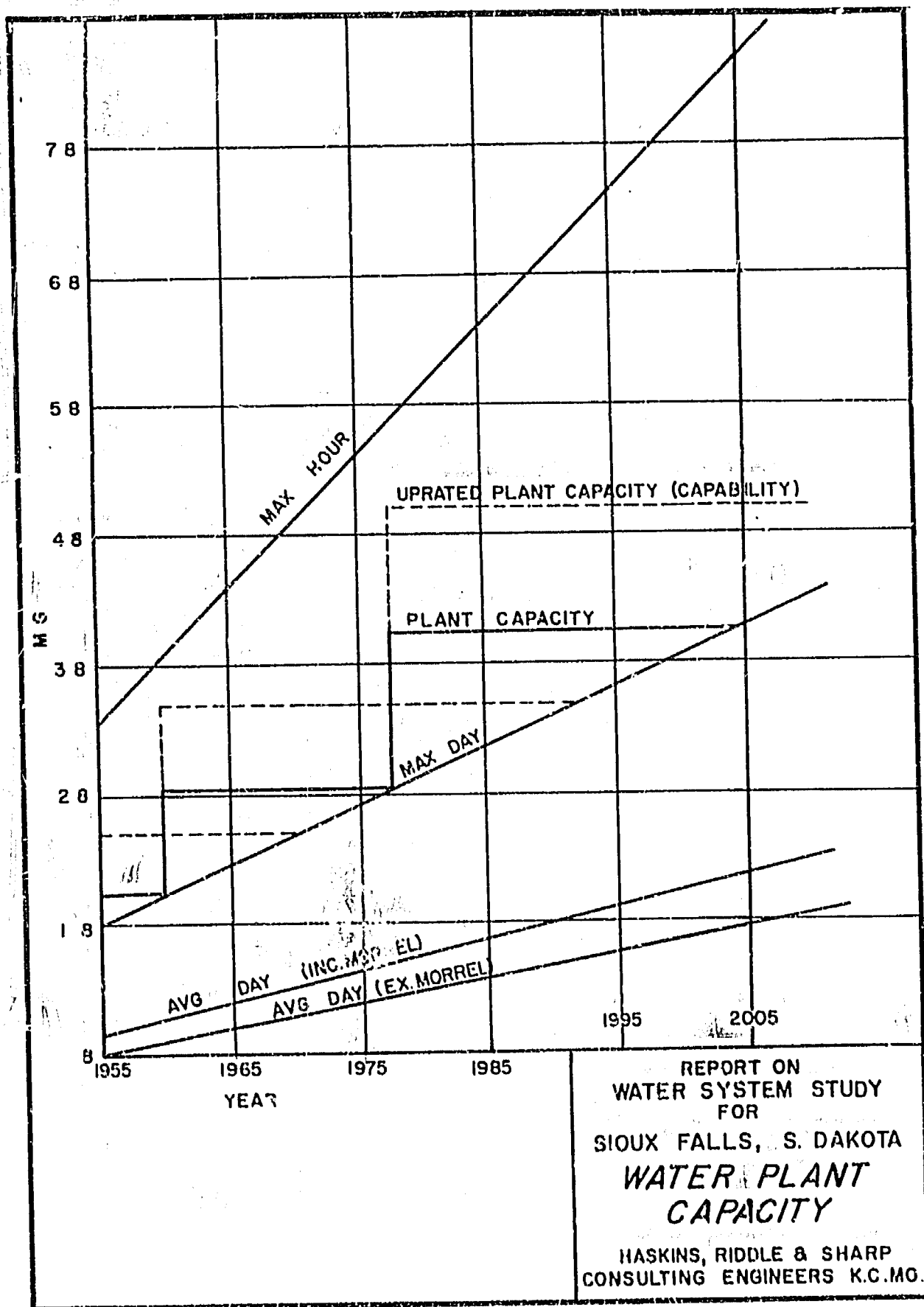


FIG. NO. 12

rating and the broken lines represent the uprated or estimated capability of the plant. As Figure 6 indicates, the plant nominal rating should never be less than the anticipated maximum day requirements. If storage is built soon in the Skunk Creek area, then the system would not only have the advantage of stored water, but there would be more flexibility of decision when more plant capacity is required.

STORAGE REQUIREMENTS

Table VI indicates the desirable storage requirements predicted for the future.

<u>TABLE VI</u> <u>STORAGE REQUIREMENTS</u>					
<u>Year</u>	<u>Max Day MGD</u>	<u>Max. Hour MGD</u>	<u>Diff. MGD</u>	<u>MG Capacity 1/4 Day</u>	<u>MG Total Need</u>
1955	18.34	34.00	12.50	3.12	6.24
1965	22.80	43.20	16.55	4.14	8.28
1975	27.27	53.10	21.10	5.28	10.56
1985	31.73	63.00	25.80	6.45	12.90
1995	36.20	74.00	33.50	8.40	16.80

This table assumes that maximum day demand is supplied from the source and the difference between maximum day rate and maximum hour rate is supplied from storage. The required storage, in conformance with previously stated criteria, is shown to be of such amount that six hours of maximum hour flow rate depletes only half of the storage. At the present

time the need for approximately 7.5 MG of storage is indicated. With the existing clearwell piping deficiencies corrected, there is now available 6.5 MG of storage. From Table VI it is further seen that by the year 1975 the system will need approximately 10.5 MG storage or 4.0 MG more than now available. Two stages of clearwell construction seem to be indicated from the foregoing observations. Namely, two 2.0 MG storage facilities, one to be constructed immediately and the second by about the year 1970. Prudent planning will suggest that this construction, either the present or the future, be so located as to eventually become a component of a future treatment plant in the Skunk Creek area. This will, of course, mean the construction of underground storage facilities complete with pumping and control facilities

EXISTING STANDPIPE:

The 250,000 gallon standpipe at Brahnson and 18th is part of a higher pressure level area of the city. This pressure level is supplied by booster pumps which take suction from the lower level mains. Control for operation of these pumps is arranged to respond to the discharge pressure of the pumps, assuming that the discharge pressure will directly and accurately reflect the water level in the standpipe. Unfortunately, flow conditions vary, which in turn causes the discharge pressure to vary and furnish false information to the pumps of the water levels in the standpipe. Controls for these pumps should be directly connected to the standpipe and controlled from water level elevations. It is believed that this minor change will obviate the troubles which have been experienced in this area in the past.

TREATMENT AND SUPPLY

The nominal rating of the present treatment facility is 20.2 MGD and can be pushed to an output of 25 MGD maximum for satisfying peak conditions. At this higher rate the filters are required to operate at 5 GPM per square foot of sand area, which is higher than is commonly accepted for maximum rates of rapid sand filter operation.

Figure 12 indicates that the nominal plant capacity is now being required to satisfy maximum day demands. By operating at maximum uprated capacity, indications are that the plant will without question have to be expanded by the year 1970. This expansion could, however, be accomplished by constructing the Skunk Creek plant in lieu of extending the Big Sioux plant. If this were done the new plant could be planned, constructed, and operated as a non-weatherproof plant for several years before the expense of winterizing was necessary. The new plant could be expected to operate only from the first of April until the last of October and very adequately perform its function of supplying water in sufficient quantity to supply, along with the Big Sioux plant, the maximum day demand.

BIG SIOUX PLANT EXPANSION

The initial increase in capacity of the Big Sioux plant should be in the order of forty percent of existing nominal plant rating, or two of the five existing filters. Figure 12 indicates that this increase will meet demand requirements of the period from the year 1970 to the year 1977 at which

time construction of an expansion equal in capacity to three of the present filters will be in order. At that time, the Big Sioux plant will then have sufficient capacity to treat 40 MGD nominally, which is about twice the present well field capacity. The first plant expansion should include all the building for the ultimate size plant and the equipment for two filters and one additional upflow basin. The second expansion would then include only the equipment for the remainder of the filters and upflow basins, and the additional required supplemental equipment such as chemical feeders and re-carbonation equipment. The schedule for plant capacity increase has very flexible features, since the Big Sioux plant is to be expanded in two stages and the Skunk Creek plant in one stage. The Recommendations section of this report shows the apparent logical scheduling of this construction.

SUPPLY

Prior to serious discussion concerning present water plant expansion, more detailed information should be secured concerning the safe, reliable well field yield, recharge methods effectiveness, and the most desirable type of well. In order to secure this information, it is recommended that the city immediately install automatic recording gauges on all producing wells and their observation wells. The city has for a long time been in serious need of a full time hydrologist to make accurate determinations of what is happening to the Big Sioux aquifer and just exactly how draft and rainfall affect the water table. Only with such records, taken and

interpreted by a resident technician, can accurate predictions and designs be made. The subject is far too important to be left entirely to the guesses, suspicions, and bets of less than fully informed persons.

It is unquestionable that the city will accelerate its activities directed toward aquifer recharge and water conservation. These activities should be guided by the findings and recommendations of a qualified person or persons, and based on continuous detailed studies.

RAW WATER TRANSMISSION

Transmission of raw water from the wells to the plant is now accomplished through a long reinforced concrete pipeline and a loop of varying size cast iron pipe, both terminating at the existing water plant. This is shown on Figure No. 13 along with the well locations. Head losses in the long, single line to the north represent no particular difficulty to accurately determine. The looped line, however, is a different situation and a hydraulic analysis is required to determine actual head losses through the line and consequently the required discharge pressures for the pumps at each well location. This analysis is shown on Figure 14 and determines the required pressures for the given pump discharge rates. The information shown on Figure 8 has been correlated with elevation information concerning the wells, (see Figure 9), to produce Table VII, which shows the pertinent hydraulic factors for each well and pump.

TABLE VII

REQUIRED WELL PUMP DISCHARGE AND PRESSURE

Well	Discharge (GPM)	Elevation of Hyd. Gradient	Well Deck Elevation	Discharge Pressure-Feet	Discharge Pressure-PSI
3	300	131.3	103.6	27.7	12.0
4	1040	138.52	112.2	26.3	11.4
8	125	149.35	116.6	32.8	14.3
10	500	144.40	115.1	29.3	12.7
11	500	137.60	112.9	24.7	10.7
12	500	137.80	112.9	24.9	10.8
13	500	147.70	112.4	35.3	15.3
14	550	131.30	107.4	23.9	10.4
15	550	133.80	106.6	27.2	11.8
16	550	136.30	107.00	29.3	12.7
17	600	138.30	106.80	31.5	13.7
18	600	139.30	107.24	32.1	13.9
19	300	130.30	108.00	22.0	9.5
20	700	140.80	108.50	22.3	9.6
21	700	140.30	118.70	21.6	9.3
22	700	140.30	119.30	21.0	9.1
23	575	135.80	112.00	23.8	10.4
24	700	141.40	117.40	24.0	10.4
25	550	207.20	125.20	82.0	35.6
26	350	201.50	124.10	77.4	33.6
27	700	149.35	117.30	32.1	13.9
28	700	151.75	116.50	35.3	15.3
29	1400	160.12	120.10	40.0	17.3
30	1400	166.90	118.00	58.9	25.6
31	1400	220.00	127.90	92.1	40.0
32	1400	215.50	129.60	85.9	37.3
33	1400	207.90	127.30	80.6	35.0

The GPM capacities of the wells shown in Table VII are the reported reliable capacities of the wells as they now exist. Should any one of these wells be increased in capacity, the hydraulic characteristics of the entire system would change and the power requirements for all pumps on the loop would be different.

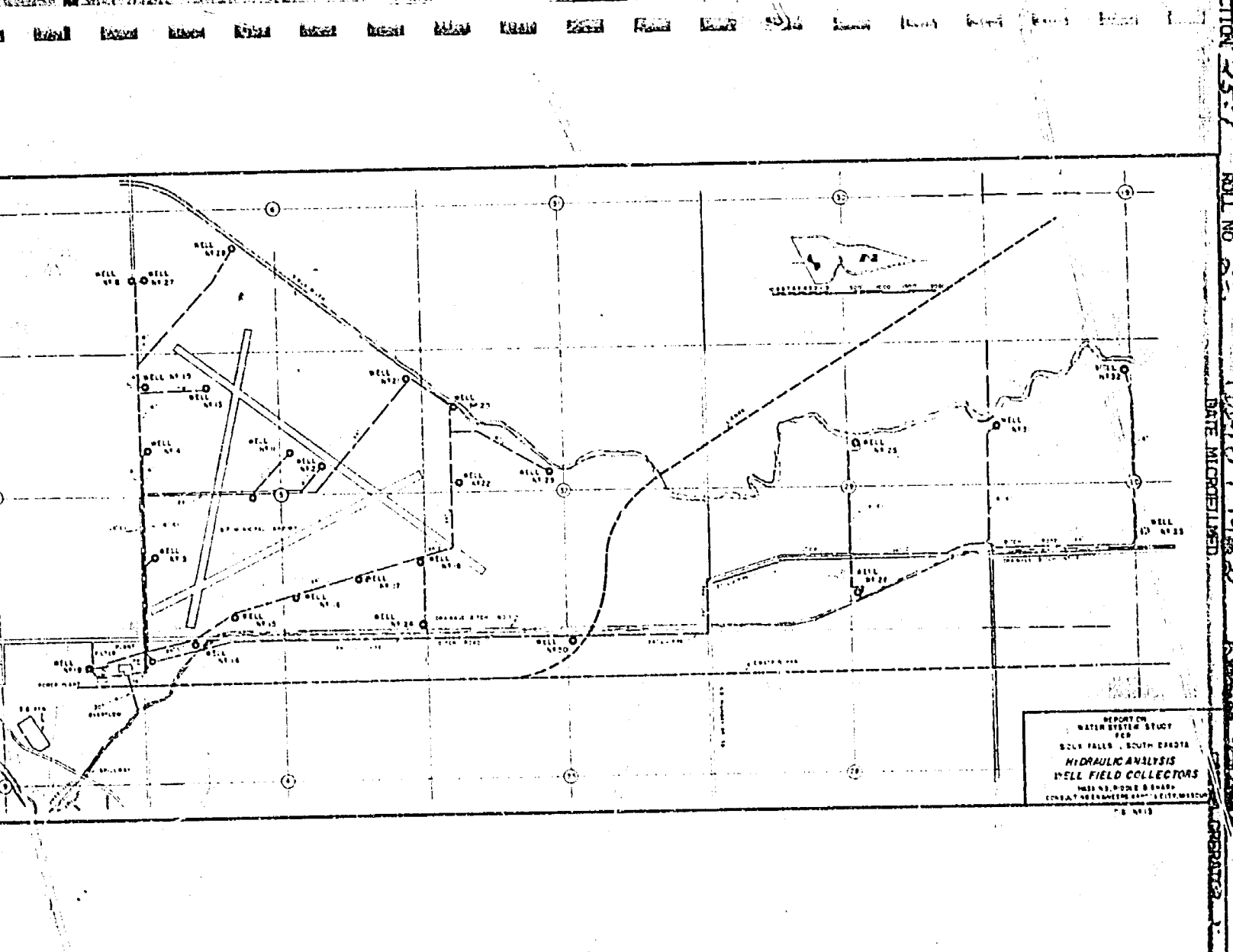
Additional raw water transmission capacity is not indicated even for the possible future 40 MGD yield from the field. Pumps and motors will have to be changed as capacities are raised if transmission main capacity is not increased, but probably no more often than will be required by normal replacement of equipment due to wear.

WELL TYPES

Currently, Sioux Falls is using three different kinds of wells:

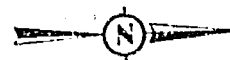
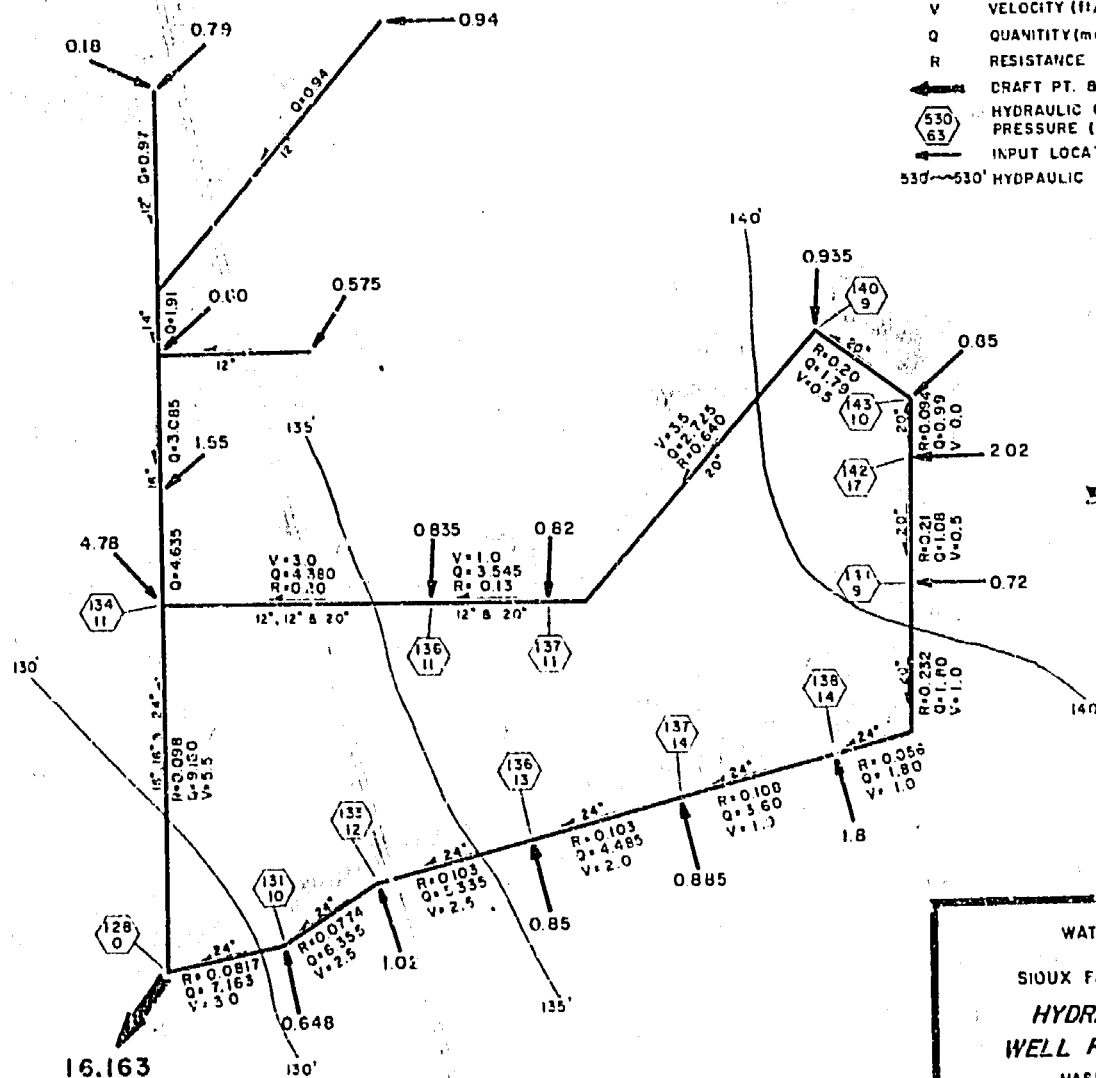
1. Gravel wall well
2. Bragstad well
3. Rannay well (horizontal collector)

These wells all have different production capabilities and are listed above in the reverse order of their productiveness. The Bragstad well is a particularly good installation for its capacity range and also has the advantage over the smaller wells in that it can be so easily converted to the higher yielding horizontal collector type of well.



LEGEND

- DIRECTION OF FLOW
- V VELOCITY (ft/sec)
- Q QUANTITY (mgd)
- R RESISTANCE
- ← DRAFT PT. & QUANTITY (mgd)
- HYDRAULIC GRADIENT (ft)
- 530 63 PRESSURE (psi) (pump discharge)
- ← INPUT LOCATION & QUANTITY (mgd)
- 530-530' HYDPAULIC GRADIENT CONTOUR



REPORT ON
WATER SYSTEM STUDY
FOR

SIOUX FALLS, SOUTH DAKOTA

HYDRAULIC ANALYSIS
WELL FIELD COLLECTORS

HASKINS, RIDDLE & EHARP
CONSULTING ENGINEERS-KANSAS CITY, MISSOURI

FIG. NO. 14

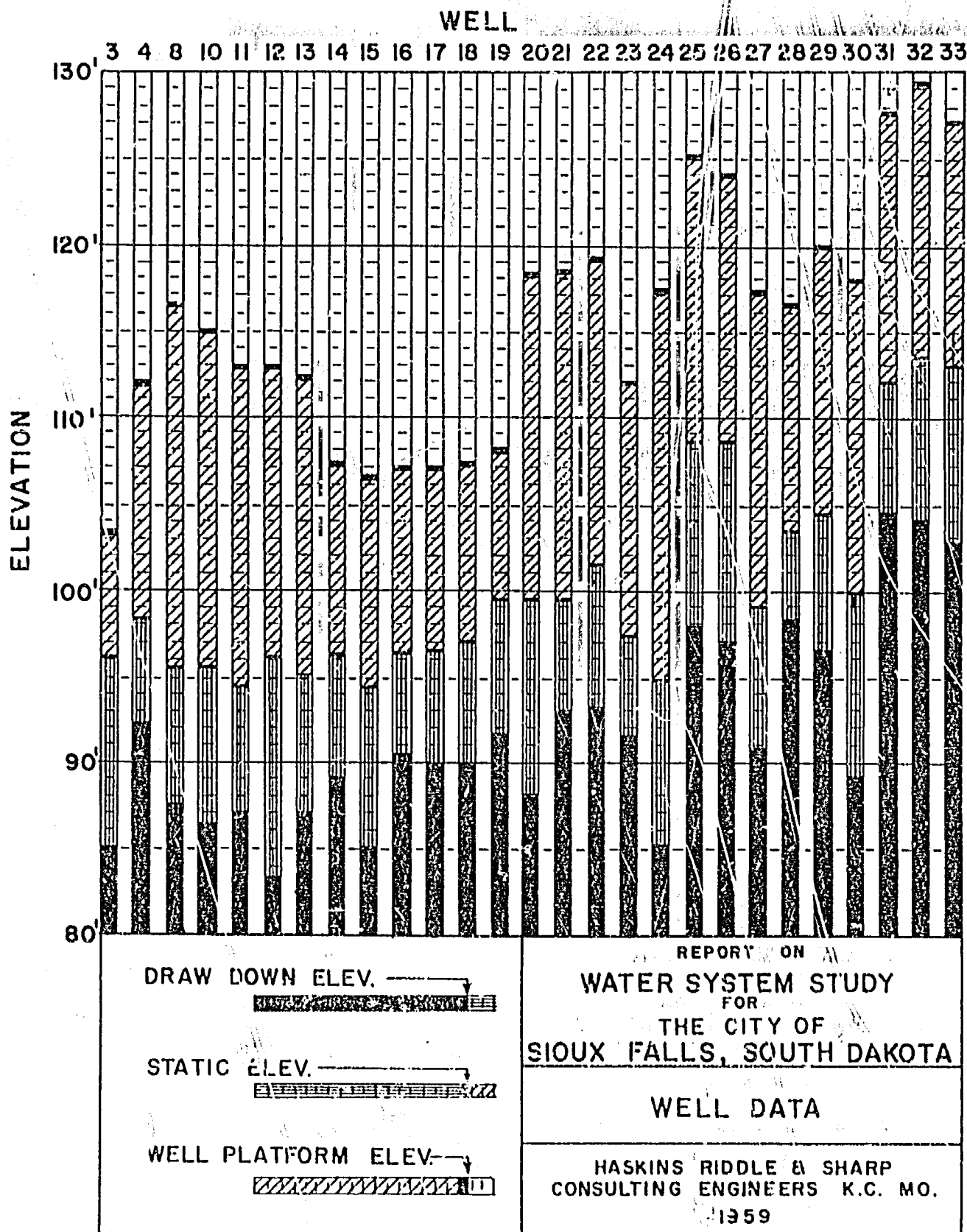


FIG. N^o 15

SECTION IV

CONCLUSIONS AND RECOMMENDATIONS

SECTION IV

CONCLUSIONS AND RECOMMENDATIONS

From the foregoing information, it is noted that the city of Sioux Falls is a rapidly growing community that is not likely to be seriously limited in future development by anything other than shortage of water supply or improper development and use of available supply.

Conclusions to be drawn from this study are enumerated as follows:

1. The present distribution system is inadequate to assure acceptable system pressures for the present maximum hour demands.
2. Additional distribution system capacity is required if growth of the community is to flourish.
3. Additional finished water storage is indicated in the form of underground reservoirs.
4. Only three of the existing elevated tanks and one standpipe are of any service to the system.
5. Additional and more accurate aquifer performance records need to be kept, particularly of the wells and ground water elevations.
6. Present piping arrangements of the existing clearwell are such that 1.6 MG capacity is unusable.
7. An additional source of supply will be required by not later than 1935.
8. The existing water plant capacity will be sufficient only until about 1970 if operated to its maximum capacity.

9. The Big Sioux plant discharge pressure can be raised from 90 psi to 125 psi without damaging effects and will result in immediate relief in low pressure areas.

In view of the foregoing information and conclusions, the following recommendations are made:

DISTRIBUTION SYSTEM

1. It is recommended that the city move forward steadily and as quickly as possible to set priorities and achieve construction that will result in a master network of distribution system, as shown in Figure 4. This will require construction of the lines as listed on page 20 of this report at estimated construction costs as shown in the following section.
2. By the earliest possible time the clearwell piping should be modified by draining the newer clearwell, constructing a properly designed sump in the floor and extending the pump suction piping properly into the sump.
3. Increase the high service discharge pressure from 90 psi to 125 psi.
4. Plans should be made to expand the Big Sioux water plant in two stages as suggested in the text of this report.
5. Develop the Skunk Creek supply and treatment facility.
6. Change the controls on the Brahms Street tank to control directly from tank water level rather than from pump discharge.

7. Immediately inaugurate a well field observation and control system. This will include automatic recording of wells and observation wells with a hydrologist in charge of taking and recording all records. This program should be set up under the direction of geophysicists specializing in ground water who could at later dates render professional opinions as to the status of all aspects of ground water.
8. Automatic recording pressure gauges should be installed at six locations in the distribution system and their charts placed in the permanent records.
9. A hydraulic analysis should be made of the system no less than every two years to determine the success of previous planning and to guarantee future construction to be properly sized and located.
10. The distribution system must have continued water main cleaning procedures of an appropriate nature to prevent resistance coefficients from ever being less than 90.

SECTION V

CONSTRUCTION COST ESTIMATES

SECTION V

CONSTRUCTION COST ESTIMATES

This section of the report concerns only the estimated costs of each recommended improvement in tabular arrangement. The order of appearance in the table does not indicate any construction priority.

TABLE VIII

CONSTRUCTION COST ESTIMATES

<u>Item</u>		
1	24" line on Minnesota from water plant to 11th Street	\$ 240,500
2	20" line on Western from 22nd to 41st	117,400
3	16" line on 41st from Western to 33rd	182,000
4	16" line on Cliff from 33rd northerly to existing 20"	370,000
5	16" line on 33rd from Western to Euclid, 28th, Menlo, and 24th	90,900
6	10" line on Kiwanis from 18th to 26th & Oak to 33rd	58,000
7	12" line on 26th from Kiwanis to Western & on 24th-- Western to Menlo	65,700
8	16" line on Weber from Walnut to 10th	110,800
9	16" line on 11th from Western to Second	119,500
10	16" line on Second from 11th to 10th to Sherman	65,600
11	12" line on 11th from Menlo to Prairie	22,100
12	12" line on Cliff from Pan to 33rd	36,800
13	Correction of present clear well piping deficiencies	5,000
14	Expand plant and equipment for 40% capacity increase	820,000
15	2 MG underground clearwell and pumps (Skunk Creek)	295,000
16	2 MG underground clearwell at Big Sioux plant	295,000
17	Expand Big Sioux plant equipment to 100% capacity increase	225,000
18	Construct seven 1000 GPM wells at Skunk Creek, including raw water transmission	No estimate
19	Build 10 MGD plant at Skunk Creek (not winterized)	No estimate
20	Correct Brahison Street standpipe controls	1,000
21	Install system automatic recording pressure gauges	6,000
22	Replace high service pumps to raise discharge pressure to 125 psi	130,000
23	Winterize Skunk Creek plant	No estimate
24	Interconnect raw water transmission piping (undetermin- able)	20,000 Est.
25	Install new 1400 GPM wells in the Big Sioux Basin as will be required. These may be either new locations or con- verted present locations. Ten wells @ \$120,000 each	1,200,000

TABLE IX

CONSTRUCTION SCHEDULE

Year	Item as Shown on Cost Estimate Sheet																									Yearly Expenditure
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
1960													X							X	X	X				\$ 176,000
1961	X																							X	X	380,500
1962		X														X									X	532,400
1963				X																						370,000
1964								X	X																X	350,200
1965															X										X	415,000
1966			X		X																					272,900
1967						X	X																		X	243,700
1968										X	X	X													X	244,500
1969														X												820,000
1970																									X	120,000
1971																									X	120,000
1972																									X	120,000
1973																									X	120,000
1974																										225,000
1975																	X									
After 1975																		X	X							No estimate

TOTAL CONSTRUCTION COST \$4,510,200

NOTE: These costs are construction costs only and each will have to be increased by approximately 10% to arrive at project cost.

TOTAL PROJECT COST \$4,906,000

SIoux FALLS, SOUTH DAKOTA
WATER SUPPLY INVESTIGATION

Report on Basic Data

Grealey and Hansen, Engineers

Chicago 4, Illinois

September, 1956

Section I - General

1. Purpose of the Investigation

Within the past two decades, the population and water demands of Sioux Falls have increased rapidly. As a result the water supply facilities have not been able to cope with the demands with the result that during the past two summers, it has been necessary to restrict the use of water. The purpose of this investigation is to determine the present and probable future water demands and the deficiencies of the present facilities to meet these demands and to prepare a comprehensive plan of improvements and additions to remedy the deficiencies.

2. Reports

The results of the investigation will be recorded in three reports of which this is the first. This report contains the basic data including a description of the present facilities and water use, estimates of population and estimates of future water demands. The second report will set forth the

improvements necessary to the distribution system and storage facilities, and the third report will cover all phases of the source of supply.

3. Sources of Information

Much of the information gathered by others was reviewed and analyzed for the Greeley and Hansen report dated August, 1950. These sources of information for that report were as follows:

- a. State of South Dakota Geological Survey Report of Investigations No. 56, Ground Water Resources of the Sioux Falls Area, South Dakota by E. P. Rothrock and E. G. Otton, March, 1947.
- b. City of Sioux Falls, Annual Reports of the Sioux Falls Water Works, 1938 to 1949.
- c. National Board of Fire Underwriters preliminary draft of inspection report, City of Sioux Falls, July, 1950.
- d. Comprehensive City Plan, City of Sioux Falls, South Dakota, by Harland Bartholomew and Associates, 1949.

Chapter 1 -- Economic and Social
Background

Chapter 2 -- Population Growth

Chapter 3 -- Land Use and Zoning

Chapter 7 -- Sewers, Sanitation, Water Supply and Distribution

- e. Burns and McDonnell Engineering Company, Report on Water Works Improvements, Sioux Falls, South Dakota, 1943.
- f. Letter Report by Adolph F. Meyer on the Drainage Ditch and Spillway, dated January 12, 1946.
- g. Greeley and Hansen report dated May, 1949.

In addition to this information, considerable data was compiled by personnel of the Water Department from records of the Water Department for the period since 1950.

Section II - Existing Facilities

1. General

The principal water supply facilities include wells, collecting mains, treatment plant, high service pumping facilities, distribution system and storage facilities.

2. Wells and Collecting Mains

The present well field is located in the northwest corner of the city between the Big Sioux River and County Drainage Ditch No. 1. There are at present twenty wells in operating condition. The discharge rates of these wells as metered in August 1, 1956, were as follows:

1971

1971

1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100
21	100
22	100
23	100
24	100
25	100
26	100
27	100

Total

22,305" or 17.72 MGD

In addition to the existing wells, two new wells of the Denny type are about to be constructed. It is estimated that each of these new wells will have a capacity of approximately 2 MGD. A third well of the Dragstad type is also to be constructed. It will have a capacity of about 1.0 MGD.

All of the wells are shallow wells penetrating the water bearing sands and gravels in the Big Sioux Aquifer. The more recent ones are of a large diameter gravel well type with special features of design which make the wells productive over long periods of time with minimum maintenance. These wells are known as the "Dragstad wells".

The Big Sioux Aquifer will be described in detail in the third report on "Source of Supply".

The location of the wells is shown on Figure 1, which also shows the collecting mains.

As shown on Figure 1, there are three principal collecting systems. Eleven of the existing wells and one of the new wells to be constructed are served by a loop partly of 20-inch and partly of 24-inch pipe. Three of the existing wells and one new well are served by a 24-inch pipe line and six existing wells and the proposed Bragstad well are served by a 16-inch or 18-inch pipe line.

3. Treatment Plant

The water treatment plant is located adjacent to the southeast corner of the well field. It has a rated capacity of 20.0 MGD and can be operated temporarily at 50 per cent overload or at a capacity of 30.0 MGD. It provides chlorination and lime treatment for disinfection and the removal of iron and manganese from the water and partial softening.

4. High Service Pumping Facility

The high service pumping units are located both in the Power Plant and in the old water treatment plant. There are two existing units in the Power Plant and one new unit being

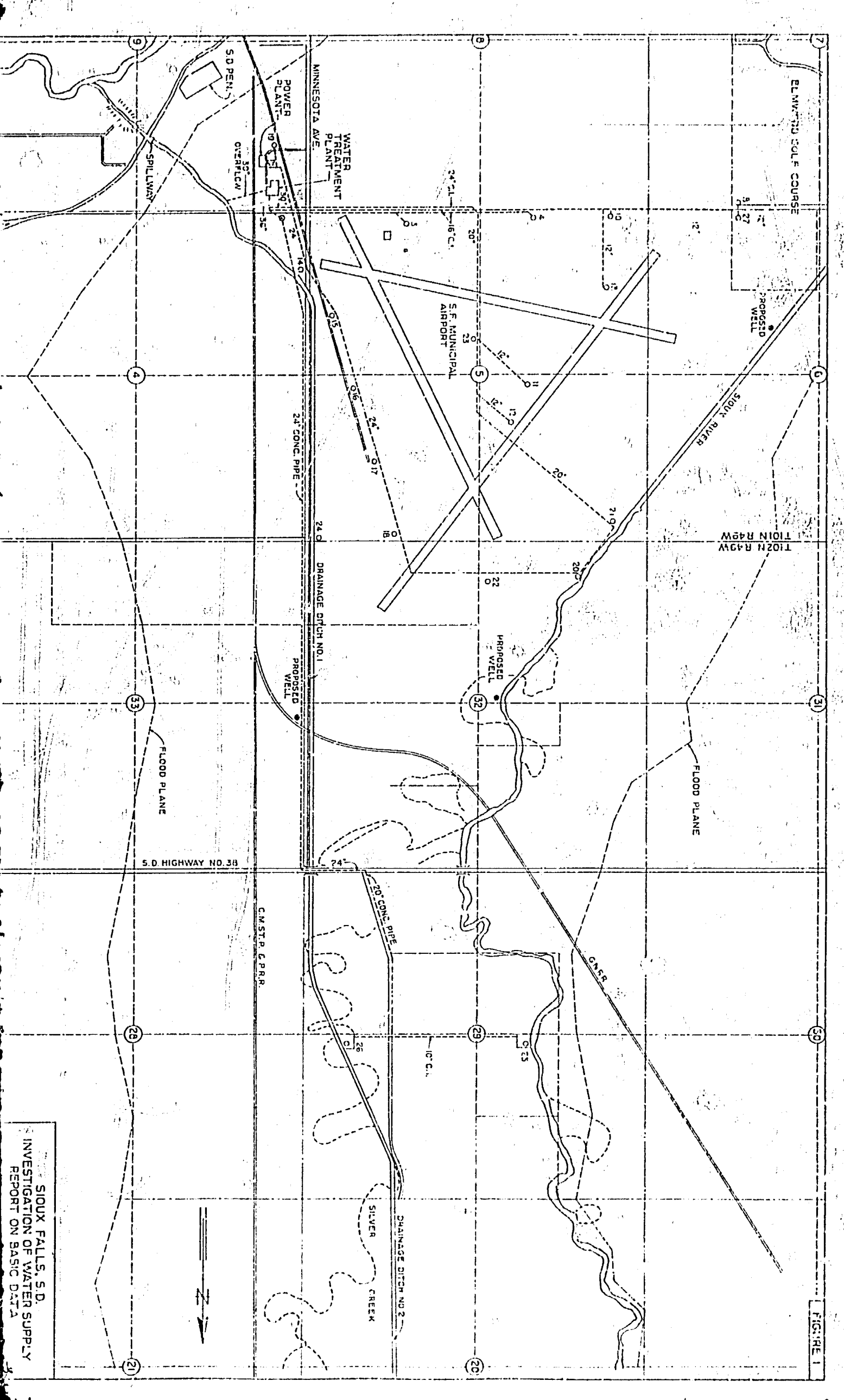


FIGURE 1

installed. These units are diesel engine driven and are as follows:

<u>Pump No.</u>	<u>Size</u>	<u>Make</u>	<u>Capacity</u>		<u>Total Dynamic Head Ft.</u>
			<u>GPM</u>	<u>MGD</u>	
1	14x12	Allis Chalmers	6500	9.40	188
8	14x12	Allis Chalmers	7000	10.10	200
9	12	Fairbanks Morse	7000	10.10	210

There are three units in the old treatment plant. They are all electric motor driven and are as follows:

<u>Pump No.</u>	<u>Size</u>	<u>Make</u>	<u>Capacity</u>		<u>Total Dynamic Head Ft.</u>
			<u>GPM</u>	<u>MGD</u>	
5	10	Delaval	1800	2.60	200
6	12	Gould	4170	6.00	200
7	10	Fairbanks Morse	4200	6.05	200

The total capacity of the high service pumps including the new one now being installed is thus 30,670 gallons per minute or 44.25 million gallons per day. The firm capacity with the largest unit out of service is 34.15 million gallons per day.

5. Distribution System

The water distribution system of the City of Sioux Falls consists of approximately 867,000 feet or 165 miles of mains ranging in size from 2 inches to 24 inches. The system is laid out as a grid with few dead ends and is fed by three

principal feeders from the high service pumps. The system contains 2113 valves and serves 809 fire hydrants located throughout the system. The distribution system will be described in more detail in the second report on "Distribution System and Storage Facilities".

6. Storage Facilities

The storage facilities include six elevated tanks and two ground storage reservoirs which can store a total of 7,355,000 gallons of filtered water. The capacities and other features of these tanks are as follows:

Elevated Tanks

<u>Location</u>	<u>Height of Tank and Tower - Feet</u>	<u>Top Elevation</u>	<u>Capacity Gallons</u>
Prairie and 4th	115.0	289.65	275,000
North Main	126.7	288.40	230,000
Menlo and 21st	97.0	289.0	350,000
Chicago and 10th	101.5	290.5	300,000
Cliff and 27th	106.0	290.7	750,000
Point and 18th	70.0	328.3	<u>250,000</u>
			2,155,000

Ground Reservoirs

Below Filter Plant	1,200,000
North of Filter Plant	<u>4,000,000</u>
	5,200,000

The tank at Point and 18th has a booster pumping station in connection with it and serves an area of high ground.

Section III - Basis of Design

1. Population

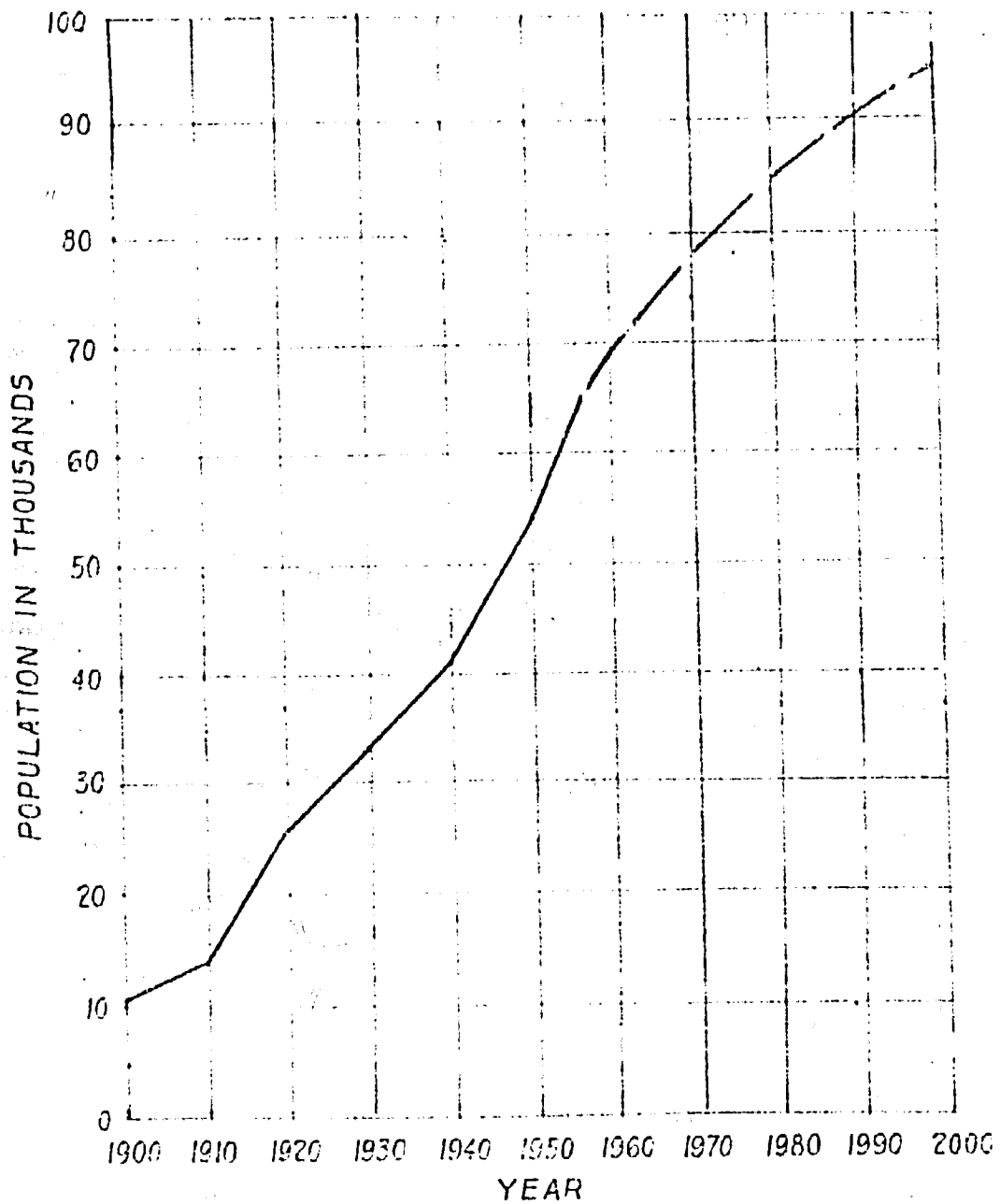
In the comprehensive City plan for Sioux Falls prepared by Bartholomew and Associates in 1949, it was estimated that the population of Sioux Falls and South Sioux Falls would reach 78,000 by 1975. The population of these two in 1950 was 57,368. On the basis of this estimate, if the increase were on a straight line basis, the population in 1956 would have been approximately 62,300. City officials, however, estimate that the 1956 population is about 65,000. Thus, the actual population is a little in excess of that estimated by the City plan.

It is impossible to predict whether or not this rate of increase will continue. In our opinion the curve of increase will tend to flatten out as shown on Figure 2. According to this figure, the population will reach 95,000 by the year 2000.

We have made an effort to check the reasonableness of this estimate by a study of population concentration and number of dwelling units.

In 1950 within the corporate limits of Sioux Falls,

FIGURE 2



SIoux FALLS, S.D.
INVESTIGATION OF WATER SUPPLY
REPORT ON BASIC DATA
POPULATION RECORD
& FORECAST

GREELEY & HANSEN
ENGINEERS

SEPTEMBER 1956

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing resources.

3. Once the information is gathered, the next step is to analyze it. This involves identifying patterns, trends, and key factors that influence the outcome.

4. After analysis, a plan or strategy should be developed. This plan should outline the steps to be taken, the resources needed, and the timeline for completion.

5. The final step is to implement the plan. This involves executing the tasks, monitoring progress, and making adjustments as needed.

6. Finally, the results should be evaluated. This involves comparing the actual outcomes with the expected results and identifying areas for improvement.

[illegible]

1900	U. S. Census	10,500
1910	U. S. Census	14,100
1920	U. S. Census	25,200
1930	U. S. Census	33,400
1940	U. S. Census	40,800
1950	U. S. Census	57,368
1960	Estimated	69,000
1970	Estimated	78,000
1975	Estimated	82,000
1980	Estimated	85,000
1990	Estimated	90,000
2000	Estimated	95,000

Beginning with 1950, the population indicated includes South Sioux Falls.

2. Water Demands

In order to establish the required capacities of the various parts of the water system, three characteristics of the water demands or use must be determined. First, the annual average daily water use must be estimated as accurately as possible. This will establish the required long term capacity of the aquifer. Second, the maximum daily water use must be determined. This will establish the required maximum capacity of the wells and the treatment plant. Third, the maximum

hourly rate of use must be determined. This will establish the required firm capacity of the high service pumps, storage facilities and distribution system.

3. Annual Average Demand

To determine the annual average demand, the first step is to establish the past and probable future demands of the large industrial and commercial consumers. The other uses for water then, including domestic, small commercial and public uses and leakage are approximately proportional to the population.

There are 13 large users in Sioux Falls. The amount of water purchased by these 13 during the past six years is shown in Table I.

The total average daily use for those large users for the past six years is as follows:

<u>Year</u>	<u>Water Purchased</u> <u>in MGD</u>
1950	2.16
1951	2.31
1952	2.45
1953	2.53
1954	2.45
1955	2.83

TABLE 1

Annual Water Consumption by Large Users (Gallons)

	1950	1951	1952	1953	1954	1955
John Morrell & Co.	582,533,000	628,072,000	658,862,000	676,940,000	669,362,000	744,881,000
Sioux Falls Stock- yards	56,683,000	50,484,000	74,644,000	77,551,000	66,799,000	60,469,000
Veterans Adminis- tration	25,970,000	22,776,000	30,062,000	29,216,000	27,234,000	32,440,000
Sioux Falls Serum Co.	21,923,000	18,527,000	17,091,000	1,630,000	2,297,000	27,905,000
Fenn Bros.	20,397,000	23,831,000	24,339,000	25,095,000	24,498,000	38,613,000
Sioux Valley Hospital	20,240,000	22,350,000	21,377,000	22,529,000	22,073,000	22,118,000
Cataract Hotel	12,164,000	12,588,840	13,935,000	15,154,000	12,211,000	15,842,000
Lakeside Dairy	10,262,000	14,458,000	12,636,000	12,070,000	11,833,000	10,352,000
Manchester Biscuit Co.	9,686,000	10,075,000	13,104,000	12,888,000	13,067,000	10,531,000
Sioux Valley Milk Prod.	8,990,000	16,792,000	1,952,000	17,181,000	16,426,000	26,030,000
Katz Baking Co.	8,631,000	10,771,000	12,831,000	9,499,000	12,147,000	13,508,000
Shipley's Laundry	8,803,000	6,998,000	9,457,000	9,110,000	9,394,000	11,997,000
Greenlee Packing Co.	4,532,000	4,293,000	6,750,000	8,051,000	7,390,000	12,593,000
Total (Gallons)	790,814,000	844,015,000	897,040,000	916,914,000	894,731,000	1,026,679,000
Total (M.G.D.)	2.16	2.31	2.45	2.52	2.45	2.81

From these data, the following tabulation was prepared which shows the water required for other uses both in millions of gallons per day and in gallons per capita per day.

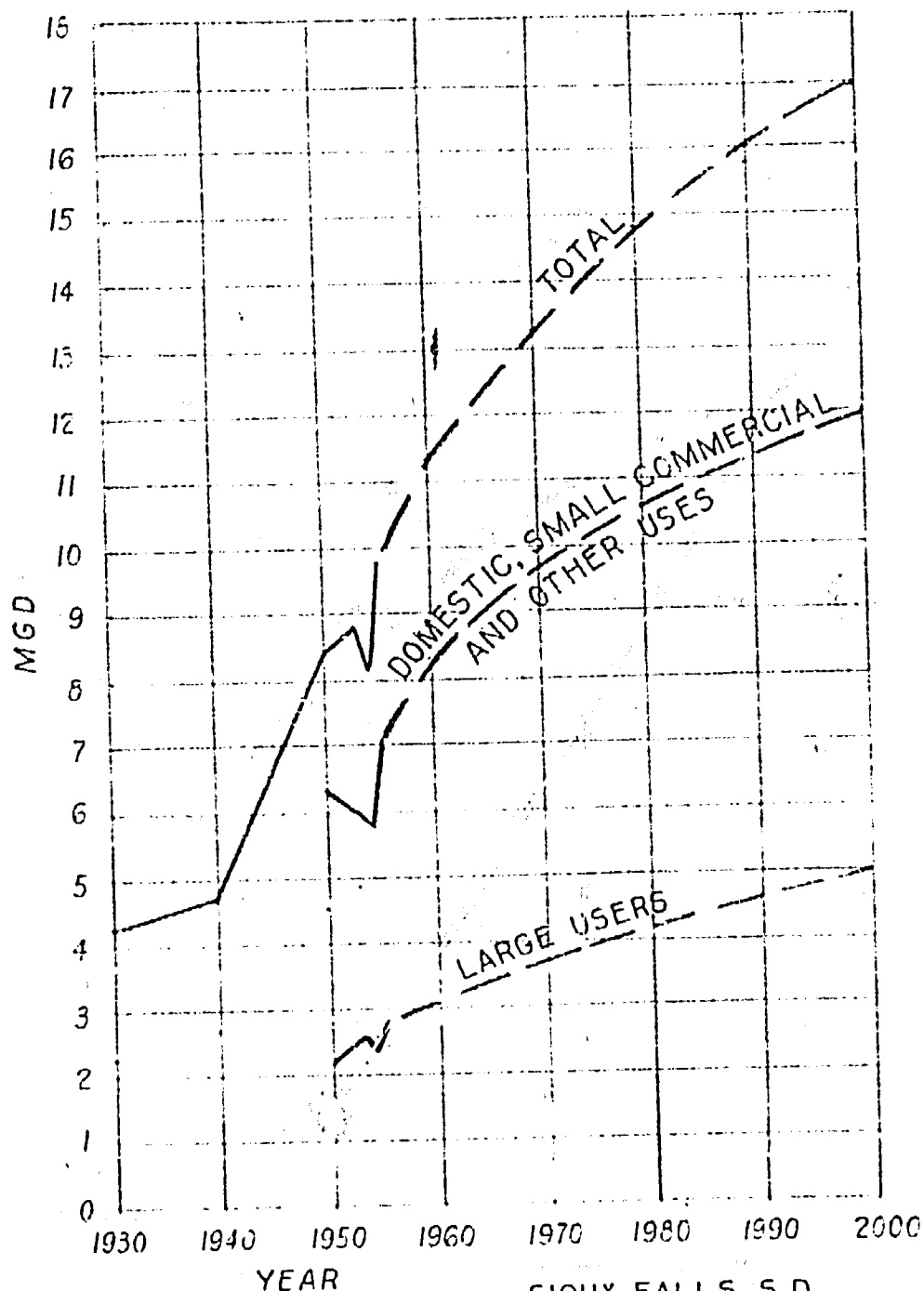
Year	Total Pumpage MGD	Large Users MGD	Other Uses MGD	Population	Other Uses GPCD
1950	8.53	2.16	6.37	52161	122
1951	9.1	2.31	6.79	54000	126
1952	9.1	2.45	6.65	56000	119
1953	8.54	2.52	6.02	58000	104
1954	8.21	2.45	5.76	60000	96
1955	9.90	2.81	7.09	62000	114

Thus, the per capita demands varied from 96 to 126 gallons per capita per day with an average of 114. It must be noted that in 1955 the use of water for sprinkling lawns was restricted so that the per capita use that year would undoubtedly have been larger had not those restrictions been operative.

In our opinion, a safe, yet conservative, estimate for these other uses would be 125 gallons per capita per day.

The above data is shown on Figure 3. The curves have been projected to show the estimated requirements up to and including the year 2000. On the basis of this figure, the estimated annual average water demands are as follows:

FIGURE 3



SIOUX FALLS, S.D.
 INVESTIGATION OF WATER SUPPLY
 REPORT ON BASIC DATA
 ANNUAL AVERAGE
 WATER CONSUMPTION
 RECORD & FORECAST
 SEPTEMBER 1956

GREELEY & HANSEN
 ENGINEERS

<u>Year</u>	<u>Annual Average Demand in MGD</u>
1930	4.29
1940	4.70
1950	8.54
1960	11.40
1970	13.30
1975	14.00
1980	14.80
1990	16.10
2000	17.00

4. Maximum Daily Demand

The second characteristic of the water requirements to be determined is the probable maximum daily demand. To determine this, the following comparison between annual average and maximum daily pumpage records was made:

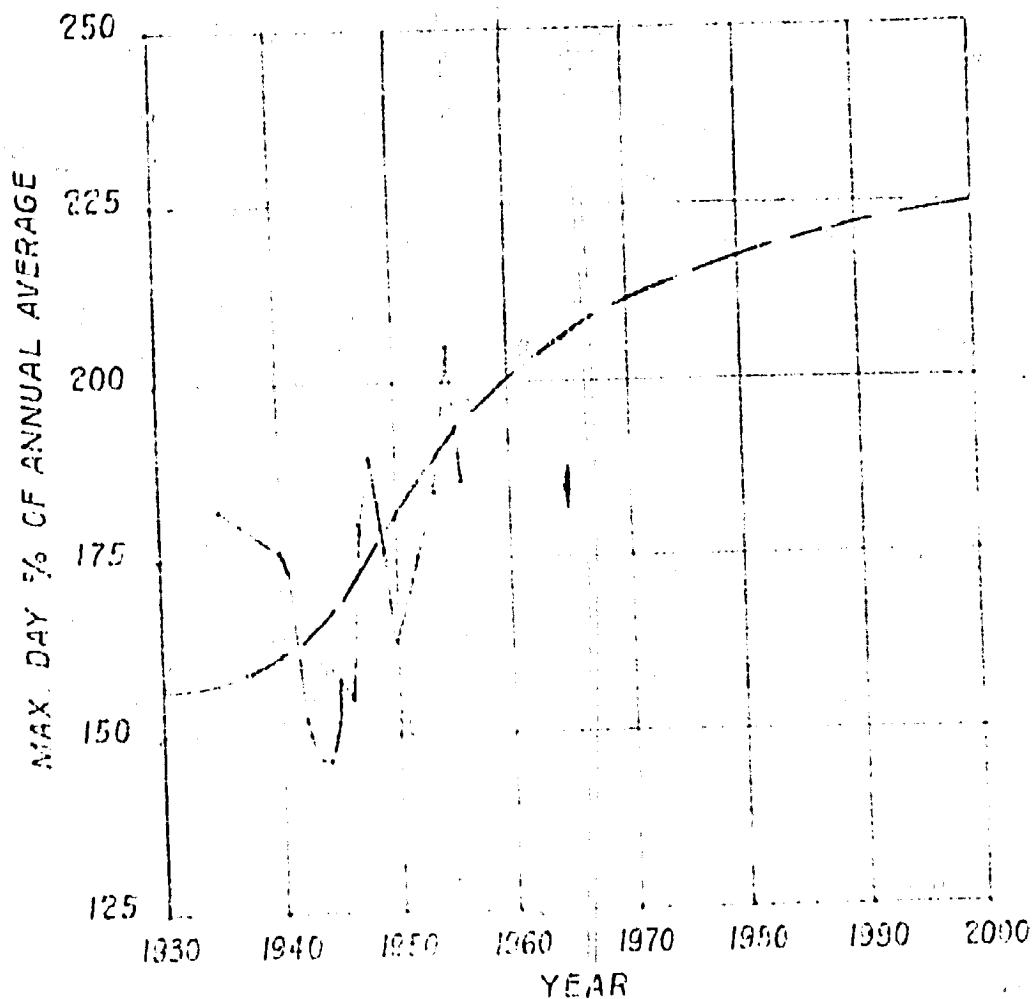
<u>Year</u>	<u>Annual Average Pumpage MGD</u>	<u>Maximum Daily Pumpage MGD</u>	<u>Maximum-For Cent of Average</u>
1930	4.29	6.78	158
1940	4.70	8.1	172
1941	5.2	9.0	173
1942	6.1	9.4	154
1943	7.7	11.0	143

			14.
1944	7.6	12.0	144
1945	7.0	11.5	164
1946	7.3	11.8	162
1947	8.2	14.7	180
1948	8.1	15.3	189
1949	8.5	15.0	176
1950	8.5	13.9	164
1953	8.5	15.6	184
1954	8.2	16.7	204
1955	9.9	18.2	184

Here again, the restriction on lawn sprinkling in 1955 undoubtedly had a considerable effect on the relationship of maximum daily pumpage to annual average pumpage in that year.

These data have been plotted on Figure 4. As the figure indicates, the relationship between the two pumpage ratios varies considerably from year to year, but the general trend has been upwards. On the figure, a median line has been plotted and extended to the year 2000. On the basis of this estimate, the percentage of maximum daily pumpage to average daily pumpage will be as follows:

FIGURE 4



SIOUX FALLS, S.D.
 INVESTIGATION OF WATER SUPPLY
 REPORT ON BASIC DATA
 RATIO OF MAXIMUM
 DAY TO ANNUAL AVERAGE
 SEPTEMBER 1956

GREELEY & HANSEN
 ENGINEERS

<u>Year</u>	<u>Maximum - Percent of Average Daily</u>
1960	200
1970	212.5
1980	217.5
1990	221.5
2000	225.0

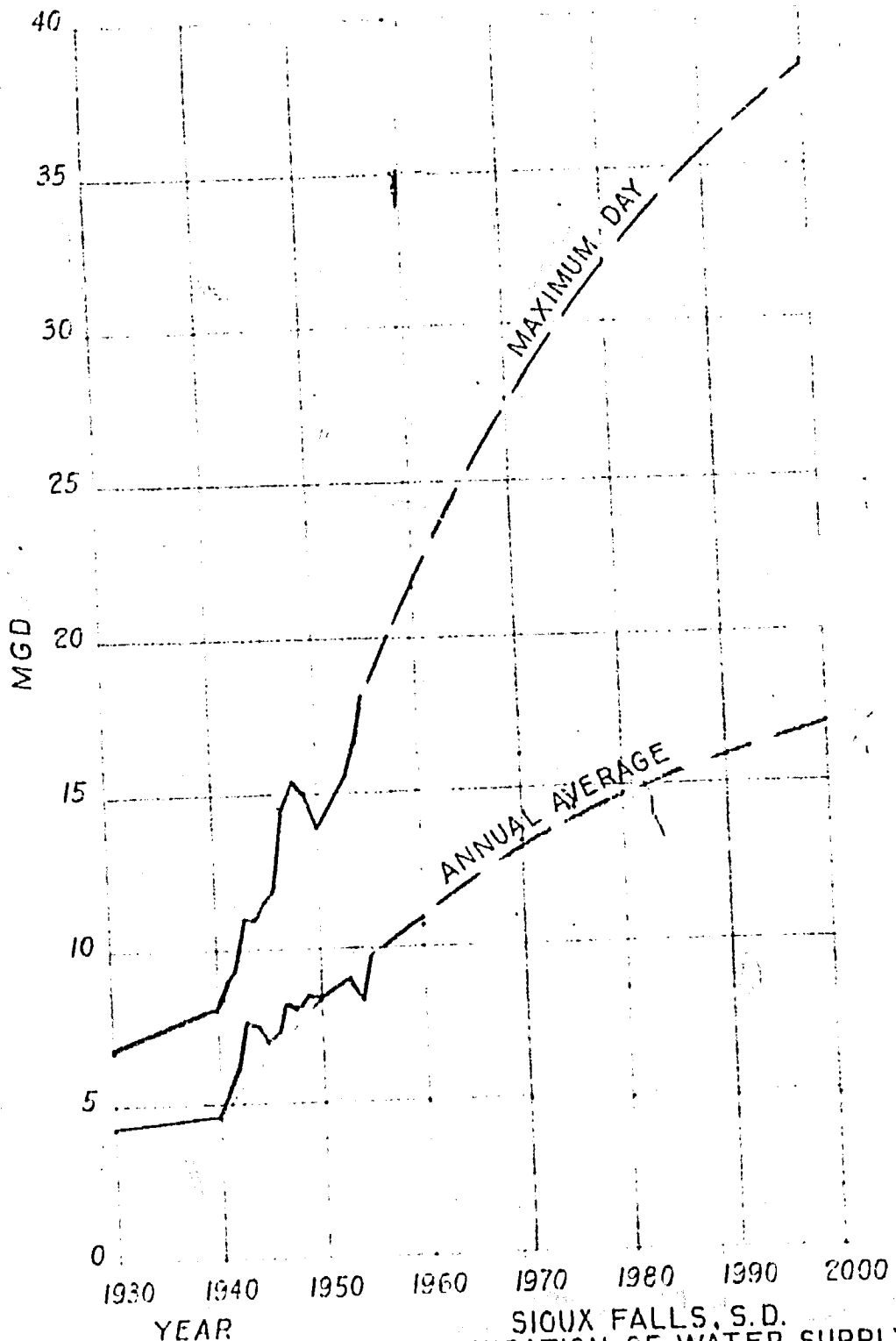
By the use of these percentages and the annual average pumpages heretofore established, the maximum daily pumpage was estimated and plotted as shown on Figure 5. The estimated annual average and maximum daily pumpages then, as shown on Figure 5 are as follows:

<u>Year</u>	<u>Pumpages - M.G.D.</u>	
	<u>Annual Average</u>	<u>Maximum Daily</u>
1960	11.40	22.80
1970	13.30	28.30
1975	14.00	30.00
1980	14.80	32.20
1990	16.10	35.70
2000	17.00	38.30

5. Maximum Hourly Rate

The third characteristic of the water requirements which must be determined is the maximum hourly rate of use,

FIGURE 5



GREELEY & HANSEN
ENGINEERS

SIOUX FALLS, S.D.
INVESTIGATION OF WATER SUPPLY
REPORT ON BASIC DATA
MAXIMUM DAY & ANNUAL
AVERAGE WATER USE
SEPTEMBER 1956

This rate is the sum of the maximum hourly high service pumping rate and the simultaneous withdrawal from the elevated tanks. Unfortunately, there are no continuous recording gauges on three of the tanks. A close approximation, however, was obtained by assuming a withdrawal rate, from the three tanks for which there are not records, similar to the withdrawal rate from the two tanks for which there are records. The maximum hourly rate was then obtained by combining the pumpage rates on the maximum day with the withdrawal from the elevated tanks.

The results of these studies show that the maximum hourly rate amounts to approximately 150 per cent of the maximum daily pumpage. On this basis, the estimated maximum hourly demand rates are as follows:

<u>Year</u>	<u>Max. Hourly Demand in MGD</u>
1960	34.20
1970	42.50
1975	45.00
1980	48.30
1990	53.50
2000	57.50

6. Summary

To summarize the above, improvements and additions to the water supply facilities should be based on the following water use or demand:

	MGD	
	<u>1975</u>	<u>2000</u>
Annual Average	14.00	17.00
Maximum Day	30.00	38.30
Maximum Hour	45.00	57.50

The design of long lived structures such as water mains which cannot be readily and economically enlarged should be based on the quantities for the year 2000. Other structures such as wells, treatment facilities and pumping equipment which can be readily enlarged or supplemented should be based on 1975 quantities. The source of supply should be based on the probable ultimate development of the City and environs.

R50W R49W

	16	15	14	13	18	17	16	15	14
	21	22	23	24	19	20	21	22	23
	28	27	26	25	30	29	28	27	26
	33	34	35	36	31	32	33	34	35
T103N T102N	4	3	2	1	6	5	4	3	2
	9	10	11	12	7	8	9	10	11
	16	15	14	13	18	17	16	15	14
	21	22	23	24	19	20	21	22	23
	28	27	26	25	30	29	28	27	26
	33	34	35	36	31	32	33	34	35
T102N T101N	4	3	2	1	6	5	4	3	2
	9	10	11	12	7	8	9	10	11
	16	15	14	13	18	17	16	15	14
	21	22	23	24	19	20	21	22	23
	28	27	26	25	30	29	28	27	26
	33	34	35	36	31	32	33	34	35
T101N T100N	4	3	2	1	6	5	4	3	2
	9	10	11	12	7	8	9	10	11
	16	15	14	13	18	17	16	15	14
	21	22	23	24	19	20	21	22	23
	28	27	26	25	30	29	28	27	26
	33	34	35	36	31	32	33	34	35
T100N									

R50W R49W

CITY OF SIOUX FALLS
FUTURE USE AREA

February 5, 1973

Mr. Donald Kalda
Schmitz - Kalda and Associates
260 Boyce - Greeley Building
Sioux Falls, South Dakota 57101

Dear Don:

You wanted written information about the Sioux Falls "Future Use" water right in the Sioux River Valley plus information about the future use water rights.

Water Permit No. 448-3 is the future use water right of Sioux Falls. This permit reserves 46.8 c.f.s. of ground water from a legally described area of the Sioux River Valley. The priority date of this future use water right and subsequent developments under this future use water right is April 8, 1957. To date 32.1 c.f.s. of the reserved 46.8 c.f.s. have been developed.

Enclosed for your information is a copy of this Future Use Permit No. 448-3. The 1st and 2nd pages, with attachment, is the application portion and the 3rd page, with attachment, is the permit portion. Future Use Permit No. 449-3 pertains to a 15.6 c.f.s. withdrawal from five sections of land in Skunk Creek Valley to date there has been no development under Future Use Permit No. 449-3.

Also enclosed are SDCL 46-5-38, 46-5-39 and 46-5-40 which are the South Dakota Statutes pertaining to future use water rights.

Sincerely,

DONALD DRISCOLL
Deputy Chief Engineer

DD/bw
Encl: As stated

PERMIT #397-3

46.80

3.12

43.68

PERMIT #2019-3

5.10

40.58

PERMIT #2747-3

3.88

36.70

PERMIT #2886-3

3.10

33.60

PERMIT NR 4098-3

1.00

" NR 4099-3

1.00

" NR 4100-3

1.00

" NR 4101-3

1.00

29.60

PERMIT NO 4811-3

- 3.72

4812-3

- 9.01

21.87

M E M O

TO: Tim Edman
FROM: John Hatch *John Hatch*
SUBJECT: Slip Up Creek Position Statement
DATE: December 23, 1982

The following are Water Rights Division comments on the Slip Up Creek Position Statement:

1. There seems to be some contradiction between the first paragraph statement of DWR support and the main body of the Position Statement.
2. There are many ways of interpreting data, but it is our view that groundwater does exist through existing water rights and Future Use Permits to supply the future needs of Sioux Falls for the next 40 to 50 years. If the decision is made to go ahead with Slip Up in the next few years, it should be stated up front that:
 - a. Slip Up is being built at this time based upon a policy decision that early construction of Slip Up will leave undeveloped groundwater supplies available for use by other smaller or individual users less able to afford the cost of or muster the political support for a large project such as Slip Up.
 - b. Slip Up is being built to provide a needed recreation area for the Sioux Falls area.
 - c. Slip Up will be used to provide water to supplement the Big Sioux Aquifer when the Big Sioux Aquifer is fully developed and utilized.
3. On page 2, paragraph 4, the 26 mgd under equilibrium conditions is a very conservative figure. During summer drought conditions, the 26 mgd could be exceeded with the amount withdrawn influenced more by the number of wells, well capacities and well spacing. The fact that aquifer levels may decline a few feet during a drought cycle is not a detriment to the aquifer supply. Water supply problems experienced in the Sioux Falls well field during the 1970's were the result of well spacing and lack of a sufficient number of properly spaced wells and not an aquifer depletion problem.
4. The population projections referred to on page 1 should be based upon conservative population increase trends. An engineering report on recommended changes for the Sioux Falls water supply and distribution system prepared for the City in 1959 by Consulting Engineers Haskins, Riddle & Sharp of Kansas City, Missouri made what were considered reasonable and conservative population increases estimates for 1980 and 1990. The conservative projections using accepted criteria for projecting population increases predicted populations in 1980 of 98,000 and 1990 of 110,000. The maximum projections were 1980, 113,000 and 1990, 133,000. The actual 1980 census was 81,232. Even the most reasonable and conservative estimates were high.

Memo
Tim Edman
Page 2

Any decisions on when to build Slip Up should be based upon more realistic estimates that can be supported by past growth experience.

If the actual 33% increase in population for the last 30 years is used to project the 2030 population then the estimated population in 2030 would be about 132,000.

The estimated annual use in 2030 using the 190 gpcd figure (assuming gpcd increase and conservation measures are not implemented) amounts to -

$$\frac{190 \text{ gpcd} \times 132,000 \text{ pop} \times 365 \text{ days/yr}}{325,850 \text{ gal/AF}} = 28,093 \text{ AF/yr}$$

Using high estimate of 182,000 figure -

$$\frac{190 \times 182,000 \times 365}{325,850} = 38,735 \text{ AF/yr}$$

Using the conservative estimates of USGS for safe yield from the Sioux Falls well field and Future Use area, the annual yield is -

$$\frac{26 \text{ mgd} \times 365 \text{ days}}{325,850 \text{ gal/AF}} = 29,124 \text{ AF/yr}$$

It is easy to see that the existing Big Sioux well field supply would be adequate until 2030 with present growth trends.

5. The Sioux Falls Big Sioux Aquifer Future Use Permit No. 448-3 was approved in 1957 for 46.8 cfs. Development of the reserved water has been completed as necessary with 21.87 cfs remaining. The North $\frac{1}{2}$ (about 4 miles in length) of the Future Use area has not been developed and additional development can be expected in the South $\frac{1}{2}$ where proper spacing and good well yield is possible.

Actual average daily use figures for Sioux Falls are presently 12 to 13 mgd or a maximum 14,562 AF/yr (160 gpcd). Therefore, the City is using about $\frac{1}{2}$ of the safe yield from the Big Sioux Aquifer with no detriment to the developed portion of the aquifer. Complete development of the remaining future use 21.87 cfs would amount to withdrawal of 15,829 AF/yr.

Unless water use and population trends change a good deal in the next 30 years, it is doubtful Slip Up would be needed for Sioux Falls water supply purposes before 2020 or 2030 and then only as a supplemental supply.

6. Future Use Permit No. 449-3 held by Sioux Falls for 15.6 cfs from the Skunk Creek Aquifer is somewhat misleading. Conservative safe yield figures we have for the portion of the aquifer covered by the 449-3 future use area are 4.8 cfs (3,103,488 gpd) or 3474 AF/yr. Using a more liberal safe yield figure of 9.0 cfs or 6514 AF/yr, the Skunk Creek Future Use is not too significant in terms of future Sioux Falls water supply development. Permits for up to 15.6 cfs could be issued, but the safe yield would only be 3500 to 6500 AF/yr. The Skunk Creek aquifer is not an attractive alternative unless the City can obtain and develop additional future use rights further up the Skunk Creek Aquifer.

Memo
Tim Edman
Page 3

7. Future Use Permit No. 3981-3 for up to 50,000 AF/yr from the Sioux River does not allow withdrawals unless at least 50 cfs flows past the diversion point after diversions are made. The Game, Fish & Parks Department comment on page 4 suggesting that pumping not occur during April, May and June would eliminate most pumping during low flow years, if followed. It would be difficult to avoid pumping during the spring months when this may be the only water available.

JH:ks



Department of Water & Natural Resources

Joe Foss Building
823 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Rick W. Knoke, Mayor, City of Sioux Falls
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 448-2

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 448-2, City of Sioux Falls will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 11-26, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 448-2, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 448-2 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 448-2 was approved June 28, 1957 with a priority date of April 8, 1957, for 46.8 cubic feet per second (cfs) from the following area: Sections 4, 5, 8, 9, 16, 17, 20, 21, T102N-R49W and Sections 16, 20, 21, 28, 29, 32, 33, T103N-R49W with the following qualifications:

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

Our records show that permits to place 24.93 cfs of water reserved by Permit No. 448-3 to beneficial use have been approved with 21.87 cfs remaining.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 448-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 448-3 with the following qualifications:
 - a) Permit No. 448-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This Permit approved for groundwater from the Big Sioux-Sioux Falls Aquifer.

* At the end of seven years, the permit will again be reviewed and if it is extended you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 448-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$723.30.

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

cc: Manfred Szamelt, Finance Officer

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

August 24, 1983

NOTICE

TO: Rick W Knobs, Mayor, City of Sioux Falls

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 448-3, 449-3 and 2042-3

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 448-3, 449-3 and 2042-3 are being changed because of a conflict with the Municipal League Meeting that starts October 5, 1983. The Water Management Board will now review Future Use Permits No. 448-3, 449-3 2042-3 at 1:30 pm, November 30, 1983, Joe Foss Building, Room 216, Pierre, South Dakota. The hearings will be conducted pursuant to the notice dated August 8, 1983.

cc: Manfred Szameit, Finance Officer

The meeting will be in Room 216 of the Joe Foss Building.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

January 10, 1984

RE: Future Use Permits No.
448-3, 449-3 & 2042-3

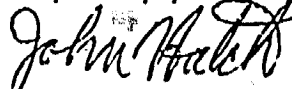
Rick W Knoke, Mayor
City of Sioux Falls
224W 9th St
Sioux Falls SD 57102

Dear Mayor Knoke:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Sioux Falls Future Use Water Permits No. 448-3, 449-3 & 2042-3. The Board continued Permits Nos. 448-3, 449-3 & 2042-3 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 448-3 & 2042-3 will be subject to review after seven years and Permit No. 449-3 will be subject to review after three and a half years.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Manfred Azameit, Finance Officer
Richard Willer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. (448-3)

FOR CITY OF SIOUX FALLS

Future Use Permit No. 448-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 448-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This Permit approved for groundwater from the Big Sioux-Sioux Falls Aquifer.

Water Rights Division - DWR
Conversation or File Documentation

File No. 448-3

NAME OF PERSON OR FILE: City of Sioux Falls

ADDRESS: _____ COUNTY _____

DATE: August 6, 1987 TELEPHONE _____

RE: Status of Future Use Permit No. 448-3

COMMENTS:

Reduction of water appropriation reserved by Future
Use Permit No. 448-3 :

F.U. Permit No. 448-3 → 21.15 cfs
appropriations : Permit No. 5115-3 - 6.70 cfs
Permit No. 5127-3 - 8.00 cfs
Water remaining in reserve → 6.45 cfs

Permit Nos. 5115-3 and 5127-3 have acre-ft limitations of
2,244 ac-ft and 2,160 ac-ft respectively.

Permit No. 5115-3 → 6.70 cfs (4851 ac-ft)

less limitation (2,244 ac-ft)

remaining reserve → 4851 - 2,244 = 2607 ac-ft

Permit No. 5127-3 → 8.00 cfs (5792 ac-ft)

less limitation (2,160 ac-ft)

remaining reserve → 5,792 - 2,160 = 3632 ac-ft

Therefore, F.U. Permit No. 448-3 has in reserve :

A diversion rate of 6.45 cfs (4,670 ac-ft) + 2607 + 3632 = 10,909 ac-ft
with a total volume of 10,909 ac-ft

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

NAME: Ron Juwall

4/82

11/18/90

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

September 12, 1990

Jack White, Mayor
224 West 9th Street
Sioux Falls SD 57102

Dear Mayor White:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 for groundwater (Big Sioux-Sioux Falls Aquifer) and Permit No. 2042-3 for Missouri River water which is held by the City of Sioux Falls.

Permit Nos. 448-3 and 2042-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits including an estimate of future needs and any annual pumping records for the past three years.

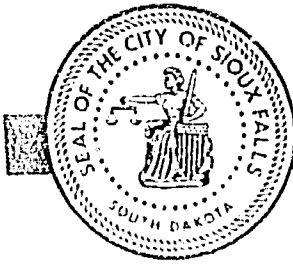
Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Dick Willer, Utility Manager



GARY W. HANSON
UTILITIES COMMISSIONER

CITY OF SIOUX FALLS

224 West Ninth Street, Sioux Falls, SD 57102
(605) 339-7299
(605) 338-7801 FAX
(605) 339-7059 TDD

October 10, 1990



Ms. Karen Schlaak
South Dakota Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-3181

Dear Ms. Schlaak:

Subject: Future Use Permit Nos. 448-3 and 2042-3

During the last three years, the City of Sioux Falls has established restrictions on water use because of insufficient water supply resources. Annual water pumpage during those years was as follows:

1987	5,942,553,343 gallons
1988	6,312,775,006 gallons
1989	6,194,790,914 gallons

Water demands for the year 2030 are projected to reach an annual average of 9.4 billion gallons with a potential peak day demand of 50 million gallons per day.

To meet the increasing water demand requirements, the City of Sioux Falls is actively studying development of additional water supply resources. The City has retained HDR Engineering Inc. of Omaha, Nebraska, to examine the feasibility of expanding the City's well field in the Big Sioux Aquifer. Withdrawal permits for additional wells would most likely come from Future Use Permit No. 448-3. Expansion of the City's well field is planned for 1991.

Sioux Falls has also joined the Southeastern South Dakota Water Supply System to pursue the development of a pipeline from the Missouri River. Banner and Associates Inc. of Brookings has been hired to study the feasibility of a pipeline to Sioux Falls and other communities and rural water systems in southeastern South Dakota. Future Use Permit No. 2042-3 would be used to appropriate water from the Missouri River.

Water
224 West Ninth Street
(605) 339-7031

Wastewater
1502 North Sycamore Avenue
(605) 339-7088

Electricity
2040 North Minnesota Avenue
(605) 339-7150

Storm Drainage
224 West Ninth Street
(605) 339-7023

KWI/WP/T3/3W

Ms. Karen Schlaak
Page 2
October 10, 1990

Therefore, it is the City's intent to retain both future use permits for development of additional water supply resources. We would be available to discuss our plans with the Water Management Board.

If you have any questions, please contact me or my staff.

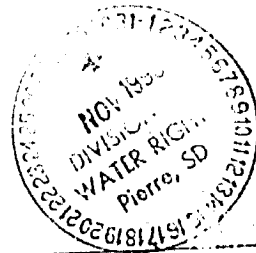
Sincerely,



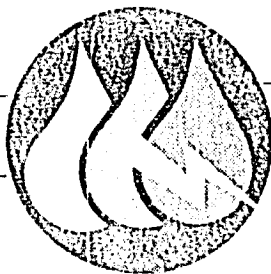
Gary Hanson
Utilities Commissioner

cc Lyle Johnson

Sioux Falls UTILITIES



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088



LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023

November 28, 1990

Mr. Eric Gronlund
S.D. Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Eric:

I am writing regarding the hearings that will be conducted by the Water Management Board regarding Future Use Permits Nos. 448-3 and 2042-3 on December 5, 1990 at 8:45 a.m.

Per our phone discussion of November 27, 1990, you had indicated that if Lyle Johnson notified you prior to the hearings that he would like to be first on the agenda, that you would comply with his request. I have indicated to Mr. Johnson that he should notify you prior to 8:45 a.m. This letter is to serve as a reminder to you of that request.

Mr. Johnson's flight will be leaving Rapid City at 12:22 p.m. on December 5, 1990. If he is able to appear first on the agenda, we are certain that he will arrive at the Rapid City Airport in time to board his scheduled flight.

Thank you for your cooperation in this matter.

Sincerely,

Shannon Hulzebos
Adm. Asst. III
City Water Purification Plant
Sioux Falls, SD

224 W. 9th Street • Sioux Falls, SD 57102 • TDD (605) 339-7039

AN EQUAL OPPORTUNITY EMPLOYER



DEC 11 1990

Mr. John Cuhin
Assistant Attorney General
Office of Attorney General
Natural Resource Section
State Capitol Building
Pierre, SD 57501

Dear Mr. Cuhin:

Subject: Proposed Findings of Fact, Conclusions of Law, and
Final Decision on City of Sioux Falls Future Use
Permits 2042-B and 448-B

I am in receipt of the Notice dated December 11, 1990, directed to Lyle D. Johanson of the City of Sioux Falls from John Hatch, Chief Engineer, State Water Rights Division. That Notice addresses preparation of Findings of Fact, Conclusions of Law, and Final Decision of the Water Management Board with respect to the above-referenced permits.

The City is interested in submitting a set of proposed Findings, Conclusions, and Decision for consideration by the Water Management Board. It appears that the proposed Findings, Conclusion, and Decision by the City would be submitted to you and each Board member after the Board members have received your proposed Findings, Conclusion, and Decision. The City's proposed Findings, Conclusion, and Decision would need to be mailed to you and each Board member by February 18, 1991.

If this letter is not accurate with respect to the procedure to be followed, please contact me immediately with any necessary corrections. Thank you for your assistance in this matter.

Sincerely,

Patrick J. Anderson
Assistant City Attorney

cc John Hask, Assistant Attorney General
John Hatch, Chief Engineer
Lyle Johnson, Water/Wastewater Manager
Roger Schlander, City Attorney

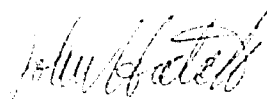
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 448-3, City of Sioux Falls

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 448-3.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 448-3 reserves for future use 3,597 acre-feet annually. The diversion water of 8.28 cfs is deleted from Permit No. 448-3.

And that maintaining the effectiveness of Future Use Permit No. 448-3 is subject to payment of the \$92.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 8.28 cubic feet of water per second (cfs) reserved by No. 448-3 is 5995 acre-feet. Assuming that the total amount pumped annually would equal 60% of 5995 acre-feet, then the expected developed pumping of water reserved under Permit No. 448-3 would be about 3597 acre-feet per year.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

October 31, 1990

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

Gary Hanson, Utilities Commissioner
City of Sioux Falls
224 West Ninth Street
Sioux Falls SD 57102

Dear Mr. Hanson:

Future Use Permit Nos. 448-3 and 2042-3 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 Publishers of the Argus Leader, Daily Press & Dakotan, Register, the Post, and the Tribune & Register printed at Sioux Falls, Yankton, Chamberlain, Wagner and Tyndall SD, respectively. 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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

October 31, 1990

Argus Leader
Box 5034
Sioux Falls SD 57117-5034

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West Ninth Street, Sioux Falls, SD 57102.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

CUT HERE

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

Date _____

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

Name _____

Newspaper _____

 **Department of
Water & Natural Resources**

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

October 31, 1990

Daily Press & Dakotan
Box 56
Yankton SD 57078-0056

ATTN: Legal Publications:

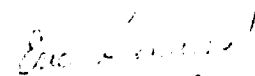
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-2 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West Ninth Street, Sioux Falls, SD 57102.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. INCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____

 **Department of
Water & Natural Resources**

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

October 31, 1990

Chamberlain Register
Box 28
Chamberlain SD 57325-0028

ATTN: Legal Publications:

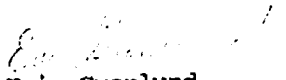
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West Ninth Street, Sioux Falls, SD 57102.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

CUT HERE

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

October 31, 1990

Wagner Post
Box 187
Wagner SD 57380-0187

ATTN: Legal Publications:

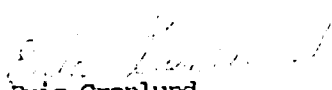
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West Ninth Street, Sioux Falls SD 57102.

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

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

CUT HERE

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

Date _____

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

Name _____

Newspaper _____

 **Department of
Water & Natural Resources**

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

October 31, 1990

Tyndall Tribune & Register
Box 520
Tyndall SD 57066-0520

ATTN: Legal Publications:

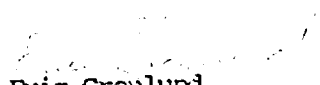
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The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West Ninth Street, Sioux Falls, SD 57102.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. _____

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

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

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

Name

Newspaper

Instruction to Newspaper-Publish first publication of this notice on or before November 8, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St, Sioux Falls SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water permit second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 & 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 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.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County _____) ss.

I, _____
 certify that the attached printed Notice was taken
 from the _____

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

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

(Signature)

(Title)

(Date Signed)

Cost of Printing: _____

5-88

NOTICE OF HEARINGS TO REVIEW

FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957, to reserve 458 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 3352 cfs to beneficial use reserved by No. 448-3 leaving 828 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974, and currently reserves 650 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,725 acre-feet annually because: 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Fairfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on Dec. 5, 1990, at 8:45 a.m.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, 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 hearings 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 Nov. 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner, or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-28.1; Board Rules ARSD 74.02.01-25.01 through 74.02.01-27.03, and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRNR, Joe Ross Building, Pierre, SD, 605 773-3352 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by Nov. 26, 1990.

(Nov. 5-15)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Minnehaha)

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

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

City Sioux Falls of _____

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

Wednesday, November 7, 1990

Wednesday, November 14, 1990

[Signature]
 (Signature)

Controller
 (Title)

11/14/90
 (Date Signed)

Cost of Printing: \$101.15

SDCL 46-2A-2 (b) The Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN IN EFFECT for 1997, 1998, 1999, and 2000. The permit is to be renewed annually and No. 2042-3 REMAIN IN EFFECT for 1997, 1998, 1999, and 2000. The permit is to be renewed 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) the permits are in the public interest.

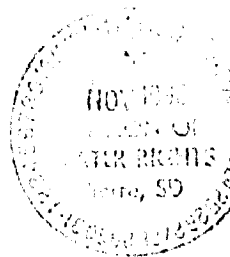
The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hyatt Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are 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, deleting, or canceling the permit for no development or no planned future development, or 3) 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 hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. 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 permits, and the signature and mailing address of the petitioner or his legal counsel. If legal counsel is obtained, the permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-1, 46-2-2, 46-2-11, 46-5-38, Board Rules ARSD 74-02-01 25-01 thru 74-02-01 25-03, and contested case procedures contained in SDCL 1-25.

These hearings are adversary proceedings. 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 enforced if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the hand-carried can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD 57505-3312 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or by any person who has filed a petition to oppose or support continuation of the Future Use Permits. (The request for a delay must be filed with the Chief Engineer by November 26, 1990.)



Pursuant to SDCL 46-2A-2 (b) The Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN IN EFFECT for 1997, 1998, 1999, and 2000. The permit is to be renewed annually and No. 2042-3 REMAIN IN EFFECT for 1997, 1998, 1999, and 2000. The permit is to be renewed 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) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hyatt Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are 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, deleting, or canceling the permit for no development or no planned future development, or 3) 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 hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. 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 permits, and the signature and mailing address of the petitioner or his legal counsel. If legal counsel is obtained, the permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-1, 46-2-2, 46-2-11, 46-5-38, Board Rules ARSD 74-02-01 25-01 thru 74-02-01 25-03, and contested case procedures contained in SDCL 1-25.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss

I, Harvey J. DeLoach
certify that the attached printed Notice was
from the Brule County News

A newspaper which during the whole time of publi-
said notice herein after stated, has been and is pr
published in the _____

County of Brule and State of Sou
that the said notice was published in said newspa
following two dates:

Nov 7, 1990

Nov 14, 1990

(Signature)

(Title)

(Date Signed)

Public notices

NOTICE OF HEARINGS TO
REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth Street, Sioux Falls, SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water permit second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on December 5, 1990 at 8:45 a.m.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding quali-

fications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 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.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

(Nov. 7 & 14)

Cost of Printing: \$100.00

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County _____)

I, _____
certify that the attached printed Notice was
from the _____

A newspaper which during the whole time of publi-
said notice herein after stated, has been and is pri-
published in the _____

_____ of _____
County of _____ and State of South
that the said notice was published in said newspaper
following two dates:

(Signature)

(Title)

(Date Signed)

Cost of Printing: _____

Public Notice NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water permit second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 & 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permits Nos. 448-3

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

The hearings to review Future Use Permit No. 448-3 and 2042-3 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.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD 605 773-3352 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

Pub: Nov. 7, 14, 1990

STATE OF SOUTH DAKOTA)

County Yankton

1. Robert C. Helsley

from the Yankton Press & Dakotan

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 Tank:ton

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

November 5

November 15

(Signature)

(Title)

(Date Signed)

Cost of Printing: 2 days x 9" = 3.05 = 54.90

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St, Sioux Falls SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water permit second (cfs) from the Big Sioux. Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 & 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974 and currently reserves 63.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Irrule County) and a point in Section 34, T93N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCI 46-2A-2 the Chief Engineer of the Water Rights Division recommends the Permit No. 448-3 REMAIN in EFFECT for 3,397 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Dorsfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-2-26, must file a written petition with the permit owner and the owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review future Use Permit No. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDC 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 SDC 1-26.

These hearings are adversary proceedings. 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.

State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the hand-capped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD 605 733-7352 for assistance prior to the hearing date. The time of the hearings will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 1978.

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

Wanda A. Johnson of said county, being, first duly sworn, on oath says: That he/she is the publisher or an employee of the publisher of The Chamberlain Register, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Chamberlain Register is a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 10 successive weeks to wit:

10/1/74 to 10/1/74
10/8/74 to 10/8/74
10/15/74 to 10/15/74
10/22/74 to 10/22/74
10/29/74 to 10/29/74
11/5/74 to 11/5/74
11/12/74 to 11/12/74
11/19/74 to 11/19/74
11/26/74 to 11/26/74
12/3/74 to 12/3/74

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Wanda A. Johnson
 Subscribed and sworn to before me this 10 day of October, 1974
Notary Public in and for the County of Brule, South Dakota

NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 West Ninth St., Sioux Falls, SD, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved.

Future Use Permit No. 448-3 was approved June 28, 1957, to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 1, 5, 8, 9, 16, 17, 20 and 21, T102N, R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N, R49W for municipal purposes. Water Permit/Rights have put a total of 38.52 cfs to beneficial use reserved by No. 448-3 leaving 8.28 cfs held in reserve.

Future Use Permit No. 2042-3 was approved March 20, 1974, and currently reserves 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21, T104N, R71W (Brule County) and a point in Section 34, T123N, R54W (Yankton County) for municipal purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 448-3 REMAIN in EFFECT for 3,597 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed uses will be a beneficial use and 4) the permits are in the public interest.

The Water Management Board will conduct the hearings to review Future Use Permit Nos. 448-3 and 2042-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, on Dec. 5, 1974, at 8:45 a.m.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, 4) take no action after it reaches a decision 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 hearings before the Board and request

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 Nov. 26, 1974. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 448-3 and 2042-3 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 through 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits 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 hearings 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 approve or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by Nov. 26, 1974.

(Nov. 8-15)

RECEIPT

448-3

412687

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre,

May 13, 19 91

RECEIVED OF City of Sioux Falls, 224 W. 9th, Sioux Falls, SD 57102

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. 448-3 to Appropriate Water for Future Use _____	92	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	92 50

By John H. Hildebrand
Chief Engineer

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

December 11, 1990

NOTICE

TO: Lyle D. Johnson
224 W 9th
Sioux Falls, SD 57102

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

J. Hubbard

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on Review of Future Use of its 2042-3 and 448-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, Meeting Room, Governor's Inn, 700 W Sioux, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member by February 7, 1991. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member and the Board attorney by February 18, 1991.

The public hearing was completed December 5, 1990. No additional testimony will be received on February 27, 1991.

cc: John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

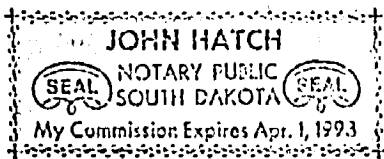
I hereby certify that on December 11, 1990, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice regarding Future Use Permits 2042-3 and 448-3 addressed as stated on the Notice.

Gaci Kornop

JACI KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Baker
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

AMENDED NOTICE

TO: Lyle D. Johnson
224 W 9th
Sioux Falls, SD 57102

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision for Future Use Permit No. 448-3 and
2042-3

The Notice of December 11, 1990, failed to include the date of the Water Management Board meeting at the Governors Inn in Pierre. This Amended Notice is to advise the parties that the Board will consider Findings of Fact, Conclusions of Law and Final Decision at 1:00 pm, February 27, 1991, Meeting Room, Governors Inn, 700 W Sioux, Pierre, SD.

Applicable provisions of the Notice of Preparation of Findings of Fact, Conclusions of Law and Final Decision dated December 11, 1990, will still apply at this time.

cc: John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

I hereby certify that on January 23, 1991, I have personally deposited with the U.S. Mail postage prepaid envelopes containing an Amended Notice regarding Future Use Permits 2042-3 and 448-3 addressed as stated on the Amended Notice.

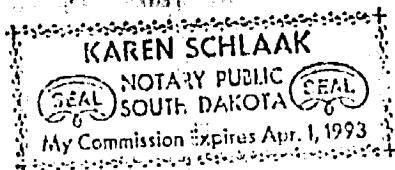
Jaci Konop

JACI KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of January, 1991.

Karen Schlaak
Notary Public





DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 12, 1991

NOTICE

TO: Lyle D. Johnson
224 W 9th
Sioux Falls, SD 57102

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for Future Use Permits 2042-3 and 448-3 which were considered at the February 27, 1991, meeting.

A copy of the signed final Decision, Findings and Conclusion are enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

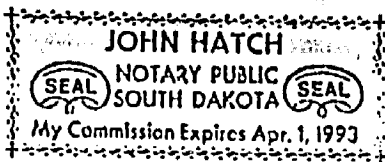
I hereby certify that on March 12, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision on Future Use Permits 2042-3 and 448-3 addressed as stated on the Notice.

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1991.



John F. Tate
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE SEVEN YEAR	)	FINDINGS OF FACT
REVIEW OF FUTURE USE WATER PERMIT	)	CONCLUSIONS OF LAW
NO. 448-3, CITY OF SIOUX FALLS	)	AND FINAL DECISION

FINDINGS OF FACT

I

This is a proceeding for a seven year review of the Future Use Water Permit for ground water from the Big Sioux-Sioux Falls Aquifer, No. 448-3.

II

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cfs of water from the Big Sioux-Sioux Falls Aquifer for municipal purposes. Various water permits have put a total of 38.5 cfs to beneficial use and, therefore, 8.2 cfs remains in reserve.

III

The city of Sioux Falls has demonstrated a continuing future need for the use of this water.

IV

The Board determines that it is appropriate, when reviewing future use water permits, to convert those water permits now defined in terms of cubic feet per second into terms of acre feet of use per year. The Board finds, furthermore, that the maximum annual acre feet of full-time pumping represented by 8.28 cubic feet of water per second is 5,995 acre feet. The Board determines that it is reasonable to limit the total acre feet reserved to the city

to 60 percent of that amount. The limitation to the 60 percent of that amount is reasonable and does not prejudice the city given three factors. First, experience in other cities has indicated that cities do not withdraw the full amount of water which they could withdraw if they pumped the full cfs permitted to them on a continuous basis; the actual total amounts withdrawn are generally substantially less than 60 percent of the amount which could be withdrawn with such continuous pumping. Second, the experience of the city of Sioux Falls is consistent with the experience of other cities in that the actual amount withdrawn by it under other permits is less than 60 percent of the amount which it could withdraw with continuous pumping of its full water rights. Third, the historical assumption of all parties has been that future use water would not, in any event, be pumped on a continuous basis and it is therefore reasonable to reform any not yet used portions of future use permits to conform to that understanding.

V

The total amount pumped annually should, therefore, be limited to 60 percent of 5,995 acre feet or 3,597 acre feet per year.

VI

The 60 percent limitation imposed herein is applicable only to the total quantity of water pumped per year under the future use right and is not applicable to

pumping individual wells. When an application to put this right to beneficial use is acted upon by this Board, however, there may be further appropriate conditions imposed.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there may be development of the water reserved under permit No. 448-3.
3. The city of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 448-3.
4. The proposed use for municipal purposes is of beneficial use.
5. The proposed use is in the public interest as qualified in the Final Decision.

FINAL DECISION

It is the judgment of the Board that Future Use Permit No. 448-3 remain in effect as qualified below:

1. That Permit No. 448-3 reserves for future use 3,597 acre feet annually. The diversion rate of 8.28 cfs is deleted from Permit No. 448-3.

2. Future Use Permit No. 448-3 will remain effective if payment of the \$92.50 fee pursuant to SDCL 46-2-13(2) is made within 60 days of the entry of this Final Decision.

Dated this 4th day of March, 1991.

BY THE BOARD


Chairman
Water Management Board

c:j-pld1.jpg



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 9, 1991

NOTICE

Lyle D. Johnson
224 W 9th
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the permits to remain in effect and amended the Permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with each permit. Future Use Permit Nos. 448-3 and 2042-3 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$92.50 and \$607.50 for Future Use Permit No. 2042-3 pursuant to SDCL 46-2-13(2). Please remit the fees 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

AMENDMENT TO FUTURE USE PERMIT NO. 448-3

CITY OF SIOUX FALLS

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 448-3 was allowed to remain in effect and amended by adding the following qualification:

Permit No. 448-3 reserves for future use 3,597 acre feet annually. The diversion rate of 8.28 cfs is deleted from Permit No. 448-3.

NAME OF PERSON OR FILE: City of Sioux Falls - Water Right No. 1579-3

NAME OF CONTACT: Glen Dostal, HDR consulting

DATE: December 21, 1990

SUBJECT: Water Right No. 1579-3

Glen Dostal called regarding the placing of water to beneficial use by Water Right No. 1579-3 from Future Use Permit No. 448-3. Mr. Dostal questioned why this was done when the application did not request withdrawal from future use reservations and the well is not located within the future use area. After review of Water Right No. 1579-3 and Future Use Permit Nos. 448-3 and 449-3, I found the following:

- 1) The permit for No. 1579-3 states that the priority for No. 1579-3 is established by Future Use Permit No. 449-3 and that No. 449-3 has been reduced by 1.89 cfs. A note written by Burt Jones dated November 16, 1973, indicates that No. 1579-3 is not located within the future use area.
- 2) No. 1579-3 is licensed for 0.72 cfs and this amount has been subtracted from Future Use Permit No. 448-3.
- 3) The well for No. 1579-3 is located approximately 2.4 miles north of the location specified on the permit.
- 4) The legal description of the well site specified on the original permit for No. 1579-3 and the actual licensed well site (2.4 miles North of permitted site) are NOT located within the future use areas of either Permit No. 448-3 or No. 449-3.
- 5) The license for No. 1579-3 was issued January 5, 1971, and is legalized by SDCL 46-5-4.1 even though the well is not located at the permitted site. Reducing Future Use Permit No. 448-3 by 0.72 cfs is apparently an error.
- 6) The November 6, 1990, draft report submitted by HDR Engineering indicates that No. 1579-3 has been abandoned.

RECOMMENDED ACTION:

- 1) If No. 1579-3 has not been forfeited or abandoned, then the license for No. 1579-3 needs to be reissued with the priority date being when the original application was filed (April 25, 1968). The license should note the diversion point has been legalized pursuant to SDCL 46-5-4.1. The pump rate may also be revised depending on the present well capacity.
- 2) If No. 1579-3 has been forfeited or abandoned, the water right can be scheduled for cancellation consideration by the Board.
- 3) The 0.72 cfs reduction from Future Use Permit No. 448-3 should be deleted to correct the error of reducing the future use permit. The amount to be reinstated is 60% of the annual volume based on either 0.72 cfs or the current pump rate of the well, whichever is less.

NAME: , Natural Resources Engineer

Water Rights Division - DWR
Conversation or File Documentation

File No. 448-3

NAME OF PERSON OR FILE: _____

ADDRESS: _____

COUNTY _____

DATE: July 30, 1991

TELEPHONE _____

RE: _____

COMMENTS:

313 acre feet was added to Future Use
Permit # 448-3 this date. See Ben Durrance
documentation dated December 31, 1990

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

NAME: Karen Schmitt

448-3

File No. 448-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE:

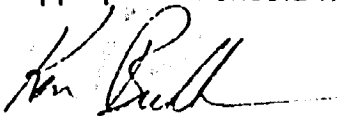
ADDRESS: COUNTY:

DATE: 2/25/94 TELEPHONE:

RE: Water Remaining in Future Use Permit No. 448-3

COMMENTS:

It appears that Water Right No. 397-3 was erroneously deducted from Future Use Permit No. 448-3. The City of Sioux Falls applied for Water Right No. 397-3, (and established the priority date for the Water Right), on January 22, 1957. Future Use Permit No. 448-3 was applied for and the Priority Date was established on April 8, 1957. Since the Future Use area did not exist when 397-3 was approved, the appropriation should not be deducted from the Future Use Permit



Ken Buhler
Natural Resources Engineer



GREAT FACES. GREAT PLACES.

September 29, 1997

Lyle D Johnson
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Water Permit No. 448-3 from the Big Sioux-Sioux Falls Aquifer and Permit No. 2042-3 from the Missouri River which is held by the City of Sioux Falls. These permits reserve water for future water supply needs for the city. Currently, our records show that 6,929 acre-feet and 28,236 acre-feet remain in reserve under Future Permit Nos. 448-3 and 2042-3, respectively.

These future use permits were last reviewed in 1991. The amount remaining in reserve for No. 2042-3 is the same as in 1991. The Board ruled that No. 448-3 had 3,597 acre-feet remaining in reserve in 1991. The 6,929 acre-feet amount remaining in reserve today reflects reversions from non-developed portions or canceled permits back into the future use permit.

Please respond in writing by November 1, 1997, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 448-3 and 2042-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



PUBLIC WORKS

CITY OF SIOUX FALLS

AN EQUAL OPPORTUNITY EMPLOYER

224 West Ninth Street, Sioux Falls, SD 57102

(605) 367-7143

FAX (605) 367-4605

Hearing Impaired (605) 367-7039

October 21, 1997

Karen Schlaak

South Dakota Dept of Environment & Natural Resources

Water Rights Program

Joe Foss Building

523 East Capitol

Pierre, SD 57501-3181



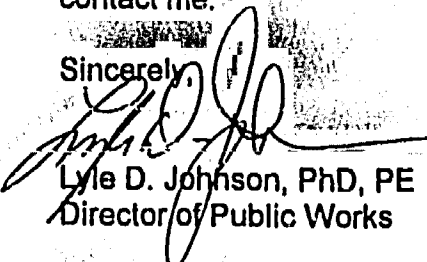
Dear Ms. Schlaak:

The City of Sioux Falls has a need to retain Future Use Permits 448-3 and 2042-3. Current population projections indicate that by the year 2015, Sioux Falls will reach a total of 156,000 persons, or approximately 41,000 more persons than current year estimates. The City will therefore need to continue to expand its wellfield in the Big Sioux Aquifer to meet our future needs. Even with this expansion, our estimates are that our groundwater and surface water supply resources will reach capacity around the year 2015. At that time, the City will need additional water supply resources which could include use of Missouri River water. I have enclosed a graph showing our water use projections and supply capabilities for Sioux Falls.

We have outlined a plan with the Sioux Falls City Council that addresses a future water supply for the City. We are considering four potential options: 1) Lewis and Clark Rural Water System, 2) Slip Up Creek Reservoir, 3) raw water pipeline to the Missouri River, or 4) Wall Lake Aquifer. To provide adequate time to develop and construct facilities for the future water supply, we have established the year 2002 as a benchmark when the option must be selected. We are currently collecting information on each of the options so that adequate data will be available at the time a decision is made.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,


Lyle D. Johnson, PhD, PE
Director of Public Works

c: Randy Janssen

Water Reclamation

(605) 367-7088

FAX (605) 367-8484

Lights

(605) 367-7150

FAX (605) 367-8306

Engineering

(605) 367-7043

FAX (605) 367-4310

Water Meters/Utility Maintenance

(605) 367-7020

FAX (605) 367-7883

Streets

(605) 367-7051 or 367-7008

FAX (605) 367-7010

Facilities Management

(605) 367-7164

FAX (605) 367-7801

Billing

(605) 367-7031

FAX (605) 357-4605

Water Purification

(605) 367-7125

FAX (605) 367-8475

The graph displays two data series over a 25-year period. The solid line (Average Day Use) starts at approximately 16.6 MGD in 1990, remains flat until 1993, then rises sharply to 19.6 MGD by 1994. It continues to rise in steps, reaching 20.6 MGD in 1997, 22.8 MGD in 2001, and 24.3 MGD in 2007, finally reaching 24.7 MGD in 2015. The dashed line (Supply) starts at 16.6 MGD in 1990, dips to 15.1 MGD in 1993, then rises steadily to 17.7 MGD in 1995, 19.6 MGD in 2000, and 23.1 MGD in 2010, ending at 24.6 MGD in 2015. A dotted line shows a sharp dip in 1993 before rising to meet the supply line by 1995.

Year	Average Day Use (MGD)	Supply (MGD)
1990	16.6	16.6
1993	16.6	15.1
1994	19.6	17.3
1995	19.6	17.7
1997	20.6	18.6
2000	20.8	19.6
2001	22.8	20.0
2007	23.2	22.0
2008	24.3	22.5
2010	24.4	23.1
2015	24.7	24.6

.....ACTUAL USE --- PROJECTED USE — SUPPLY

Instruction to Newspaper-Publish first publication of the following Notice on November 5, 1997 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 am.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997. 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

October 28, 1997

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

Lyle D Johnson
City of Sioux Falls
224 West 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

Future Use Permit Nos. 448-3 and 2042-3 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 Publishers of the following papers:

Argus Leader, Sioux Falls	Phone #605 331-2200	✓	✓
Chamberlain Register, Chamberlain	Phone #605 734-6360	✓	✓
Platte Enterprise, Platte	Phone #605 337-3101	✓	✓
Tyndall Tribune & Register, Tyndall	Phone #605 589-3242	✓	✓
Daily Press & Dakotan, Yankton	Phone #605 665-7811	✓	✓

It is necessary to publish in these 5 counties because the future use area for Permit No. 2042-3 includes all these counties. For your information, a copy of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish 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



GREAT FACES. GREAT PLACES.

October 28, 1997

The Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on November 5, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, c/o Lyle Johnson, 224 W 9th St, Sioux Falls SD 57102.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Nos. 448-3 and 2042-3

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

Date _____

We are in receipt of your letter of October 28, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit Nos. 448-3 and 2042-3 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

October 28, 1997

Chamberlain Register
Box 550
Chamberlain SD 57325-0550

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on November 6, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, c/o Lyle Johnson, 224 W 9th St, Sioux Falls SD 57102.

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
Nos. 448-3 and 2042-3

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

Date _____

We are in receipt of your letter of October 28, 1997, enclosing Notice of Hearing to to Review Future Use Water Permit Nos. 448-3 and 2042-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1997

Platte Enterprise
Box 546
Platte SD 57369-0546

Dear Sir:

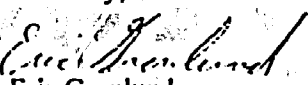
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on November 6, 1997 with the second publication 7 days later.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
Nos. 448-3 and 2042-3

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

Date _____

We are in receipt of your letter of October 28, 1997, enclosing Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 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

October 28, 1997

Tyndall Tribune & Register
Box 520
Tyndall SD 57066-0520

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on November 5, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, c/o Lyle Johnson, 224 W 9th St, Sioux Falls SD 57102.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
Nos. 448-3 and 2042-3

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

Date _____

We are in receipt of your letter of October 28, 1997, enclosing Notice of Hearing to to Review Future Use Water Permit Nos. 448-3 and 2042-3 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

October 28, 1997

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on November 5, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, c/o Lyle Johnson, 224 W 9th St, Sioux Falls SD 57102.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Nos. 448-3 and 2042-3

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

Date _____

We are in receipt of your letter of October 28, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit Nos. 448-3 and 2042-3 which was first published in our issue of _____
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Mary Boysen being duly sworn, says: That The Sioux Falls Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

WED	, the	5	day of	NOVEMBER	1997,
WED	, the	12	day of	NOVEMBER	1997,
	, the		day of		1997,
	, the		day of		1997,
	, the		day of		1997,
	, the		day of		1997,
	, the		day of		1997,

and that \$126.93 was charged for publishing the same including a \$5.00 affidavit fee.

Mary Boysen

Subscribed and sworn to before me November 18, 1997,

Joan Stahl

Notary Public, South Dakota

My Commission expires June 30, 2005

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 29, 1957, to reserve 48.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 18, 17, 20, 21, 1102-R49W and Sections 18, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Sibley County) and a point in Section 34-T83N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 40-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at the Floyd Mattnew Training Center, 523 E. Capitol, Joe Foss Building, Pierre, SD on December 3, 1997 at 10:00 a.m.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501, (605) 773-3352, and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for the petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address

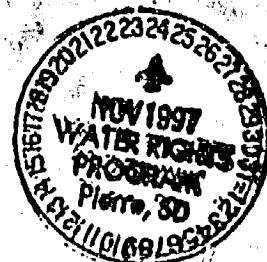
of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 45-1-14, 45-2-5, 48-2-9, 48-2-11, 48-5-38; Board Rules: ARSD 74.02.01; 25.01 through 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997.

Nellie H. Myers, Secretary
Department of Environment and Natural Resources
12410 Nov. 5, 12, 1997



Water Rights Program - File Documentation

NAME: City of Sioux Falls

ADDRESS:

DATE: 11-24-97 **COUNTY:** Minnehaha **TELEPHONE:**

RE: Publication of Future Use Review

COMMENTS:

The notice for review of Future Use Permit Nos. 448-3 and 2042-3 as published in the Argus Leader contained an error in the second paragraph stating the amount of water remaining in reserve as 6.929 acre-feet annually. The fourth paragraph correctly states the chief engineer recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually, which is the correct amount.

The first publication was not submitted for review prior to publication of the second notice. Eric and Ron have reviewed this notice and have indicated the typographical error does not effect the validity of the notice.

Karen Schlaak

Karen Schlaak
Environmental Scientist

Affidavit of Publication

STATE OF SOUTH DAKOTA

SS.

COUNTY OF YANKTON

Don S Smith

Editor

being first duly sworn says: That he is
of the Yankton Printing Company, a
corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily
newspaper of general circulation, printed and published in the City and County of
Yankton, South Dakota; that he has personal knowledge of all the facts stated in this
affidavit; and that the advertisement captioned Notice Of Hearing To Review

Future Use Water Permit Nos. 448-3 and 2042-3

a printed copy of which is hereunto attached, was printed and published in the regular
and entire issue of said newspaper, and not in a supplement, once each day
for 2 successive weeks, the first publication being
made on the 7th day of November, 19 97, and the last pub-
lication being made on the 12th day of November, 19 97.

The first publication being made on the 7th day of November

The second publication being made on the 12th day of November

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than
two hundred copies daily and has been published in the English language within the said
County of Yankton for more than one year next prior to the first publication of said
notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the
place of publication of said newspaper. That the full amount of the fee paid for the

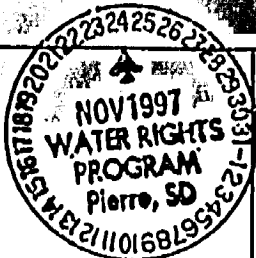
publication of the annexed notice is \$ 69.48, which inures solely to the benefit of
said publisher; that no agreement or understanding for a division thereof has been made
with any person, and that no part thereof has been agreed to be paid to any person
whomsoever.

Subscribed and sworn to before me this 12 day

of November, 19 97

Notary Public, South Dakota

My Commission Expires 7-16-2001

NOTICE OF HEARING TO REVIEW FUTURE
USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 63.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T04N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at the Floyd Mathew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 am.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02-01:25.01 thru 74:02-01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997. Nettie Myers, Secretary, Department of Environment and Natural Resources.

Received Payment,

IN _____ COURT

_____ County, S. D.

Affidavit of Publication

Filed in the office of _____

on the _____ day of _____

19 _____

Attorney for _____

AFFIDAVIT OF PUBLICATION

State of South Dakota

55

County of Brule

GLORIA PRIERE of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Chamberlain-Oacoma Register, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated: that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

11-6 1997; _____ 19____
11-13 1997; _____ 19____
11-20 1997; _____ 19____

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers: that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$0.75
 Signed: Gloria Priere
 Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public in and for the County of Brule,
 South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 am.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. 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 per-

mits, the reasons for petitioner's opposition to or support in continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel. If legal counsel is obtained, the permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-3-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

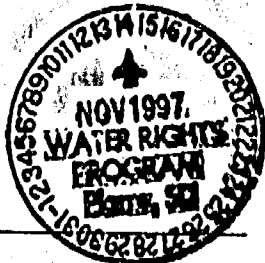
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days if a written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

(Nov. 6, 13)



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Bon Homme) SS

I, Barb Rokusek

certify that the attached printed Notice was taken

from the Tyndale Tribune
& Register

printed and published in Tyndale

County of Bon Homme and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov. 5, 1997

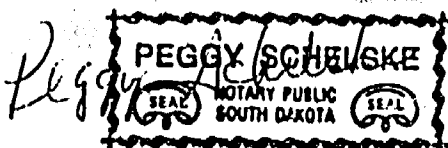
Nov. 12, 1997

Cost of Printing \$65.21

Barbara Rokusek
(Signature)

Circulation + legal
(Title)

11-12-97
(Date Signed)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1688-3

Notice is given that the Water Management Board will review Future Use Permit No. 1688-3 held by Southern Missouri Water Development District, PO Box 43, Douglas County Courthouse, Armour SD 57313 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. 1688-3. This permit was approved September 3, 1989 and currently reserves 2810 cubic feet of water per second (cfs) (393,400 acre feet annually) from the Missouri River to be used for the purposes of irrigation, municipal, stockwatering, fish culture, fire protection, industrial and public recreation uses. The future use area includes land located in Brule, Buffalo, Douglas, Charles Mix and Bon Homme Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1688-3 REMAIN in EFFECT for 2810 cfs (393,400 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. 1688-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 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 to intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. 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.

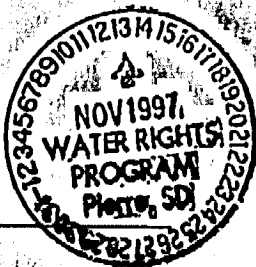
The hearing to review Future Use Permit No. 1688-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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 November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 24, 1997.

Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources
(Nov. 5 - 12)

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Charles Mix) SS

I, Ralph Naestigal

certify that the attached printed Notice was taken

from the Platte

Enterprise

printed and published in Platte

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11-6-97

11-13-97

Cost of Printing 60.08

Ralph Naestigal
(Signature)

Publisher
(Title)

11-13-97
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, 224 W 9th St. Sioux Falls SD 57102 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Future Use Permit No. 448-3 was approved June 28, 1957 to reserve 46.8 cubic feet of water per second (cfs) from the Big Sioux-Sioux Falls Aquifer located in Sections 4, 5, 8, 9, 16, 17, 20, and 21, T102N-R49-W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49-W for municipal purposes. A review of the Water Permits/Rights indicates 6,929 acre-feet remain in reserve by Permit No. 448-3.

Future Use Permit No. 2042-3 was approved March 20, 1974 to reserve 65.0 cfs from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal purposes. Permit No. 2042-2 indicates 28,236 acre-feet remain in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 6,929 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at the Floyd Matthew Training Center, 523 E Capitol, Joe Foss Building, Pierre SD on December 3, 1997 at 10:00 a.m.

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

Any Interested person who may be affected by a Board decision and who

Intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605 773-3352) by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. (Nov. 6 and 13)

11-13-97



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

NOTICE

Lyle D Johnson
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 6,929 acre-feet and 28,236 acre-feet of water, respectively. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$162.50 and Permit No. 2042-3 is \$607.50 (total \$770.00) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

I hereby certify that on December 5, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review the following Future Use Permits, addressed as stated below:

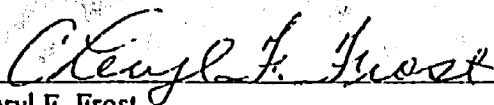
439-2, 1088-2: Daniel J. Bjerke, Public Works Department, 300 6th St., Rapid City, SD 57701.

1833-2: Jay Evenson, President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57709-1848.

448-3, 2042-3: Lyle D. Johnson, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

1688-3: Lyle Laberee, Southern Missouri Water Development District, P.O. Box 670, Lake Andes, SD 57356.

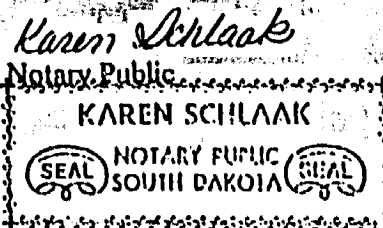
4927-3: Duane C. Stokes, Mgr., Clark Rural Water System, P.O. Box 162, Clark, SD 57225.



Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 1997



RECEIPT
Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415596

Pierre, January 14, 1998

RECEIVED OF City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102
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. 448-3 after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and Issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

162 50



448-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 27, 2004

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from the Big Sioux:Sioux Falls Aquifer and No. 2042-3 from the Missouri River which are held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,843 acre-feet and 28,236 acre-feet remain in reserve under the future use permits, respectively.

Please respond in writing by October 15, 2004, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit Nos. 448-3 and 2042-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2004

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

On September 27, 2004, we notified you that Future Use Water Permit Nos. 448-3 and 2042-3 held by city were to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permits were obtained by the city to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the September 27th letter. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The Water Management Board will not schedule Permit Nos. 448-3 and 2042-3 for review until the above information has been submitted.

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

Sincerely,

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

enclosure



CITY OF SIOUX FALLS PUBLIC WORKS

Administration/GIS

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8600
(605) 367-4605 fax

Engineering/ Real Estate

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8601
(605) 367-4310 fax

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-8276
(605) 367-4886 fax

Facilities Management

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8757
(605) 367-8097 fax

Fleet Management

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7170
(605) 367-7421 fax

Landfill

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 526-6636
(605) 526-3371 fax

Light

2000 North Minnesota Avenue
Sioux Falls, SD 57104-0109
(605) 367-7006
(605) 367-8306 fax

Street

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7051
(605) 367-7010 fax

Utility Billing

1201 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-7031
(605) 367-7341 fax

Water Meters/ Utility Maintenance

668 West Algonquin Street
Sioux Falls, SD 57104-0310
(605) 367-7020
(605) 367-7883 fax

Water Purification

2100 North Minnesota Avenue
Sioux Falls, SD 57104-0111
(605) 367-7025
(605) 367-8475 fax

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
(605) 367-7088
(605) 367-8484 fax

December 2, 2004

Karen Schlaak
Environmental Scientist
Water Rights Program
DENR
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3182

Dear Ms. Schlaak:

Regarding your letters dated September 27th and December 1st; it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 from the Big Sioux: Sioux Falls Aquifer and No. 2042-3 from the Missouri River.

Sioux Falls continues to grow at a population rate of approximately 3 per cent per year with water demands of 8,030 million gallons per year in 2002, 8,149 million gallons per year in 2003, with estimates for 2004 to be approximately 8,200 million gallons.

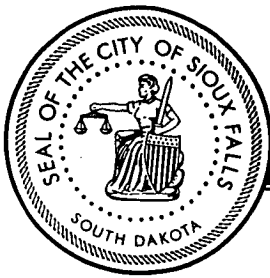
In March of this year the City of Sioux Falls requested and was issued Water Permit No. 6475-3 to construct and place to beneficial use water reserved by Future Use Permit No. 448-3 for 1,475 acre-feet annually. The City has also purchased land this past year just south of the northern border of Future Use Permit 448-3 with expectations of developing additional water wells.

With the limitation of any further expansion north of 252nd street in Minnehaha County, the only other water source that will be available with significant supply will be the Missouri River. This surface water supply retained under Future Use Permit No. 2042-3 is essential to insure the future growth of the City of Sioux Falls.

Contact me if you should have any questions.

Sincerely,

Randy Janssen
Water Superintendent
Water Purification Plant
2100 North Minnesota Ave
Sioux Falls, South Dakota 57104
605 367-7040



CITY OF SIOUX FALLS PUBLIC WORKS

January 3, 2005

RECEIVED

JAN - 6 2005

WATER RIGHTS
PROGRAM

Administration/GIS

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8600
(605) 367-4605 fax

Engineering/ Real Estate

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8601
(605) 367-4310 fax

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-8276
(605) 367-4886 fax

Facilities Management

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8757
(605) 367-8097 fax

Fleet Management

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7170
(605) 367-7421 fax

Landfill

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 526-6636
(605) 526-3371 fax

Light

2000 North Minnesota Avenue
Sioux Falls, SD 57104-0109
(605) 367-7006
(605) 367-8306 fax

Street

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7051
(605) 367-7010 fax

Utility Billing

1201 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-7031
(605) 367-7341 fax

Water Meters/ Utility Maintenance

668 West Algonquin Street
Sioux Falls, SD 57104-0310
(605) 367-7020
(605) 367-7883 fax

Water Purification

2100 North Minnesota Avenue
Sioux Falls, SD 57104-0111
(605) 367-7025
(605) 367-8475 fax

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
(605) 367-7088
(605) 367-8484 fax

Ron Duvall
South Dakota Department of
Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 Capitol
Pierre, SD 57501

Dear Mr. Duvall:

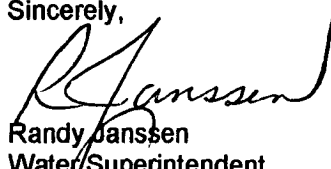
The Water Purification Plant, A Division of the City of Sioux Falls Public Works, is pleased to submit to you for your review the following water diversion data for the year 2004:

Source	2004 Quantity, Acre-ft	% of Total
Big Sioux (Sioux Falls Aquifer)	12,284.0	46.8
Big Sioux (Middle Skunk Creek Aquifer)	1,445.2	5.5
Big Sioux (Lower Skunk Creek)	0.3	0.0
Split Rock Creek Aquifer	403.3	1.6
Big Sioux River	12,106.8	46.1
Total	26,239.4	100.0

The diversion data from the Big Sioux (Sioux Falls Aquifer), Big Sioux (Middle Skunk Creek Aquifer), and the Split Rock Creek Aquifer were determined from well meter readings collected between December 29, 2003 and December 27, 2004. The diversion data from the Big Sioux River was determined from meter readings collected between January 1, 2004 and December 31, 2004.

If you have any questions or need additional information, please contact me at 605-367-7040.

Sincerely,


Randy Janssen
Water Superintendent
Water Purification Plant
2100 N. Minnesota Ave
Sioux Falls, SD 57104

Cc Lyle Johnson – Director of Public Works
Tim Stefanich – Environmental Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 448-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 448-3, City of Sioux Falls 224 W 9th St, Sioux Falls SD 57104-6407.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT for 3,843 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 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. 448-3 is subject to payment of the \$97.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 10, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2005

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

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Argus Leader, Sioux Falls 605 331-2200
Central Dakota Times, Chamberlain 605 234-0266
Platte Enterprise, Platte 605 337-3101
Tyndall Tribune & Register, Tyndall 605 589-3242
Daily Press & Dakotan, Yankton 605 665-7811

For your information, a copy of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publishers have 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 reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 am, March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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.

These hearings 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 18, 2005. 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 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



January 11, 2005

Platte Enterprise
PO Box 546
Platte SD 57369-0546

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on January 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St, Sioux Falls SD 57104-6407.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 11, 2005 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 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 57501-3182
www.state.sd.us/denr

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on January 26, 2005 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.

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523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 11, 2005

Central Dakota Times
PO Box 125
Chamberlain SD 57325-0125

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on January 26, 2005 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.

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Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



January 11, 2005

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066-0520

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on January 26, 2005 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.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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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 57501-3182
www.state.sd.us/denr

January 11, 2005

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

Dear Sir:

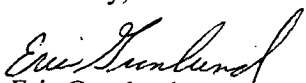
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

THE PLATTE ENTERPRISE

Platte, South Dakota 57369

Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said notice, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed

Notice of Hgt to Review Future Use Water Permits a printed copy of which is hereunto attached, was printed and published in The Platte Enterprise for two issues, the first publication being made on Thursday, the 27th day of Jan, A.D., 2005 and the succeeding publications were made severally on...

Thursday, the _____ day of _____ A.D., 20____

Thursday, the _____ day of _____ A.D., 20____

Thursday, the _____ day of _____ A.D., 20____

Thursday, the _____ day of _____ A.D., 20____

Thursday, the _____ day of _____ A.D., 20____

Thursday, the _____ day of _____ A.D., 20____

and the last publication being made on Thursday, the 3rd of Feb, A.D. 2005

That the publication fee for publishing said notice is the sum of \$. 68.44

Sharon Huizenga

Subscribed and sworn to before me this 14th day of FEBRUARY A.D. 2005

Holland n Johnson
Notary Public for Charles Mix County, SD

RECEIVED

FEB 15 2005

WATER RIGHTS
PROGRAM

Charles Mix Co., South Dakota
Thursday, February 3, 2005

**NOTICE OF HEARING
TO REVIEW FUTURE USE WATER
PERMITS NOS. 448-3 and 2042-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St., Sioux Falls, SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 a.m., March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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These hearings 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 the permit owner or any person fails to appear at the hearing.

Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Right Program (605 773-3352) by February 18, 2005. 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 18, 2005.

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

(Jan. 27, Feb. 3)

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyndall.....Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Hearing - Sioux Falls
118034.5 + 8090 X 1

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

<u>Jan. 26</u>	<u>2005</u>	<u>20</u>
<u>Feb. 2</u>	<u>2005</u>	<u>20</u>
.....	<u>20</u>	<u>20</u>
.....	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of said notice, \$73.28....., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyndall
Subscribed and sworn to before me this
Notary Public
South Dakota
day of Feb 2005
Dagmar Schelske
Notary Public, South Dakota

My Commission expires 10-24-2009.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Jansen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

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The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 am, March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or

RECEIVED

FEB 16 2005

WATER RIGHTS
PROGRAM

cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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(Jan 26 & Feb. 2)

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss

County of Brule

Debi Hopkins of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota: that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing to Review Future Use Water Permit
Nos. 448-3 and 2042-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

Jan. 24, 2005; _____, 20____;
Feb. 2, 2005; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

63.99

Signed: Debi Hopkins

Subscribed and sworn to before me this 7th day of February, 2005.

Janet L. Petral
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAL

NOTARY PUBLIC
SOUTH DAKOTA

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 AND 2042-3

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RECEIVED

FEB - 8 2005

WATER RIGHTS
PROGRAM

my commission expires June 5, 2010.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

These hearings 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by Feb. 18, 2005. The time of the hearing will be automatically delayed for at least 60 days after the 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 Feb. 18, 2005.

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

(January 26/February 2)

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 796075

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

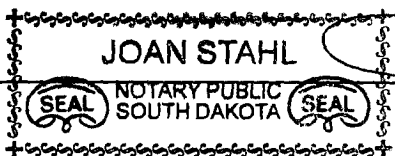
COUNTY OF MINNEHAHA } ss

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 26 day of January 2005 ,
Wednesday, the 2 day of February 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,
_____, the _____ day of _____ 2005 ,

and that \$171.08 was charged for publishing the same including A \$5.00 affidavit fee.

Betty Jones
Subscribed and sworn to before 2/3/2005 .



My Commission expires June 30, 2005

Joan Stahl
Notary Public, South Dakota

State Notices

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT

NOS. 448-3 and 2042-3
Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St., Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN IN EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN IN EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 am, March 2, 2005 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future

State Notices

Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-3-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

These hearings 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 18, 2005. 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 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
796075 Jan. 26 & Feb. 2, 2005

RECEIVED

FEB - 7 2005

WATER RIGHTS
PROGRAM

RECEIVED

FEB - 4 2005

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

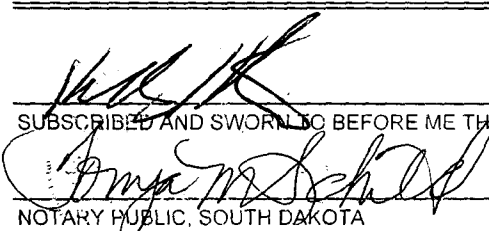
KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT
NOS. 448-3 AND 2042-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 2ND DAY OF FEBRUARY, 2005.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID DISPLAY ADVERTISEMENT TO WIT \$78.86 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/26/05; 2/2/05

FILED ON: 2/2/05

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF FEBRUARY, 2005.


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2009

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 and 2042-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Randy Janssen, 224 W 9th St, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 448-3 and 2042-3.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 am, March 2, 2005 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD.

The recommendation of the Chief Engineer is that the Board, upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding a condition, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the

permit owner and the Chief Engineer by February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 18, 2005. 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 18, 2005.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 2005

NOTICE

Randy Janssen, Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 3,843 and 28,236 acre-feet of water annually. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$97.50 and \$607.50 for Future Use Permit No. 2042-3 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$705.00 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 March 3, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2005 regarding Notice of Review Future Use Permit Nos. 4927-3, 1780-2, 192-3 & 3427A-3, 135-3 & 5003-3, 217-3 & 1598-3, 448-3 & 2042-3, 524-3, 549-3, 1218-3 & 2107-3 addressed as stated below:

1218-3 & 2107-3
Jeff DeVille Water Superintendent
Watertown Municipal Utilities Dept
901 4th Ave SW
Watertown SD 57201

549-3
Denise Peschong Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

524-3
Gary Wolkow Mayor
City of DeSmet
PO Drawer 70
DeSmet SD 57231-0070

448-3 & 2042-3
Randy Janssen Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

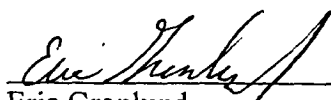
217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilites
PO Box 588
Brookings SD 57006

135-3 & 5003-3
Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501

192-3 & 3427A-3
Robin Bobzien City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

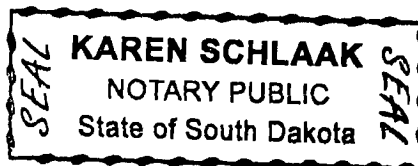
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 16, 20 05

RECEIVED OF City of Sioux Falls, 224 West Ninth Street, Sioux Falls SD 57104-0407

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	97	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>448-3</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	97.50

No.

001803

By

Darlene Erbe
Chief Engineer *gm*



448-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2011

City of Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from groundwater (Big Sioux:Sioux Falls Aquifer) and Permit No. 2042-3 from the Missouri River held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city.

Currently, our records show that 3,842 acre-feet remain in reserve under Permit No. 449-3 and 28,236 acre-feet remain in reserve under Permit No. 2042-3. Both permits were last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

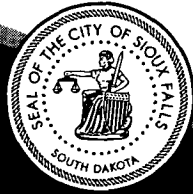
The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,843 acre-feet remain in reserve under Permit No. 449-3, the fee will be \$385.00. If the entire 28,236 acre-feet remain in reserve under Permit No. 2042-3, the fee will be \$2,415.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

City of Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

Providing a Better Quality of Life for You!

Administration

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8600 F: 367-4605

Engineering/Real Estate

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8601 F: 367-4310

Environmental

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

Fleet Management

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

GIS

132 North Dakota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8651 F: 367-8113

Household Hazardous Waste Facility/Sustainability

1015 East Chambers Street
Sioux Falls, SD 57104-7200
T: 605-367-8695 F: 367-4993

Landfill

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8162 F: 367-8167

Light

2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6979 F: 373-6974

Street

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8255 F: 367-7010

Utility Billing

1201 North Western Avenue
P.O. Box 7401
Sioux Falls, SD 57117-7401
T: 605-367-8131 F: 367-7341

Utility Maintenance

668 West Algonquin Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8810 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6940 F: 373-6941

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

December 20, 2011

Karen Schlaak
Environmental Scientist
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak,

Regarding your letter dated December 8th of 2011, it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 from the Big Sioux: Sioux Falls Aquifer and No. 2042-3 from the Missouri River.

The population growth rate for Sioux Falls has been from 1.5% to 3% annually with a current population total of 158,200. Sioux Falls Planning has projected the population total by the year 2060 could be as low as 331,700 and as high as 412,900.

Demand for water in 2011 will be 7,240.772 million gallons for a daily average of 19.837 million gallons. By the year 2060 the daily average demand has been projected to be as high as 66.400 million gallons. The City has purchased additional property for the development of future wells in the Big Sioux Aquifer. It will be essential to keep Permit No. 448-3 with the 3,842 acre-feet to develop wells in the future and to meet the needs of the growing population of the City of Sioux Falls.

With the limitation of any further expansion north of 252th street in Minnehaha County and the 3,842 acre-feet from Permit No. 448-3, the only other water source that will be available with significant supply will be the Missouri River. This surface water supply retained under Future Use Permit No. 2042-3 will be essential to insure the future growth of the City of Sioux Falls.

If you have any questions or comments please contact me.

Sincerely,

A handwritten signature in black ink that reads "Greg Anderson".

Greg Anderson
Water Superintendent
Water Purification Plant
2100 North Minnesota Ave
Sioux Falls, South Dakota 57104
(605) 373-6944

RECEIVED

DEC 22 2011

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2042-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$2,415.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 20, 2012



**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. 448-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 448-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 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. 448-3 is subject to payment of the \$385.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 20, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

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

City of Sioux Falls
Greg Anderson, Water Superintendent
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water may be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Minnehaha County – Argus Leader, Sioux Falls SD 605 331-2200
Brule County – Central Dakota Times, Chamberlain SD 605 234-0266
Charles Mix County – Platte Enterprise, Platte SD 605 337-3101
Bon Homme County – Tyndall Tribune & Register, Tyndall SD 605 589-3242
Yankton County - Daily Press & Dakota, Yankton SD 605 665-7811

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 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
denr.sd.gov

January 20, 2012

Argus Leader
PO Box 5043
Sioux Falls SD 57117

Dear Sir:

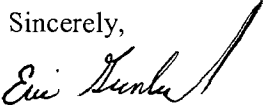
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

Central Dakota Times
PO Box 125
Chamberlain SD 57325

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on February 1, 2012 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 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD.

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.

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Date _____

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Joe Foss Building
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Pierre SD 57501-3181

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

Platte Enterprise
PO Box 546
Platte SD 57369

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 2042-3 to be published twice. Please publish the first notice on February 2, 2012 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 or email karen.schlaak@state.sd.us

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605 773-3352

enclosures

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066

Dear Sir:

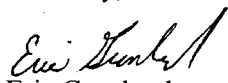
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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 20, 2012

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

Dear Sir:

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Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
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Pierre SD 57501-3181

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ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on February 1, 2012 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4,5,8,9,16,17,20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28,29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10:00 am on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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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 permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 27, 2012. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 29, 2012

City of Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

The City of Sioux Falls holds Future Use Permit Nos. 448-3 and 2042-3 reserving water for future development. These permits are scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permits remaining in effect have been received.

This letter is to inform you that the Water Management Board will conduct its March 7, 2012 meeting by telephone conference call. The agenda for the March 7th meeting is attached.

Being this matter is not contested, DENR does not foresee questions or concerns that necessitate you traveling to Pierre on March 7th. There are a limited number of conference call lines available if you have testimony regarding the future use permits to provide to the Board. Please let me know if you want to participate and DENR will try to accommodate everyone up to the number of conference call lines available.

Please contact me if you have any questions.

Sincerely,

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

enclosure

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing To
Review Future Use Water
Permit Nos. 448-3 / 2042-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

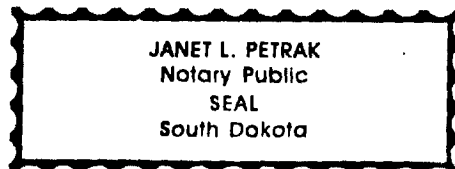
two successive week(s) to wit:
Feb. 1, 2012; Feb. 8, 2012;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$ 83.03.
Signed: Debi Ruiz

Subscribed and sworn to before me this 9th day of February, 2012.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota



My commission expires June 5, 2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

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Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10 a.m. on March 7, 2012, at the Floyd Mathew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the chief engineer by Feb. 27, 2012. The chief engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501 (605-773-3352) and the permit holder's mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of con-

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

(Published two consecutive weeks, February 1, 2012 and February 8, 2012, at a total approximate cost of \$83.03.)
(February 1/February 8)

RECEIVED

FEB 10 2012

WATER RIGHTS
PROGRAM

RECEIVED

FEB - 9 2012

PO # 149920

WATER RIGHTS
PROGRAM

212

Customer Number:

078011

City Clerks Office

Invoice Number:

1369558

AFFIDAVIT OF PUBLICATION-

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 1 day of February 2012,
Wednesday, the 8 day of February 2012,
 _____, the _____ day of _____ 2012,
 _____, the _____ day of _____ 2012,
 _____, the _____ day of _____ 2012,
 _____, the _____ day of _____ 2012,
 _____, the _____ day of _____ 2012,
 _____, the _____ day of _____ 2012,
 and that \$141.42 was charged for publishing the same

Subscribed and sworn to before me

2/8/2012

My Commission expires December 22, 2015

Notary Public, South

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

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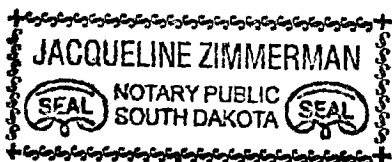
and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Published twice at the total approximate cost of \$141.39.
1369558 Feb. 1 & 8, 2012



RECEIVED

FEB - 9 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020 - Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Hearing

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 8th DAY OF February 2012 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$89.37 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 2/1/2012 & 2/8/2012

FILED ON: 2/8/2012

Kelly Hertz
SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF February 2012
Tommy D. Smith
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT
NOS. 448-3 and 2042-3

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2012

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this ~~permit~~ ^{to assure access to the hearing by the handicapped} or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 27, 2012. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of: \$89.37

Estimated publishing cost per published copy: \$0.0055

RECEIVED

FEB 28 2012

WATER RIGHTS
PROGRAM

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Hearing to Renew Future Use Water Permit Nos 4418 3 and 2042-3

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise

for 2 issue/s, the first publication being made on Thursday, the 2nd day of

Feb, A.D., 20 12 and the succeeding publications were

made severally on

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

and the last publication being made on Thursday, the 9th of Feb A.D., 20 12

That the publication fee for publishing said notice is the sum of \$ 69.64

Sharon Huizenga
Subscribed and sworn to before me this 27th day of February, A.D., 20 12

Donna Stanley
Notary Public for Charles Mix County, SD

My Commission Expires On

7-20-17

LEGAL NOTICES

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4,5,8,9,16,17,20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28,29, 32 and 33, T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10:00 a.m. on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 27, 2012.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 27, 2012.

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

Published twice at the total approximate
cost of \$69.64.

(Feb. 2, 9)

Affidavit of Publication

FEB - 9 2012

State of South Dakota }
County of Bon Homme }

SS

WATER RIGHTS
PROGRAM

Rebecca Tydz

Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Hearing to Review Future Use Water Permit Nos. 448-3 + 2042-3
116 e 37.2 = 85% X 1

a printed copy of which is hereto attached, was printed and published in said newspaper for ~~three~~ successive weeks, upon the following dates:

<i>Feb 1</i>2012	20.....
<i>Feb 8</i>20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, *\$72.67*, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this

Feb 9 2012

Leggy Schelske
Notary Public, South Dakota

My Commission Expires: Oct 24, 2015

NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N. Minnesota Ave., Sioux Falls, SD 57104 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently serves 3,842 acre-feet groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21, T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33, T103N-R49W for municipal use.

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 448-3 and 2042-3 at 10:00 a.m. on March 7, 2012 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by February 27, 2012. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for delay must be filed with the Chief Engineer by February 27, 2012.

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

Published twice at an approximate cost of \$77.67

(Feb. 1& 8)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 8, 2012

NOTICE

City of Sioux Falls
Greg Anderson, Water Superintendent
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the permits to remain in effect for 3,842 acre-feet and 28,236 acre-feet of water annually. Future Use Permit Nos. 448-3 and 2042-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 448-3 is \$385.00 and Permit No. 2042-3 is \$2,415.00 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$2,800.00 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 March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

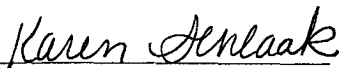
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, S Meyer, PO Box 588, Brookings SD 57006
City of Aberdeen, J Ellingson, 123 S Lincoln, Aberdeen SD 57401
City of New Underwood, J Bale, PO Box 278, New Underwood SD 57761
City of Pierre, Brad Palmer, PO Box 1253, Pierre SD 57501



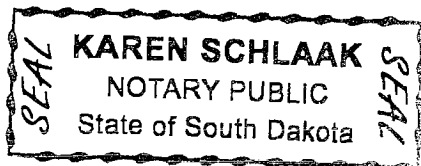
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 12.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/26, 20 12

RECEIVED OF City of Sioux Falls 2100 N Minnesota Ave Sioux Falls SD 57104

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	385	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>448-3</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. _____		
R'cd through Electronic Funds Transfer		
(Any Other Work Provided by Law)	TOTAL	385 00

No. **05388**

By David Erdick
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

City of Sioux Falls
Greg Anderson, Water Superintendent
224 W 9th St
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit No. 448-3 from groundwater (Big Sioux:Sioux Falls Aquifer) and Permit No. 2042-3 from the Missouri River held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city.

Currently, our records show that 3,842 acre-feet remain in reserve under Permit No. 448⁸-3 and 28,236 acre-feet remain in reserve under Permit No. 2042-3. Both permits were last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,842 acre-feet remain in reserve under Permit No. 448⁸-3, the fee will be \$385.00. If the entire 28,236 acre-feet remain in reserve under Permit No. 2042-3, the fee will be \$2,415.00.

Please contact Eric Gronlund, if you have any questions. ⁸

Sincerely,

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



City of Sioux Falls
S O U T H D A K O T A

P.O. Box 7402, Sioux Falls, SD 57117-7402



**CITY OF SIOUX FALLS
PUBLIC WORKS**
Providing a Better Quality of Life for You!

RECEIVED

JAN 02 2019

**WATER RIGHTS
PROGRAM**

December 28, 2018

Karen Schlaak
Environmental Scientist
Department of Environment and Natural Resources – Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak:

Regarding your letter dated December 7th of 2018, it is the City of Sioux Falls intent to retain Future Water Use Permit No. 448-3 with 3,842 acre-feet from the Big Sioux: Sioux Falls Aquifer and Future Water Use Permit No. 2042-3 with 28,236 acre-feet from the Missouri River.

The population and commercial needs of Sioux Falls continue to grow, which in turn increases the demand for potable water. In December of 2011, the population of Sioux Falls was listed at 158,200. Current population total is listed at 183,200. This is a total population growth of 25,000 over the prior seven years. Population projections from Sioux Falls Planning continue to project the population total for Sioux Falls by the year 2060 could be as low as 331,700 and as high as 412,900.

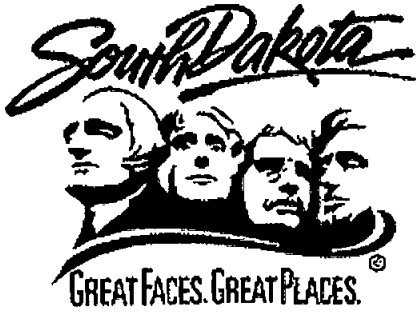
Demand for water in 2018 will be more than 7,149.042 million gallons for a daily average of 19.586 million gallons, all during a year with record precipitation. By the year 2060, the daily average demand for water has been projected to be as high as 66.400 million gallons per day. The City currently owns property over the Big Sioux Aquifer for the development of future wells including an additional 124 acres purchased in 2017 to accomplish our well field expansion goals. It will be essential to keep Permit No. 448-3 with the 3,842 acre-feet to develop wells in the future and to meet the needs of the growing population of the City of Sioux Falls.

Long term water needs required a visionary approach to water resources. City leaders looked to one of the largest and most stable water supplies within South Dakota. One day when the existing ground water future use water rights are placed into beneficial use, the next and best location for reliable water supply expansion will be the Missouri River. Sioux Falls will need the water from the Missouri River to meet the needs of the City. This surface water supply retained under Future Use Permit No. 2042-3 will be essential to insure the future growth and sustainability of the City of Sioux Falls.

If you have any questions or comments, please contact me.

Sincerely,

Greg Anderson
Superintendent, Water Division
2100 North Minnesota Avenue
Sioux Falls, SD 57104
(605) 373-6940



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 448-3, City of Sioux Falls**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 448-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 448-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 448-3, 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. 448-3 is subject to payment of the \$385.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 11, 2019



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

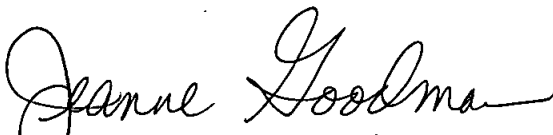
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2042-3, City of Sioux Falls**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2042-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 2042-3 REMAIN in EFFECT for 28,236 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2042-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2042-3, 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. 2042-3 is subject to payment of the \$2,415.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
January 11, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2019

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

City of Sioux Falls
Greg Anderson, Water Superintendent
PO Box 7402
Sioux Falls SD 57117

Dear Mr. Anderson:

Future Use Permit Nos. 448-3 and 2042-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water may be diverted or used. The notice of this review has been sent to the following papers:

- ✓ Minnehaha County – Argus Leader, Sioux Falls 605 331-2200. *Sent email 2/7/19*
- ✓ Brule County – Central Dakota Times, Chamberlain 605 234-0266
- ✓ Charles Mix County – Platte Enterprise, Platte 605 337-3101
- ✓ Bon Homme County – Tyndall Tribune & Register, Tyndall 605 589-3242
- ✓ Yankton County – Daily Press & Dakota, Yankton 605 665-7811

For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 23 or 24, 2019. We must receive Proof of Publication from each paper before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux:Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2019. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 22, 2019. 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, 2019.

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 February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:33 AM
To: allegals@argusleader.com
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 23, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:34 AM
To: cdt@midstatesd.net
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 23, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:35 AM
To: Platte Enterprise (eprise@midstatesd.net)
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 24, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:35 AM
To: tyndalltribune@gmail.com
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 23, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:36 AM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 448-3, City of Sioux Falls
Attachments: 448-3NOTICE.doc; APPL.docx

Attached is a notice to be published on January 23, 2019.

The City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO box 7402, Sioux Falls SD 57117 (605 373-6940) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 14, 2019 11:48 AM
To: 'ganderson@SIOUXFALLS.org'
Subject: Public Notice for Future Use Permits
Attachments: future use review.pdf

Greg,
Attached is the information which is being mailed today regarding Future Use Permit Nos. 448-3 and 2042-3. For your information, water rights law requires the notice to be published in each county where the water may be diverted or used. Therefore, the notice needs to be in the Argus Leader and the other 4 papers listed as well.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JAN 25 2019

WATER RIGHTS
PROGRAM

CITY OF SIOUX FALLS
ATTN: GREG ANDERSON
PO BOX 7402
SIOUX FALLS SD 57117

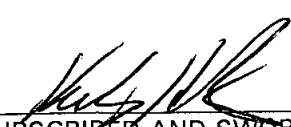
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

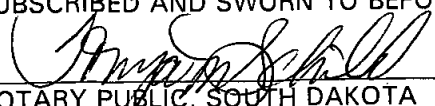
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1 + 23 NOTICE OF HEARING TO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 23rd DAY OF January, 2019
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$47.00 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/23/2019

FILED ON: 01/23/2019


SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF January, 2019


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux:Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2019. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 22, 2019. 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, 2019.

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 February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$ 47.00

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss.

County of Brule

Debi Ruiz of said county, being first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice and that the Notice of Hearing To Review
Future Use Water Permit
Nos. 448-3 and 2042-3

a printed copy of which, taken from the paper in which the same was published and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

January 23, 2019; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$ 43.70

Signed: Debi Ruiz

Subscribed and sworn to before me this 24th day

of January, 20 19

Janet L. Petrak
Notary Public In and For The County of Brule,
South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, P.O. Box 7402, Sioux Falls, SD 57117 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from ground-water (Big Sioux: Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 16, 17, 20, 21, 28, 29, 32 and 33; T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:30 a.m. on March 6, 2019, at Floyd Mathew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD.

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

Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by Feb. 22, 2019. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501 (605-773-3352) and the permit holder's mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits and the signature

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JAN 25 2019

WATER RIGHTS
PROGRAM

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

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 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 through 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by Feb. 22, 2019. 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 Feb. 22, 2019.

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. 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 East Capitol Avenue, Pierre, SD) by Feb. 4, 2019.

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

(Published one week, January 23, 2019, at a total approximate cost of \$43.70.)
(January 23)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

FEB 04 2019

WATER RIGHTS
PROGRAM

Rebecca Upz.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal
weekly newspaper for publication of legal and other official
notices as required by Chapter 298 of the Session
Laws of South Dakota, 1939; that it has bona fide paid
circulation of more than two hundred copies weekly;
that it is published in English language in the City of
Tyndall, Bon Homme County, South Dakota, and has
been admitted to the United States mail under second
class mailing privilege for more than one year prior to
the first publication of the notice herein mentioned, and
that it is printed in an office maintained at the place of
publication at Tyndall, South Dakota, and that deponent
is the publisher in charge of the advertising department
of said newspaper; that the advertisement headed

Notice of Hearing - Future Use
Water Permit

129 @ 38

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

<i>Jan. 23</i>2019	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication
of said notice, \$ *49.02*, inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Upz, publisher

Subscribed and sworn to before me this

23 day of *January* 20*19*.

Peggy A. Savelle
Notary Public, South Dakota

My Comm. *SS. 0556* Expires *Oct, 24, 2021*

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

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Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Published once at an approximate cost
of \$49.02

(Jan. 23)

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FEB 06 2019

WATER RIGHTS
PROGRAM

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, is said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Hearing to Review Future Use Water Permit Nos. 448-3 and 242-3

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise for one

issue/s, the first publication being made on Thursday, the 24th day of Jan.

A.D., 20 19 and succeeding publications were made severally on

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

Thursday the _____ day of _____ A.D., 20 _____

and the last publication being made on Thursday, the _____ of _____ A.D., 20 _____

That the publication fee for publishing said notice is the sum of \$ 43.50

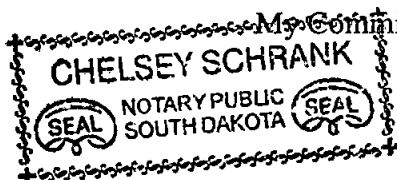
Sharon Huizenga

Subscribed and sworn to before me this 31st day of January, A.D., 20 19

Chelsey Schrank

Notary Public for Charles Mix County, SD

My Commission Expires on 7-8-23



LEGAL NOTICES

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 448-3 and 2042-3

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Published once at the approximate cost of \$43.70.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

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FEB 11 2019

WATER RIGHTS
PROGRAM

Account No.: SFA-078011

Ad No.: 0003338732

PO #: 448-3 and 2042-3

Lines : 178

Ad Total \$108.79

SF, CITY OF
235 W 10TH ST
SIOUX FALLS, SD 57104

of Affidavits: 1

Account No.: SFA-078011

Ad No.: 0003338732

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

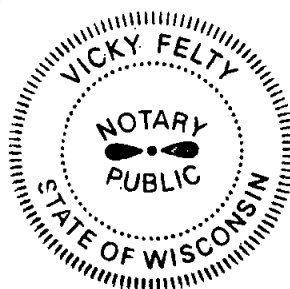
Wednesday, January 23, 2019

Sworn to and subscribed before me this 7 day of February, 2019.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT

NOS. 448-3 and 2042-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 448-3 and 2042-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls SD 57117 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 448-3 was approved in 1957 and currently reserves 3,842 acre-feet from groundwater (Big Sioux-Sioux Falls Aquifer) located in Sections 4, 5, 8, 9, 16, 17, 20 and 21: T102N-R49W and Sections 18, 17, 20, 21, 28, 29, 32 and 33: T103N-R49W for municipal use.

Permit No. 2042-3 was approved in 1974 and currently reserves 28,236 acre-feet from the Missouri River with the point of diversion to be located between points in Section 21-T104N-R71W (Brule County) and a point in Section 34-T93N-R54W (Yankton County) for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 448-3 REMAIN in EFFECT for 3,842 acre-feet annually and No. 2042-3 REMAIN in EFFECT for 28,236 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. 448-3 and 2042-3 at 10:30 am on March 6, 2019 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 2019. 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 must be informal, but it must include a statement describ-

ing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 448-3 and 2042-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-3-5, 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 the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 22, 2019. 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, 2019.

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 February 4, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$108.29.
3338732 Jan. 28, 2019



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2019

NOTICE OF ENTRY OF ORDER

City of Sioux Falls
Greg Anderson, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Anderson:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2019 to review Future Use Permit Nos. 448-3 and 2042-3. The Board allowed the Permit No. 448-3 to remain in effect for 3,842 acre-feet of water annually and Permit No. 2042-3 to remain in effect for 28,236 acre-feet of water annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 448-3 is \$385.00 and Future Use Permit No. 2042-3 is \$2,415.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$2,800.00 within 60 days.

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

Sincerely,

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

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

CERTIFICATION

I hereby certify that on March 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2019 regarding Notice of 1780-2, 192-3, 3427A-3, 217-3, 1598-3, 448-3, 2042-3, 549-3, 1218-3, 2107-3, 4927-3, 6988-3 and 6988A-3 addressed as stated below:

City of New Underwood, Tim Hall, Public Works Director, PO Box 278, New Underwood , SD 57761

City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen, SD. 57401

Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588,
Brookings, SD 57006-0588

City of Sioux Falls, Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls, SD 57117-7402

City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank, SD 57552

Watertown Municipal Utilities, Jeff Deville, Water Superintendent, 901 4th Ave SW, Watertown, SD 57201

Clark Rural Water System, Terry Kaufman, Manager, PO Box 162, Clark, SD 57225

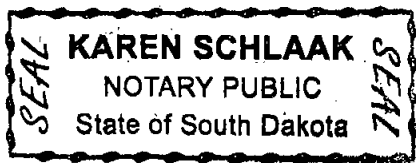
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268

Vickie Maberry
Vickie Maberry
Water Rights

[illegible]

Sworn to, before me, this 7th day of March, 2019.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 25, 20 19

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	385	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>448-3</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	385 00

No. **09101**

By

Jeanne Goodman
Chief Engineer
JMG



City of Sioux Falls
S O U T H D A K O T A

Vendor Number

EFT Number

EFT Date

1842

83040

03/22/2019

\$2,800.00

Two Thousand Eight Hundred Dollars and 00 Cents

Pay
To the
Order Of

SD DEPT OF ENVIRONMENT & NATURAL
RESOURCES
SD DEPT OF REVENUE
523 EAST CAPITOL
PIERRE, SD 57501-0000

**EFT COPY
NON-NEGOTIABLE**

City of Sioux Falls - Accounts Payable
PO Box 7402
Sioux Falls, SD 57117
www.siouxfalls.org

PAGE: 1 OF 1

EFT NUMBER: 00083040

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
03/07/2019	4483	Future Use Permit 448-3 for 3,842 acre-feet annual	\$385.00
03/07/2019	20423	Future Use Permit 2042-3 28,236 acre annually	\$2,415.00

VENDOR NO.	VENDOR NAME	EFT No.	EFT Date	EFT Amount
1842	SD DEPT OF ENVIRONMENT & NATURAL RESOURCES	83040	03/22/2019	\$2,800.00

* Questions regarding this payment please call (605) 367-8860.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File Nos. 8912-3 and 448-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Ted Lewis, Water Plant Engineer, City of Sioux Falls

DATE: December 19, 2024

EMAIL: Ted.Lewis@SiouxFalls.gov

RE: Future Use Water Permit No. 448-3

COMMENTS:

Ted Lewis called regarding an email I sent December 12, 2024, concerning the future use area described on Future Use Water Permit No. 448-3. Application No. 8912-3 has been filed to place water to beneficial use reserved by No. 448-3. Upon review of Application No. 8912-3, it was discovered the location of the horizontal collector well to be used to place the water to beneficial use was outside of the area reserved by No. 448-3. In my email, I informed Mr. Lewis it is possible to amend a future use permit to expand the future use area described on the future use permit. During our call, Mr. Lewis indicated that the city of Sioux Falls would like to include on Application No. 8912-3 a request that Future Use Permit No. 448-3 be amended to expand the future use area. As discussed during the call, the proposed amendment is to expand the future use area to include all of section 29-T102N-R49W which includes the site of the new horizontal collector well.

I informed Mr. Lewis I would document our conversation and make that addition to Application No. 8912-3.

Ron Duvall, Engineer III
SD DANR, Water Rights Program