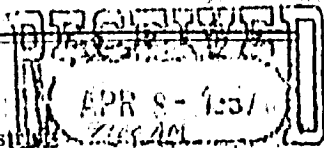


1. Considered May 15, 1957
2. Name of Applicant City of Sioux Falls 449-3
3. Post Office Address Sioux Falls South Dakota
4. Amount of water claimed 15.6 cfs
5. Source of water supply Ground water
6. Water to be used for Municipal use
Acres to be irrigated _____
7. Water to be diverted and used in SKUNK CREEK Valley County about
Northwest of
Sioux Falls
miles _____ of _____
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 449-3Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER CONTROL DISTRICT

WATER CONTROL DISTRICT

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
 Postoffice 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 Wheelton - Mayor

John W. Browning - Commissioner

Bert 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, \$ _____

(d) Bonds to be issued, \$ 500,000

(e) Other resources, \$ _____

2. Name of diversion work Future additional well supply

3. Amount of water claimed 15.6 cubic feet per second

4. Source of water supply ground water

5. Location of point of diversion Skunk Creek Valley - Description attached

_____ on _____ bank Minnehaha County.

6. Annual period or periods during which water is to be used continuous

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Municipal Water Supply

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream Sioux Falls Sewage Treatment Plant

Map No. 345-3

8. Estimated cost of work: \$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.....

(b) Reservoir: Capacity when filled.....acre feet, surface area at high water 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 for publicatio. of notice of intention to appropriate.....
Argus Leader

STATE OF SOUTH DAKOTA

County of Minnehaha } ss.

I, John N. Browning, acting President

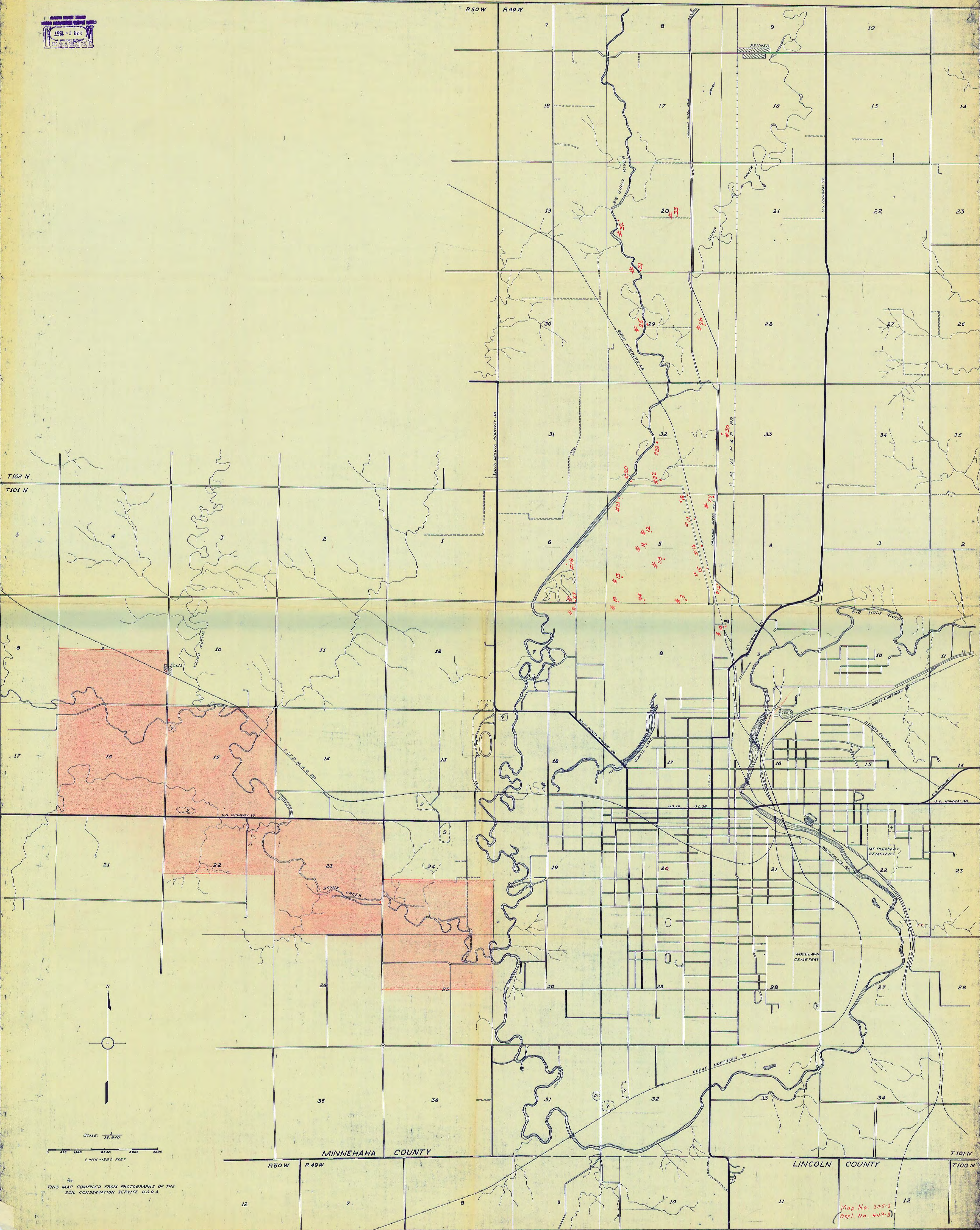
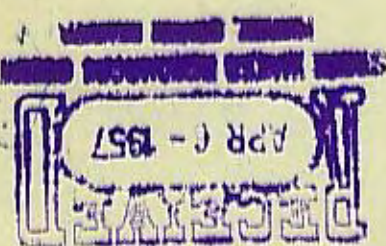
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed John N. Browning

Subscribed and sworn to before me this 4th day of April 1957.

Notary Public (or other qualified officer.)

My Commission Expires January 7, 1961.



Map No. 345-3
Appl. No. 447-3

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 Falls

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:

J. J. Brines

Chief Engineer, Executive Officer

for withdrawal of water for future use

Number of permit 449-3

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

4

Page

136

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, 19

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 15.6 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 the following described annual period:

Continuous

Witness my hand this

13

day of

September

1957

State Water Resources Commission

By:

J. J. Brines

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 municipal water supplies (448-3 and 449-3) under provisions of State water laws by stating "whenever in the opinion of the 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" 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.

SKUNK CREEK VALLEY
Township 101 North Range 50 West

South One-Half of Section 24
North One-Half of Section 25
Section 23
North One-Half of Section 22
Section 15
Section 16
South One-Half of Section 9

(First Publication ²²Not later than April 13, 1957)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 13, 1957

Notice is hereby given that the City of Sioux Falls whose postoffice 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 15.6 cubic feet of water per second of time from Sioux Creek Valley ground water through the future municipal water system, the point of diversion of which is to be located on the

in Section 9, 15, 16, 22, 23, 24 & 25

Twp. 101N Range 50W Said water to be used for the purpose of providing future municipal water supplies for the City of Sioux Falls

and/or any other

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. GREES,

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.

Notary Public Minnehaha County, S. D.

Eleanor Tague
 My Commission Expires
 June 30, 1958

APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. 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 13.6 cubic feet of water per second of time from the Skunk Creek Valley ground water through the future municipal water system, the point of diversion of which is to be located E. 1/4 Sec. 16, T. 21, R. 21, S. 21, Twp.

101 N. Rogers St. W. Said water to be used for the purpose of supplying the future municipal water supply 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 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 the suitable time has elapsed for the consideration to any or all information presented.
 State Water Resources Commission
 By: J. W. G. Jones, Chief Engineer,
 Executive Officer.
 (April 16, 23, 30, May 7, 1957)

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's well field in order to obtain adequate supplies 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.

see App 448-3 for letter in re this resolution.

TO: THE STATE WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 N. of Range 50 in Minnehaha County, South Dakota, do hereby object to the application of the City of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water, for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

IMPORTANT.—Each signer must personally sign his name. Each signer shall add to his signature his place of residence with street and number if any, and date of signing. Do not use DITTO MARKS. Sign no more than one petition for nomination for one office.

	NAME OF SIGNER	RESIDENCE—WITH STREET AND NO. IF ANY	DATE OF SIGNING
1	J. A. Barnes	3417-W-12 St	May 8-57
2	Doris Barnes	3417-W-12 St	May 8-57
3	Mrs. Alf Wieg	3606 W-12 St	May 8-57
4	Alf Wieg	3606 W-12 St	May 8-57
5	Don Wieg	3606 W-12 St	May 8-57
6	Edward J. Jørgensen	3628 W-12 St	May 8-57
7	Erne Jørgensen	3628 West 12th St	May 8, 1957
8	Dale Olson	3634 West 12th St	May 8, 1957
9	Lorraine Olson	3634 West 12th St	May 8, 1957
10	Gustav Page	4205 W 15 St	May 8 1957
11	Wade C. Thompson	R#3	May 8 - 1957
12	Kenneth Thompson	R#3	May 8 - 1957
13	Alfred Nohr	R#3	May 8 - 1957
14	Mrs. Alfred Nohr	R#3	May 8 - 1957
15	Mrs. Lauren Oleson	R.F.D. 3	May 8 - 1957
16	Mrs. Oleson	R.F.D. 3	May 8 - 1957
17	Mrs. Oleson	R.F.D. 3	May 8 - 1957
18	Mrs. Paul Burkner	R.F.D. 3	May 8 - 1957
19	Blanche Erickson	R.F.D. 43	May 8 - 1957
20	Mrs. Hershell Erickson	R.F.D. 43	May 8 - 1957
21	Mrs. Wayne Thurman	R.F.D. #3	May 8 - 1957
22	Walter Kenton	4300 W-12	May 8-1957
23	Harriet Westwick	4300 W-12th	May 8, 1957
24	Mrs. Chris H. Miller	3600 W-12 St	May 9, 1957
25	Mrs. Mac Miller	3600 West 12th Street	May 9, 1957
26	Mrs. Donald Wieg	3606 West 12th Street	May 9, 1957
27	Mrs. J. Jørgensen	3606 West 12th St	May 9, 1957
28	Mrs. Jørgensen	3606 West 12th St	May 9, 1957
29	Mrs. Roy Dyssens	3606 West 12th St	May 9, 1957
30	Mrs. Roy Borset	3606 W-12th St	May 9, 1957
31	Mrs. Charles Trainor	3606 W-12th St	May 9, 1957
32	Mrs. Jørgensen	3606 W-12th St	May 9, 1957
33	Mrs. Jørgensen	3606 W-12th St	May 9, 1957
34	Mrs. Jørgensen	3606 W-12th St	May 9, 1957
35	Mrs. Jørgensen	3606 W-12th St	May 9, 1957
36	Mrs. Jørgensen	3606 W-12th St	May 9, 1957

[illegible]

TO: THE STATE WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 N. of Range 50 in Minnehaha County, South Dakota, do hereby object to the application of the City of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water, for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

9210	John A. ...	4201 W 15th St	May 8 1957
9311	John A. ...	4201 W 15th St	May 8 1957
9412	John A. ...	4201 W 15th St	May 8 1957
9513	John A. ...	4201 W 15th St	May 8 1957
9614	John A. ...	4201 W 15th St	May 8 1957
9715	John A. ...	4201 W 15th St	May 8 1957
9816	John A. ...	4201 W 15th St	May 8 1957
9917	John A. ...	4201 W 15th St	May 8 1957
10018	John A. ...	4201 W 15th St	May 8 1957
10119	John A. ...	4201 W 15th St	May 8 1957
10220	John A. ...	4201 W 15th St	May 8 1957
10321	John A. ...	4201 W 15th St	May 8 1957
10422	John A. ...	4201 W 15th St	May 8 1957
10523	John A. ...	4201 W 15th St	May 8 1957
10624	John A. ...	4201 W 15th St	May 8 1957
10725	John A. ...	4201 W 15th St	May 8 1957
10826	John A. ...	4201 W 15th St	May 8 1957
10927	John A. ...	4201 W 15th St	May 8 1957
11028	John A. ...	4201 W 15th St	May 8 1957
11129	John A. ...	4201 W 15th St	May 8 1957
11230	John A. ...	4201 W 15th St	May 8 1957
11331	John A. ...	4201 W 15th St	May 8 1957
11432	John A. ...	4201 W 15th St	May 8 1957
11533	John A. ...	4201 W 15th St	May 8 1957
11634	John A. ...	4201 W 15th St	May 8 1957
11735	John A. ...	4201 W 15th St	May 8 1957
11836	John A. ...	4201 W 15th St	May 8 1957
11937	John A. ...	4201 W 15th St	May 8 1957
12038	John A. ...	4201 W 15th St	May 8 1957
12139	John A. ...	4201 W 15th St	May 8 1957
12240	John A. ...	4201 W 15th St	May 8 1957
12341	John A. ...	4201 W 15th St	May 8 1957
12442	John A. ...	4201 W 15th St	May 8 1957
12543	John A. ...	4201 W 15th St	May 8 1957
12644	John A. ...	4201 W 15th St	May 8 1957
12745	John A. ...	4201 W 15th St	May 8 1957
12846	John A. ...	4201 W 15th St	May 8 1957
12947	John A. ...	4201 W 15th St	May 8 1957
13048	John A. ...	4201 W 15th St	May 8 1957
13149	John A. ...	4201 W 15th St	May 8 1957
13250	John A. ...	4201 W 15th St	May 8 1957
13351	John A. ...	4201 W 15th St	May 8 1957
13452	John A. ...	4201 W 15th St	May 8 1957
13553	John A. ...	4201 W 15th St	May 8 1957
13654	John A. ...	4201 W 15th St	May 8 1957
13755	John A. ...	4201 W 15th St	May 8 1957
13856	John A. ...	4201 W 15th St	May 8 1957
13957	John A. ...	4201 W 15th St	May 8 1957
14058	John A. ...	4201 W 15th St	May 8 1957
14159	John A. ...	4201 W 15th St	May 8 1957
14260	John A. ...	4201 W 15th St	May 8 1957
14361	John A. ...	4201 W 15th St	May 8 1957
14462	John A. ...	4201 W 15th St	May 8 1957
14563	John A. ...	4201 W 15th St	May 8 1957
14664	John A. ...	4201 W 15th St	May 8 1957
14765	John A. ...	4201 W 15th St	May 8 1957
14866	John A. ...	4201 W 15th St	May 8 1957
14967	John A. ...	4201 W 15th St	May 8 1957
15068	John A. ...	4201 W 15th St	May 8 1957
15169	John A. ...	4201 W 15th St	May 8 1957
15270	John A. ...	4201 W 15th St	May 8 1957
15371	John A. ...	4201 W 15th St	May 8 1957
15472	John A. ...	4201 W 15th St	May 8 1957
15573	John A. ...	4201 W 15th St	May 8 1957
15674	John A. ...	4201 W 15th St	May 8 1957
15775	John A. ...	4201 W 15th St	May 8 1957
15876	John A. ...	4201 W 15th St	May 8 1957
15977	John A. ...	4201 W 15th St	May 8 1957
16078	John A. ...	4201 W 15th St	May 8 1957
16179	John A. ...	4201 W 15th St	May 8 1957
16280	John A. ...	4201 W 15th St	May 8 1957
16381	John A. ...	4201 W 15th St	May 8 1957
16482	John A. ...	4201 W 15th St	May 8 1957
16583	John A. ...	4201 W 15th St	May 8 1957
16684	John A. ...	4201 W 15th St	May 8 1957
16785	John A. ...	4201 W 15th St	May 8 1957
16886	John A. ...	4201 W 15th St	May 8 1957
16987	John A. ...	4201 W 15th St	May 8 1957
17088	John A. ...	4201 W 15th St	May 8 1957
17189	John A. ...	4201 W 15th St	May 8 1957
17290	John A. ...	4201 W 15th St	May 8 1957
17391	John A. ...	4201 W 15th St	May 8 1957
17492	John A. ...	4201 W 15th St	May 8 1957
17593	John A. ...	4201 W 15th St	May 8 1957
17694	John A. ...	4201 W 15th St	May 8 1957
17795	John A. ...	4201 W 15th St	May 8 1957
17896	John A. ...	4201 W 15th St	May 8 1957
17997	John A. ...	4201 W 15th St	May 8 1957
18098	John A. ...	4201 W 15th St	May 8 1957
18199	John A. ...	4201 W 15th St	May 8 1957
18200	John A. ...	4201 W 15th St	May 8 1957

TO: THE STATE WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 N. of Range 50 in Minnehaha County, South Dakota, do hereby object to the application of the City of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water, for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

IMPORTANT.—Each signer must personally sign his name. Each signer shall add to his signature his place of residence with street and number if any, and date of signing. Do not use DITTO MARKS. Sign no more than one petition for nomination for one office.

NAME OF SIGNER	RESIDENCE—WITH STREET AND NO. IF ANY	DATE OF SIGNING
1 Joe Kersch	Sioux Falls, S.D. R# 1	May 9, 1957
2 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
3 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
4 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
5 William J. McFee	Sioux Falls, S.D. R# 4	May 9, 1957
6 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
7 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
8 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
9 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
10 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
11 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
12 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
13 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
14 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
15 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
16 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
17 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
18 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
19 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
20 Le Roy Jacobson	Sioux Falls, S.D. R# 4	May 9, 1957
21 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
22 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
23 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
24 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
25 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
26 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
27 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
28 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
29 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
30 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
31 Lawrence Kewell	Sioux Falls, S.D. R# 4	May 9, 1957
32 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
33 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
34 Francis O. Jeffler	Sioux Falls, S.D. R# 4	May 9, 1957
35 Mary B. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957
36 J. J. Seaborn	Sioux Falls, S.D. R# 4	May 9, 1957

NAME OF SIGNER	RESIDENCE—WITH STREET AND NO. IF ANY	DATE OF SIGNING
37. Gertrude Liferbeck	Sioux Falls, Rt. 4	May 10, 1957
38. Alvin Christensen	Sioux Falls, Rt. 4	May 10, 1957
39. Arlette Christensen	Sioux Falls, Rt. 4	May 10, 1957
40. Leola L. Brown	Sioux Falls, Rt. 4	May 10, 1957
41. W. Mair	Sioux Falls, Rt. 4	May 11, 1957
42. R. Smith	Sioux Falls, Rt. 4	May 11, 1957
43. Charles B. Bracy	Sioux Falls, Rt. 4	May 11, 1957
44. W. H. Lund	Sioux Falls, Rt. 4	May 11, 1957
45. R. O. Jensen	Sioux Falls, Rt. 4	May 11, 1957
46. E. J. Johnson	Sioux Falls, S.D. Rt. 4	May 11, 1957
47. Robert O'Brien	Sioux Falls, S.D. Rt. 4	May 11, 1957
48. Eleanor W. Battles	Sioux Falls, S.D. Rt. 4	May 11, 1957
49. J. R. Battles	Sioux Falls, S.D. Rt. 4	May 11, 1957
50. Ferns Foster	Sioux Falls, S.D. Rt. 4	May 11, 1957
51. Ann Kelly	Sioux Falls, S.D. Rt. 4	May 11, 1957
52. August Eismen	Sioux Falls, S.D. Rt. 4	May 11, 1957
53. R. Eismen	Sioux Falls, S.D. Rt. 4	May 11, 1957
54. Dorothy Boderfer	Sioux Falls, S.D. Rt. 4	May 11, 1957
55. Dorothy Hall	Sioux Falls, S.D. Rt. 4	May 11, 1957
56. Harold G. Hall	Sioux Falls, S.D. Rt. 4	May 11, 1957
57. J. D. Jensen	Sioux Falls, S.D. Rt. 4	May 11, 1957
58. R. B. Jensen	Sioux Falls, S.D. Rt. 4	May 11, 1957
59. Rudolph R. Boderfer	Sioux Falls, S.D. Rt. 4	May 11, 1957
60. Wayne R. Boderfer	Sioux Falls, S.D. Rt. 4	May 11, 1957
61. Herbert W. Jensen	Sioux Falls, S.D. Rt. 4	May 11, 1957
62. Doris S. Jensen	Sioux Falls, S.D. Rt. 4	May 11, 1957
63. Clarence Oak	Sioux Falls, S.D. Rt. 4	May 11, 1957
64. Ray Hall	Sioux Falls, S.D. Rt. 4	May 11, 1957
65. Emma Hall	Sioux Falls, S.D. Rt. 4	May 11, 1957
66. Beulah L. Oak	Sioux Falls, S.D. Rt. 4	May 11, 1957
67. Caswell Robinson	Sioux Falls, S.D. Rt. 4	May 13, 1957
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[illegible]

George Rieckhoff 530 So. Marion May 9 - 1957

TO: THE STATE WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 N. of Range 50 in Minnehaha County, South Dakota, do hereby object to the application of the City of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water, for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

90	Edna Studer	Rt 3 Sioux Falls S. Dak	May 8, 1957
91	William Trueson	Rt 3 Sioux Falls S. Dak	May 8, 1957
92	Mr Bill Trueson	R. 3 Sioux Falls S. Dak	May 8, 1957
93	Donald G. Gault	R 3 Sioux Falls S. Dak	May 10, 1957
94	Mr. Gustaf Peterson	Rt 3 Sioux Falls S. Dak	May 10, 1957
95	Ed Christensen	Rt 3 Sioux Falls S. Dak	May 10, 1957
96	Mr W. H. Anderson	Rt 3 Sioux Falls	May 10, 1957
97	Ed Kraus	Rt 3 Sioux Falls S. Dak	May 10, 1957
98	Ed Kraus	Rt 3 Sioux Falls S. Dak	May 10, 1957
99	Thomas Morgan	Rt 3 Sioux Falls S. Dak	May 10, 1957
100	Mrs Clara Paul	Rt 3 Sioux Falls S. Dak	May 10, 1957
101	Wm. Trueson	Rt 3 Sioux Falls S. Dak	May 10, 1957
102	Harold H. Hansen	Rt 3 Sioux Falls S. Dak	May 10, 1957
103	Gerald D. Schwartz	Rt 3 Sioux Falls S. Dak	May 10, 1957
104	Mr. J. M. Jendrich	Rt 3 Sioux Falls S. Dak	May 10, 1957
105	James Swenson	Rt 3 Sioux Falls S. Dak	May 10, 1957
106	Ed Madley	Rt 3 Sioux Falls S. Dak	May 10, 1957
107	Mrs. Marie Madley	Rt 3 Sioux Falls S. Dak	May 10, 1957
108	John Miller	Rt 3 Sioux Falls S. Dak	May 10, 1957
109	Walter Worning	Rt 3 Sioux Falls S. Dak	May 10, 1957
110	Mr. Alvin Hansen	Rt 3 Sioux Falls S. Dak	May 10, 1957
111	Mr. Ed. Bergman	Rt 3 Sioux Falls S. Dak	May 10, 1957
112	Grover A. Peets	Rt 3 Sioux Falls S. Dak	May 10, 1957
113	Lewis C. Baggett	Rt 3 Sioux Falls S. Dak	May 10, 1957
114	Mrs. Lewis Baggett	Rt 3 Sioux Falls S. Dak	May 10, 1957
115	C. E. Peets	Rt 3 Sioux Falls S. Dak	May 10, 1957
116	Robert E. Wilson	Rt 3 Sioux Falls S. Dak	May 10, 1957
117	Matt Gault	Rt 3 Sioux Falls S. Dak	May 10, 1957
118	Mrs. Matt Gault	Rt 3 Sioux Falls S. Dak	May 10, 1957
119	Mr. Don Skatter	3301 W 13th St	May 10, 1957
120	Don Skatter	3301 W 12th St	May 10, 1957
121	Lawrence Borchers	Rt 3 Sioux Falls	May 11, 1957
122	Kathy Borchers	Rt 3 Sioux Falls	May 11, 1957
123	Mrs. Ed. Berry	Rt 3 Sioux Falls	May 13, 1957
124	W. E. Berry	Rt 3 Sioux Falls	May 13, 1957
125	Mrs. S. Borchers	Rt 3 Sioux Falls	May 13, 1957
126	Adolph V. Skane	Rt 3 Sioux Falls	May 13, 1957
127	Mathew Skane	Rt 3 Sioux Falls	May 13, 1957
128	Mrs. Harold Gault	Rt 3 Sioux Falls	May 13, 1957

TO: SOUTH DAKOTA WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners, in Wayne Township, which is Township 101 North of Range 50 in Minnehaha County, South Dakota, do hereby object to application of the city of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

IMPORTANT.—Each signer must personally sign his name. Each signer shall add to his signature his place of residence with street and number if any, and date of signing. Do not use DITTO MARKS. Sign no more than one petition for nomination for one office.

NAME OF SIGNER	RESIDENCE—WITH STREET AND NO. IF ANY	DATE OF SIGNING
1 John T. Knack	Route 3, Box 105 S.F.	May 10 1957
2 Ida Knack	Rt 3 Box 105 Sioux Falls	May 10 1957
3 Reka Nelson	Rt 3 Box 92 Sioux Falls	May 10 1957
4 Yvonne Klein	Rt 3 Box 97 Sioux Falls	May 10 1957
5 Marie Snyder	Rt 3 Box 100 Sioux Falls	May 10 1957
6 Grace Hills	Rt 3 Box 103 Sioux Falls	May 10 1957
7 J. J. Mead	Rt 3 Sioux Falls	May 10 1957
8 Mrs. J. J. Mead	Rt 3 Sioux Falls	May 10 1957
9 Mrs. J. J. Paul	Rt 4 Sioux Falls S.D.	May 10 1957
10 Mrs. L. J. Paul	Rt 4 Sioux Falls S.D.	May 10 1957
11 Lee E. Buck	Rt 3 Sioux Falls S.D.	May 10 - 1957 -
12 Elvin Fincher	Rt 3 Sioux Falls S.D.	May 10 1957
13 Nichola Fincher	Rt 3 Sioux Falls S.D.	May 10 - 1957 -
14 Elroy Johnson	Rt 3 Sioux Falls S.D.	May 10 - 1957
15 Albert A. Hyonimus	Rt 3 Sioux Falls S.D.	May 10 - 1957
16 Mrs. Albert Hyonimus	Rt 3 Sioux Falls S.D.	May 10 - 1957
17 J. C. Hyonimus	Rt 3 Sioux Falls S.D.	May 10 - 1957
18 Carrie A. Hyonimus	Rt 3 Sioux Falls S.D.	May 10 - 1957
19 George Janers	Rt 3 Sioux Falls S.D.	May 10 - 1957
20 Mary Janers	Rt 3 Sioux Falls S.D.	May 10 - 1957
21 Don H. Butler	Rt 3 Sioux Falls S.D.	May 10 - 1957
22 L. A. Barker	Rt 3 Sioux Falls S.D.	May 10 - 1957
23 Carl Hyonimus	Rt 3 Sioux Falls S.D.	May 11, 1957
24 Mrs. Clifford Glask	Rt 3 Sioux Falls S.D.	May 11, 1957
25 Edwin Glask	Rt 3 Sioux Falls S.D.	May 11, 1957
26 Ingrid Bosch	Rt 3 Sioux Falls S.D.	May 11, 1957
27 Mrs. Ingrid Bosch	Rt 3 Sioux Falls S.D.	May 11, 1957
28 Dale Miller	Rt 3 Sioux Falls S.D.	May 11, 1957
29 Mrs. J. J. Hyonimus	Rt 3 Sioux Falls S.D.	May 11 1957
30 Mrs. J. J. Hyonimus	Rt 3 Sioux Falls S.D.	May 11 - 1957
31 Mrs. George J. Hyonimus	Rt 3 Sioux Falls S.D.	May 11 1957
32 Mr. Donald J. Klein	Rt 3 Sioux Falls S.D.	May 11 1957
33 Elvyn J. Stoffers	Rt 3 Sioux Falls S.D.	May 11, 1957
34 Rita Stoffers	Rt 3 Sioux Falls S.D.	May 11, 1957
35 Albert K. K. K.	Rt 3 Sioux Falls S.D.	May 13, 1957
36 Thomas J. K. K.	Rt 3 Sioux Falls S.D.	May 13 - 1957

TO: SOUTH DAKOTA WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners, in Wayne Township, which is Township 101 North of Range 50 in Minnehaha County, South Dakota, do hereby object to application of the city of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

88	7	John J. Hill	R # 3	May 9 1957
89	8	Walter J. Hill	R # 3	May 9 1957
90	9	John J. Hill	R # 3	May 9 1957
91	10	John J. Hill	R # 3	May 9 1957
92	11	John J. Hill	R # 3	May 9 1957
93	12	John J. Hill	R # 3	May 9 1957
94	13	John J. Hill	R # 3	May 9 1957
95	14	John J. Hill	R # 3	May 9 1957
96	15	John J. Hill	R # 3	May 9 1957
97	16	John J. Hill	R # 3	May 9 1957
98	17	John J. Hill	R # 3	May 9 1957
99	18	John J. Hill	R # 3	May 9 1957
100	19	John J. Hill	R # 3	May 9 1957
101	20	John J. Hill	R # 3	May 9 1957
102	21	John J. Hill	R # 3	May 9 1957
103	22	John J. Hill	R # 3	May 9 1957
104	23	John J. Hill	R # 3	May 9 1957
105	24	John J. Hill	R # 3	May 9 1957
106	25	John J. Hill	R # 3	May 9 1957
107	26	John J. Hill	R # 3	May 9 1957
108	27	John J. Hill	R # 3	May 9 1957
109	28	John J. Hill	R # 3	May 9 1957
110	29	John J. Hill	R # 3	May 9 1957
111	30	John J. Hill	R # 3	May 9 1957
112	31	John J. Hill	R # 3	May 9 1957
113	32	John J. Hill	R # 3	May 9 1957
114	33	John J. Hill	R # 3	May 9 1957
115	34	John J. Hill	R # 3	May 9 1957
116	35	John J. Hill	R # 3	May 9 1957
117	36	John J. Hill	R # 3	May 9 1957
118	37	John J. Hill	R # 3	May 9 1957
119	38	John J. Hill	R # 3	May 9 1957
120	39	John J. Hill	R # 3	May 9 1957
121	40	John J. Hill	R # 3	May 9 1957
122	41	John J. Hill	R # 3	May 9 1957
123	42	John J. Hill	R # 3	May 9 1957
124	43	John J. Hill	R # 3	May 9 1957
125	44	John J. Hill	R # 3	May 9 1957
126	45	John J. Hill	R # 3	May 9 1957
127	46	John J. Hill	R # 3	May 9 1957
128	47	John J. Hill	R # 3	May 9 1957
129	48	John J. Hill	R # 3	May 9 1957
130	49	John J. Hill	R # 3	May 9 1957
131	50	John J. Hill	R # 3	May 9 1957
132	51	John J. Hill	R # 3	May 9 1957
133	52	John J. Hill	R # 3	May 9 1957
134	53	John J. Hill	R # 3	May 9 1957
135	54	John J. Hill	R # 3	May 9 1957
136	55	John J. Hill	R # 3	May 9 1957
137	56	John J. Hill	R # 3	May 9 1957
138	57	John J. Hill	R # 3	May 9 1957
139	58	John J. Hill	R # 3	May 9 1957
140	59	John J. Hill	R # 3	May 9 1957
141	60	John J. Hill	R # 3	May 9 1957
142	61	John J. Hill	R # 3	May 9 1957
143	62	John J. Hill	R # 3	May 9 1957
144	63	John J. Hill	R # 3	May 9 1957
145	64	John J. Hill	R # 3	May 9 1957
146	65	John J. Hill	R # 3	May 9 1957
147	66	John J. Hill	R # 3	May 9 1957
148	67	John J. Hill	R # 3	May 9 1957
149	68	John J. Hill	R # 3	May 9 1957
150	69	John J. Hill	R # 3	May 9 1957
151	70	John J. Hill	R # 3	May 9 1957
152	71	John J. Hill	R # 3	May 9 1957
153	72	John J. Hill	R # 3	May 9 1957
154	73	John J. Hill	R # 3	May 9 1957
155	74	John J. Hill	R # 3	May 9 1957
156	75	John J. Hill	R # 3	May 9 1957
157	76	John J. Hill	R # 3	May 9 1957
158	77	John J. Hill	R # 3	May 9 1957
159	78	John J. Hill	R # 3	May 9 1957
160	79	John J. Hill	R # 3	May 9 1957
161	80	John J. Hill	R # 3	May 9 1957
162	81	John J. Hill	R # 3	May 9 1957
163	82	John J. Hill	R # 3	May 9 1957
164	83	John J. Hill	R # 3	May 9 1957
165	84	John J. Hill	R # 3	May 9 1957
166	85	John J. Hill	R # 3	May 9 1957
167	86	John J. Hill	R # 3	May 9 1957
168	87	John J. Hill	R # 3	May 9 1957
169	88	John J. Hill	R # 3	May 9 1957
170	89	John J. Hill	R # 3	May 9 1957
171	90	John J. Hill	R # 3	May 9 1957
172	91	John J. Hill	R # 3	May 9 1957
173	92	John J. Hill	R # 3	May 9 1957
174	93	John J. Hill	R # 3	May 9 1957
175	94	John J. Hill	R # 3	May 9 1957
176	95	John J. Hill	R # 3	May 9 1957
177	96	John J. Hill	R # 3	May 9 1957
178	97	John J. Hill	R # 3	May 9 1957
179	98	John J. Hill	R # 3	May 9 1957
180	99	John J. Hill	R # 3	May 9 1957
181	100	John J. Hill	R # 3	May 9 1957

TO: THE STATE WATER RESOURCES COMMISSION

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 N. of Range 50 in Minnehaha County, South Dakota, do hereby object to the application of the City of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water, for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

IMPORTANT.—Each signer must personally sign his name. Each signer shall add to his signature his place of residence with street and number if any, and date of signing. Do not use DITTO MARKS. Sign no more than one petition for nomination for one office.

NAME OF SIGNER	RESIDENCE—WITH STREET AND NO. IF ANY	DATE OF SIGNING
1. <i>Joseph Lewis Kerner</i>	<i>3634 W. 12th</i>	<i>May 8-1957</i>
2. <i>Carol Blackie</i>	<i>112 Birch</i>	<i>May 8-1957</i>
3. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
4. <i>KIP R. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
5. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
6. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
7. <i>Marion Kerner</i>	<i>4212 15th St.</i>	<i>May 8-1957</i>
8. <i>Mrs. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
9. <i>M. C. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
10. <i>Ethel Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
11. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
12. <i>Barney Kerner</i>	<i>4213 15th St.</i>	<i>May 8-1957</i>
13. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
14. <i>Mr. J. J. Kerner</i>	<i>4301 W. 15th</i>	<i>May 8-1957</i>
15. <i>Mr. J. J. Kerner</i>	<i>4301 W. 15th</i>	<i>May 8-1957</i>
16. <i>Mr. J. J. Kerner</i>	<i>4301 W. 15th</i>	<i>May 8-1957</i>
17. <i>Mr. J. J. Kerner</i>	<i>4301 W. 15th</i>	<i>May 8-1957</i>
18. <i>Mr. J. J. Kerner</i>	<i>4301 W. 15th</i>	<i>May 8-1957</i>
19. <i>Mr. C. J. Anderson</i>	<i>3801-11-14th St.</i>	<i>May 8-1957</i>
20. <i>Mr. C. J. Anderson</i>	<i>3801-20-14th St.</i>	<i>May 8-1957</i>
21. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
22. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
23. <i>Mr. J. J. Kerner</i>	<i>1101 W. 15th</i>	<i>May 8-1957</i>
24. <i>Mr. J. J. Kerner</i>	<i>RR 3 Sioux Falls</i>	<i>May 9-1957</i>
25. <i>Mary E. Swanson</i>	<i>RR 3 " "</i>	<i>May 9-1957</i>
26. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 9-1957</i>
27. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
28. <i>Mrs. Adolph Jungmann</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
29. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
30. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
31. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
32. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
33. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
34. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>May 10-1957</i>
35. <i>Robert R. Kerner</i>	<i>RR 3 " "</i>	<i>5-10-57</i>
36. <i>Mr. J. J. Kerner</i>	<i>RR 3 " "</i>	<i>5-10-57</i>

	NAME OF SIGNER	RESIDENCE - WITH STREET AND NO. IF ANY	DATE OF SIGNING
37	George Bockhoff	Sioux Falls R.F.D. No 3	May 10, 1957
38	Mrs. Helen Hunter	Sioux Falls R.F.D. No 3	May 10, 1957
39	George Easchen	Rt 3 Sioux Falls	May 10 - 1957
40	Frank E. Easchen	Route 3 " "	May 10, 1957
41	Maurice W. Wheeler	Route 4 " "	May 10, 1957
42	Harry Wheeler	Route 4 " "	May 10 - 1957
43	John E. Nelson	Rt 3 " "	May 10, 1957
44	Floyd Walzema	Sioux Falls R.F.D. No 3	May 10, 1957
45	Lillian A. Skinner	Sioux Falls R.F.D. No 3	May 11, 1957
46	Mrs. H.D. Truex	Sioux Falls R.F.D. No 3	May 11 - 1957
47	Gertrude Ness	Route 4 Sioux Falls	May 13 - 1957
48	John H. Hockman	R.R. 3 Sioux Falls	May 13 1957
49	Lela A. Hockman	R.R. 3 Sioux Falls	May 13 1957
50	Clinton L. Nielsen	R.R. 3 Sioux Falls	May 13, 1957
51	Mrs. Ned Foster	Route 3 Sioux Falls	May 13 1957
52	Ned Foster	Rt. 3 Sioux Falls	May 13, 1957
53	William C. Foster	Rt. 3 Sioux Falls	May 13, 1957
54	Andrew D. Sembert	Rt. 3 Sioux Falls	May 13, 1957
55	Eddie Walker	3631 W 12th St. Sioux Falls	May 13 - 1957
56	Mrs. Eddie Walker	3631 W 12th St. Sioux Falls	May 13 - 1957
57	Mrs. H. H. Hoken	Rt 3 Sioux Falls S.D.	May 13 1957
58	Mrs. Dale D. Delger	R.R. 3 Sioux Falls S.D.	May 13 1957
59	Mrs. M. R. Marzelson	R.R. 3 Sioux Falls S.D.	May 13 1957
60	Mrs. W. R. Marzelson	Rt. 3 Sioux Falls S.D.	May 13 1957
61	Mrs. William H. H. H.	Rt 3 Sioux Falls S.D.	May 13 1957
62	Mrs. William H. H. H.	Rt 3 Sioux Falls S.D.	May 13, 1957
63	Mrs. Frank P. Helwig	Rt. 3 Sioux Falls S.D.	May 13, 1957
64	M. Frank P. Helwig	Rt 3 Sioux Falls S.D.	May 13, 1957
65	Mrs. Eugene H. H.	Rt 3 Sioux Falls S.D.	May 13 1957
66	Mrs. Eugene H. H.	Rt 3 Sioux Falls S.D.	May 13 1957
67	Mrs. Roland Erickson	Rt 3 Sioux Falls S.D.	May 13 1957
68	Mrs. Roland Erickson	Rt 3 Sioux Falls S.D.	May 13 - 1957
69	Mrs. Roland Erickson	Rt 3 Sioux Falls S.D.	May 13 1957
70	Mrs. Roland Erickson	Rt 3 Sioux Falls S.D.	May 13 1957
71	Mrs. Roland Erickson	Rt 3 Sioux Falls S.D.	May 13 1957
72	Mrs. Frank P. Helwig	R.R. 3 Sioux Falls S.D.	May 13, 1957
73	Gerard M. Helwig	R.F.D. 3 Sioux Falls S.D.	May 13, 1957
74	Mrs. Gerald M. Helwig	R.F.D. 3 Sioux Falls S.D.	May 13, 1957
75	Mrs. Frank P. Helwig	R.R. 3 Sioux Falls S.D.	May 13 1957
76	Mrs. Frank P. Helwig	R.F.D. 3 Sioux Falls	May 13, 1957
77	Mrs. Frank P. Helwig	R.F.D. 3 Sioux Falls	May 13, 1957
78	Wayne C. Thurman	R.F.D. 3 Sioux Falls	May 13, 1957
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WHEREAS, The City of Sioux Falls, South Dakota, has applied to the South Dakota Water Resources Commission of the State of South Dakota, to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water in Wayne Township in Minnehaha County, South Dakota, which application is set for hearing before the State Water Resources Commission on May 15, 1957, and

WHEREAS, The Board of Supervisors of Wayne Township have considered and investigated the ground water resources of Wayne Township and have found that the water resources of Wayne Township are necessary for the domestic use of the residents and property owners of Wayne Township and that there is no excess ground water in Wayne Township for appropriation by the City of Sioux Falls, and

WHEREAS, Any appropriation of ground water in Wayne Township by the City of Sioux Falls would impair the ability of Wayne Township to furnish water for the domestic uses of the residents and property owners thereof and would endanger the health and safety of the people of Wayne Township, be it

RESOLVED, By the Board of Supervisors of Wayne Township at its regular adjourned meeting on May 13, 1957 that Wayne Township oppose the application of the City of Sioux Falls, and that the said Wayne Township enter its appearance and opposition thereto and that the State Water Resources Commission of the State of South Dakota be requested to deny the application of the City of Sioux Falls for the appropriation of ground water in Wayne Township, South Dakota.

Matt J. Jandl
Chairman, Board of Supervisors
Wayne Township

ATTEST:

Thomas J. Urban
Clerk, Wayne Township

The undersigned, being either residents or property owners in Wayne Township, which is Township 101 North of Range 50 in Minnehaha County, South Dakota, do hereby object to application of the city of Sioux Falls to appropriate 15.6 cubic feet of water per second from the Skunk Creek Valley ground water for the reason that there is no unappropriated water available for such purposes and for the further reason that said waters are necessary for the domestic use of the residents and property owners in Wayne Township, South Dakota, and to grant the application would result in there being insufficient water for such domestic uses.

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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 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 well 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.

C O P Y

File 100-100000
44-3
March 8, 1963

Mr. Lee Hask
Water Department
City Hall
Sioux Falls, South Dakota

Dear Mr. Hask:

As you state in your letter of February 20, 1963, governmental programs do not include projects for municipal water supply, except as such supply may be incorporated in projects built for other purposes, and a project to supply water to Sioux Falls from the Missouri River is beyond the financing ability of Sioux Falls even with the help of other communities. I believe that Sioux Falls should explore other possibilities.

Your present well field development is approaching the capacity of your present treatment plant. Consequently, your future municipal water supply concerns not only a source of water but providing additional treatment capacity and distribution facilities to the consumer. Also, your present pressing problem is providing water for the summer-time peaks. Present development and capacities are adequate to meet winter-time needs for a reasonable future period.

If this summary reflects your present situation, it seems to me that your immediate decision (before the next dry weather cycle) concerns a choice of three alternatives with a fourth, the Missouri River question, remaining for the long-range future. As I see the picture the three alternatives are as follows:

1. You may continue to develop the Big Sioux River aquifer to the north to meet your increasing water requirements for both base and peak loads, and locate expanded treatment facilities and distribution systems to fit this water supply source.

2. You may develop the well field to the north to the maximum capacity of your present treatment plant to meet water demands during other than the peak summer-time periods and develop storage, perhaps

on Stunk Creek or Spitz Rock Creek, to meet the average-time peak loads initially and as your city demands grow, this storage source would be used increasingly to meet other than summer time peaks. If this source of water is developed, additional treatment plant and distribution facilities must necessarily match this water supply source. Incidentally such storage works may incorporate flood control, recreation, fish, wildlife, perhaps other purposes for which governmental assistance may be forthcoming.

3. You may wish to participate in construction of a multiple purpose reservoir on the Big Sioux River for your future municipal water supply and other interests which Sioux Falls may have in such a reservoir. Downstream people are evidencing an interest in a dam to be located near Canton, South Dakota. Such a reservoir will take some indefinite number of years to accomplish, if at all, and consideration of this alternative should evaluate the question as to whether or not this solution will meet the needs of Sioux Falls during the interim. Here again, attention as to this water supply source will influence plans for additional treatment works and distribution systems.

The long-term future may dictate going to the Missouri River for your municipal water supply but the utilization of this source does not seem to contain a solution for the City during the next 10 years. It seems to me that solution of your municipal water supply problems rests in a choice among the above three alternatives, irrespective of the possibility of an ultimate source in the Missouri River, as the best means of obtaining adequate water supplies at the least cost.

I believe that you are taking proper action for some of your answers by advising Stan Merrill of your problems and your efforts to solve them. One of the principal functions of the East Dakota Conservancy Sub-District is to put all such problems and possible answers into the Big Sioux River Basin picture and to develop the best possible means by which such problems may be solved.

Sincerely,

JWG:ls

J. W. GATES



RECEIVED
FEB 22 1963

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

City of Sioux Falls

SOUTH DAKOTA

DEPARTMENT OF WATER
February 20, 1963

EARL MCCART
COMMISSIONER OF WATER
LES RASH
GENERAL SUPERINTENDENT
JAMES COOK
SUPERINTENDENT OF
SUPPLY AND TREATMENT
HARVEY RUPP
SUPERINTENDENT OF
DISTRIBUTION
HERMAN MULLER
SUPERINTENDENT OF
SERVICE
BRUCE KNUDSEN
SANITARY ENGINEER
PAT WYMAN
OFFICE MANAGER

Joe Grimes, Chief Engineer & Executive Officer,
State Water Resources Commission,
State Office Building,
Pierre, South Dakota.

Dear Mr. Grimes:

The aquifer where Sioux Falls is at present getting it's water has an ultimate daily yield of approximately 20 to 30 million gallons. Our projected demand for Sioux Falls in the year 2000 will exceed this yield. We must find another source of supply.

We have started to do more thinking and planning as to ways we might get water from the Missouri River from either Gavins Point or Big Bend Dam for municipal water for Sioux Falls. Of course this project will be an expensive one which is prohibitive for the City to underwrite.

We are wondering if there is anything that we could do to help promote this idea and possibly gain governmental aid. The route from Gavins Point could possibly incorporate irrigation along the way such as sugar beets in the Parker and other areas. These areas are now using ground water storage for irrigation.

The Water Conservancy Sub-District is working on the theory of getting water from Oahe or Garretson Dam and putting this in the Sioux River, I believe. Governmental aid can be secured for irrigation, navigation, power, and flood control but not for municipal water.

Is there anyone that we can contact to help stimulate interest in this project. In the future, we will be in serious trouble with our water supply if our city continues to grow at the present rate. I believe that we could attract industry to South Dakota if we could guarantee adequate water supply.

Mr. McCart, Water Commissioner, and I will contact Stan Morrill who is representative for Minnehaha County on the Water Conservancy Sub-District just established in the Sioux River Basin. We want to work and cooperate closely with this organization of which we are a part.

Sincerely yours,

Les Rash

Les Rash, Superintendent,
Water Department

See Folder #448-3, City of Sioux Falls, "Withdrawal for Future Use" (Sioux River Valley), for investigation and recommended development Reports by Greeley and Hansen, Consulting Engineers. These reports cover both the Sioux River and Skunk Creek.

When looking at the folder #448-3, the first thing that comes to mind is the

7/1

IV
Water Problem
general
(city of Sioux Falls)
449-3

March 8, 1963

Mr. Les Hash
Water Department
City Hall
Sioux Falls, South Dakota

Dear Mr. Hash:

As you state in your letter of February 20, 1963, governmental programs do not include projects for municipal water supply, except as such supply may be incorporated in projects built for other purposes, and a project to supply water to Sioux Falls from the Missouri River is beyond the financing ability of Sioux Falls even with the help of other communities. I believe that Sioux Falls should explore other possibilities.

Your present well field development is approaching the capacity of your present treatment plant. Consequently, your future municipal water supply concerns not only a source of water but providing additional treatment capacity and distribution facilities to the consumer. Also, your present pressing problem is providing water for the summer-time peaks. Present development and capacities are adequate to meet winter-time needs for a reasonable future period.

If this summary reflects your present situation, it seems to me that your immediate decision (before the next dry weather cycle) concerns a choice of three alternatives with a fourth, the Missouri River question, remaining for the long-range future. As I see the picture the three alternatives are as follows:

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2. You may develop the well field to the north to the maximum capacity of your present treatment plant to meet water demands during other than the peak summer-time periods and develop storage, perhaps

Mr. Les Hash

2.

March 8, 1963

on Skunk Creek or Split Rock Creek, to meet the summer-time peak loads initially and as your city demands grow, this storage source would be used increasingly to meet other than summer time peaks. If this source of water is devalued, additional treatment plant and distribution facilities must necessarily match this water supply source. Incidentally such storage works may incorporate flood control, recreation, fish, wildlife, perhaps other purposes for which governmental assistance may be forthcoming.

3. You may wish to participate in construction of a multiple purpose reservoir on the Big Sioux River for your future municipal water supply and other interests which Sioux Falls may have in such a reservoir. Downstream people are evidencing an interest in a dam to be located near Canton, South Dakota. Such a reservoir will take some indefinite number of years to accomplish, if at all, and consideration of this alternative should evaluate the question as to whether or not this solution will meet the needs of Sioux Falls during the interim. Here again, decision as to this water supply source will influence plans for additional treatment works and distribution systems.

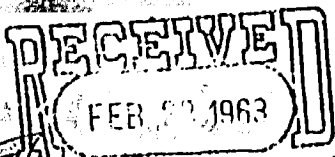
The long-time future may dictate going to the Missouri River for your municipal water supply but the utilization of this source does not seem to contain a solution for the City during the next 20 years. It seems to me that solution of your municipal water supply problems rests in a choice among the above three alternatives, irrespective of the possibility of an ultimate source in the Missouri River, as the best means of obtaining adequate water supplies at the least cost.

I believe that you are taking proper action for some of your answers by advising Stan Morrell of your problems and your efforts to solve them. One of the principal functions of the East Dakota Conservancy Sub-District is to put all such problems and possible answers into the Big Sioux River Basin picture and to develop the best possible means by which such problems may be solved.

Sincerely,

J. W. GRIMES

JNG:16



City of Sioux Falls

SOUTH DAKOTA

DEPARTMENT OF WATER
February 20, 1963

EARL MCCART
COMMISSIONER IN CHARGE
LES HASH
GENERAL SUPERINTENDENT
JAMES COX
SUPERINTENDENT OF
SUPPLY AND TREATMENT
HARVEY RUPP
SUPERINTENDENT OF
DISTRIBUTION
HERMAN MULLER
SUPERINTENDENT OF
SERVICE
BRUCE KNUDSON
SANITARY ENGINEER
PAT WYMAN
OFFICE MANAGER

Joe Grimes, Chief Engineer & Executive Officer,
State Water Resources Commission,
State Office Building,
Pierre, South Dakota.

Dear Mr. Grimes:

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The Water Conservancy Sub-District is working on the theory of getting water from Oahe or Garretson Dam and putting this in the Sioux River, I believe. Governmental aid can be secured for irrigation, navigation, power, and flood control but not for municipal water.

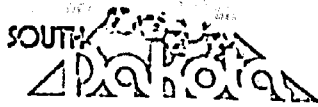
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Mr. McCart, Water Commissioner, and I will contact Stan Morrill whos is representative for Minnehaha County on the Water Conservancy Sub-District just established in the Sioux River Basin. We want to work and cooperate closely with this organization of which we are a part.

Sincerely yours,

Les Hash

Les Hash, Superintendent,
Water Department



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 1, 1977

Newell E. Larson
Rt. 2, Box 177
Hartford, SD 57033

Dear Mr. Larson:

This will acknowledge your letter concerning the water supply in the Skunk Creek area north of Hartford. I have reviewed the observation well records in your immediate area and we see no significant difference between ground water levels the last two years and 15 years ago when there was little or no irrigation in your area. The Water Rights Commission presently does have water right applications in deferred status in your area, pending receipt of additional information as to the effects that additional irrigation would have on ground levels.

Concerning the city of Sioux Falls and new wells into the Skunk Creek aquifer, the city of Sioux Falls does not have a water right to pump any wells on the Skunk Creek aquifer. To the best of our knowledge they do not have any wells that are being pumped from the Skunk Creek Aquifer. If you have other contrary information, we would certainly like to know about it.

Although we are not going to stop the irrigation at this time, please be assured that we are continuing to monitor the ground levels in your area and we will expect to continue to observe the effects that irrigation may have in the area.

Very truly yours,

JOHN HATCH
Chief Engineer
Water Rights Commission

JH/gy

Sandy Falls Creek Falls - 1921

Downy Wall	W. Numbers	Status
1	254-3	abandon
2	255-3	abandon
3	256-3	in use
4	257-3	in use
8	258-3	abandon
10	259-3	in use
11	260-3	in use
12	261-3	in use
13	262-3	in use
14	263-3	in use
15	264-3	in use
16	265-3	abandon
17	266-3	in use
18	267-3	in use
19	268-3	abandon
20	269-3	in use
21	270-3	in use
22	271-3	abandon
23	272-3	in use
24	273-3	in use
25	274-3	in use
26	275-3	in use
27	276-3	in use
28	278-3	in use
29	279-3	in use
30	300-3	in use
31	310-3	in use
32	311-3	in use
33	317-3	in use
34	1305-3	in use
35	1579-3	abandon
36	2018-3	in use
37	2019-3	in use

<u># of Well</u>	<u>WR Number</u>	<u>Status</u>
38	2747-3	in use
39	2886-3	in use
40	3587-3	not built
Sandpoint	3588-3	in use
41	3587-3	not built
42	4098-3	in use
43	4099-3	in use
44	4100-3	in use
45	4101-3	in use
46		in use
47		in use

SIoux FALLS, SOUTH DAKOTA
WATER SUPPLY INVESTIGATION

Source of Supply

Greeley and Hansen, Engineers

February, 1957

Section I - General

1. Purpose of 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 several 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 second. The first report, identified as Report on Basic Data and dated September, 1956, contains the basic data, including a description of the present facilities and water use, estimates of population

and estimates of future water demands. This report covers all phases of the source of supply. The third report will set forth the improvements necessary to the distribution system and storage facilities.

3. Sources of Information

During the course of this study, use was made of information gathered by others. The principal sources of information are 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, 1949-50.

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, 1956.
- (g) Greeley and Hansen report dated May, 1949.
- (h) Greeley and Hansen report dated August, 1950.
- (i) Greeley and Hansen report dated September, 1956.

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

The section herein on the Big Sioux aquifer is largely a summary of the data contained in the 1950 report.

Section II - Existing Facilities

1. Big Sioux Aquifer

The water for the municipal supply is obtained through wells from an underground aquifer consisting of assorted sands and gravels deposited in the ancient bed of the Big Sioux River. The aquifer is confined on the east and on the west by clay banks. The southern end is closed by a natural rock dam in the vicinity of Covell Lake. Another rock dam at Doll Rapids completely encloses the aquifer. The water bearing materials are underlain with clay and ultimately with quartzite.

Water is supplied to the aquifer by direct precipitation on the uncovered sand and gravels and by seepage through the overlying soil into the sand and gravel strata. The Big Sioux River and County Drainage Ditch No. 1 serve the aquifer by taking water from the upper levels of the 5,100 square mile watershed and conveying it to the aquifer. In this way the depleted areas are recharged so long as flow in either of these streams is maintained.

The land surface of the Big Sioux aquifer slopes approximately three feet per mile towards Sioux Falls. Because of this slope, under exceedingly dry conditions, the water could drain from the aquifer until the ground water level was approximately at the level of the natural rock

dam. Since seepage through the dam and through the enclosing clay banks is negligible, the water level, without artificial drafts in the aquifer could not fall appreciably below the elevation of the dam. At such a time the residual free water capacity of the aquifer is estimated at 17 billion gallons. The free water storage capacity of the entire aquifer has been estimated at about 40 billion gallons. This was based on an average width of two miles and an average depth of saturated sands and gravels of 25 feet, with a free water capacity of 62 million gallons per square mile per foot of depth.

Outcroppings of sands and gravels within the present stream bed are probably numerous. Recharge of the well field can be accelerated by uncovering sand and gravel areas in the bed of the Big Sioux River and in the bed of the County Drainage Ditch, in the vicinity of the wells. Thus, any water in the streams would have direct access to the sands and gravels supplying the wells. The wells in turn would not then be dependent solely on natural underflow and accidental river recharge through the natural sand and gravel outcroppings.

2. Well Field

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 rate of well No. 4

has been increased from 1,150 gpm to 1,400 gpm since August, 1956. The discharge rates of these wells as motored in August, 1956, were as follows:

<u>Well No.</u>	<u>Rate in GPM</u>
3	350
4	1,400
8	100
10	350
11	325
12	875
13	470
14	500
15	610
17	550
18	590
19	200
20	810
21	740
22	800
23	480
24	780
25	935
26	800
27	<u>890</u>
Total	12,555 or 18.05 MGD

In addition to the existing wells, two new wells of the Ranney type and one new well of the Bragstad type are under construction. It is estimated that the wells of the Ranney type will have a capacity of 2 MGD each, and the well of the Bragstad type a capacity of 1 MGD. Three additional wells of 2 MGD capacity are proposed.

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 wall 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 "Bragstad Wells".

The location of the wells is shown on Figure 1.

Section III - Water Supply

1. Capacity of the Big Sioux Aquifer

The aquifer supplying water to the municipal wells is dependent entirely for its supply of water on the precipitation which falls over the 5,100 square mile watershed of the Big Sioux River above Sioux Falls. Precipitation, therefore, is of prime importance in analyzing the capacity of the Big Sioux aquifer.

During the year 1894, the driest year during a 66-year recorded period, the total rainfall amounted to 10.44 inches.

The driest two year period recorded occurred during 1894 and 1895, during which period the total precipitation amounted to 30.72 inches. The average rainfall over the 66-year recorded period was 25.65 inches per year.

In analyzing the capacity of the aquifer, two conditions must be met, as follows:

- (a) During a year of average rainfall, the demand should be met from current recharge without an annual reduction in the quantity of water stored in the aquifer.
- (b) During the driest period which may be expected, the supply from current precipitation and from storage should be adequate to meet the anticipated demand.

Not all of the water which falls over the watershed is available for the recharge of the aquifer. It has been estimated that the average losses from transpiration and evaporation amount to about 22 inches of water per year. During dry years, this loss is probably reduced because sufficient water is not available to meet such a requirement.

The flows in the Big Sioux River and in the drainage ditch account for other water losses. These streams, however, make the Big Sioux aquifer possible. During periods

of high stream flow, surface water fills the underground reservoir. During long dry periods it is likely that water from the higher levels of the aquifer percolates into the stream bed and tends to sustain surface flow.

Water stored in the aquifer is the final source of supply. During long dry periods during which no surface flow is available to maintain the supply, the stored water may be utilized to meet demands.

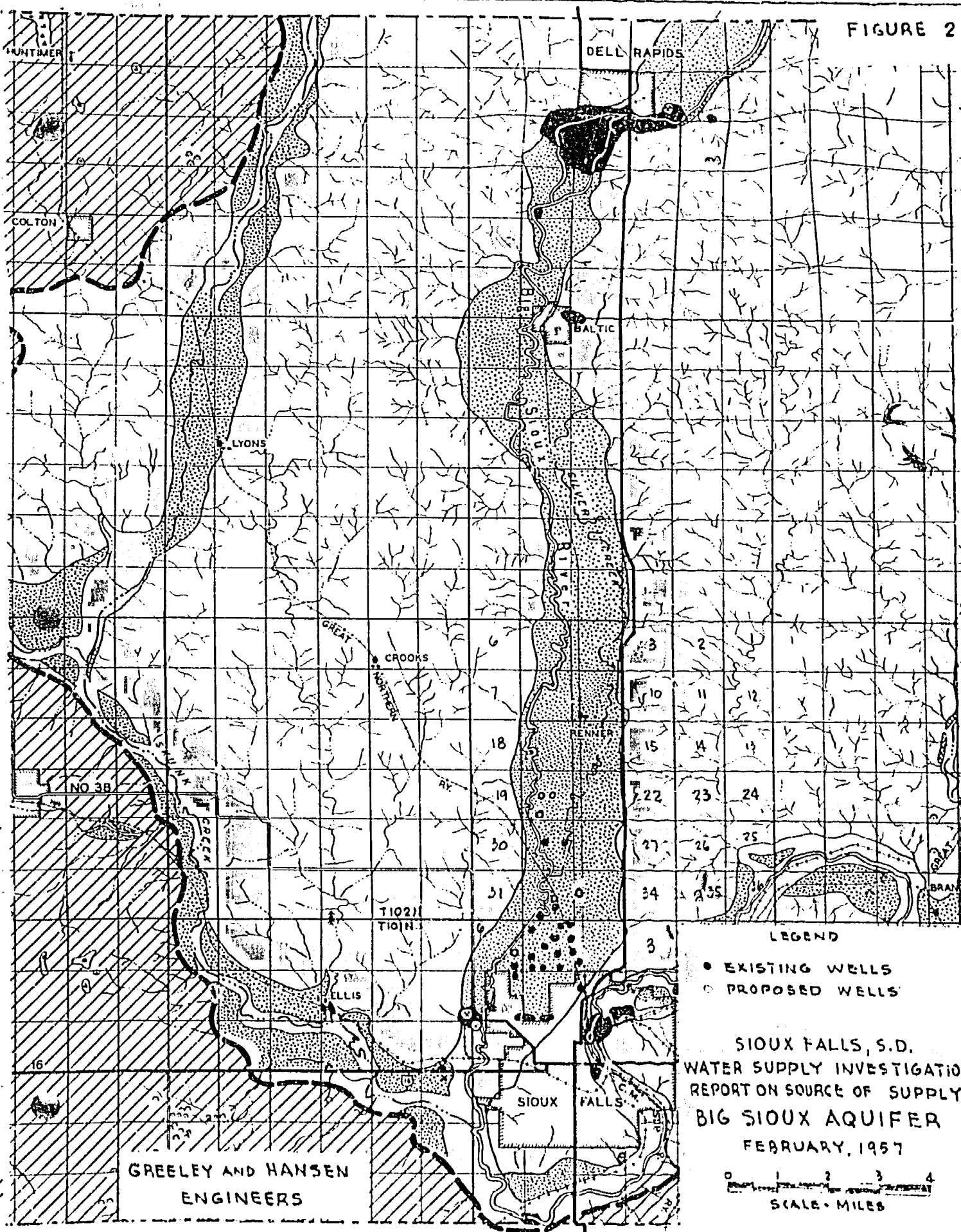
The capacity of the aquifer has been analyzed with all of the foregoing considered. The area of the aquifer is approximately 30 square miles. The area presently occupied by wells is approximately 7.5 square miles. Thus, only 25 per cent of the total area of the aquifer is presently occupied. The aquifer, together with the location of the wells, is shown on Figure 2.

The estimated water use or demand for the years 1955, 1975 and 2000 are indicated as follows:

	MGD		
	1955*	1975	2000
Annual Average	9.9	14.00	17.00
Maximum Day	18.2	30.00	38.30
* Actual			

The draft per square mile over the present well field area, based on the annual average demand in 1955, was 1.32 MGD.

FIGURE 2



The analysis of the Big Sioux aquifer indicates that the present development is adequate only during periods of near average rainfall. Should a dry period such as occurred during 1894-95 again arise, the present development would probably be inadequate. These data are indicated graphically on Figure 3. Figure 3 also shows that, to be assured of a safe supply for the estimated demands in the year 1975, the well field should be developed approximately 3.25 miles above the present well field, and for the year 2000 the well field should be developed approximately 4.5 miles above the present well field.

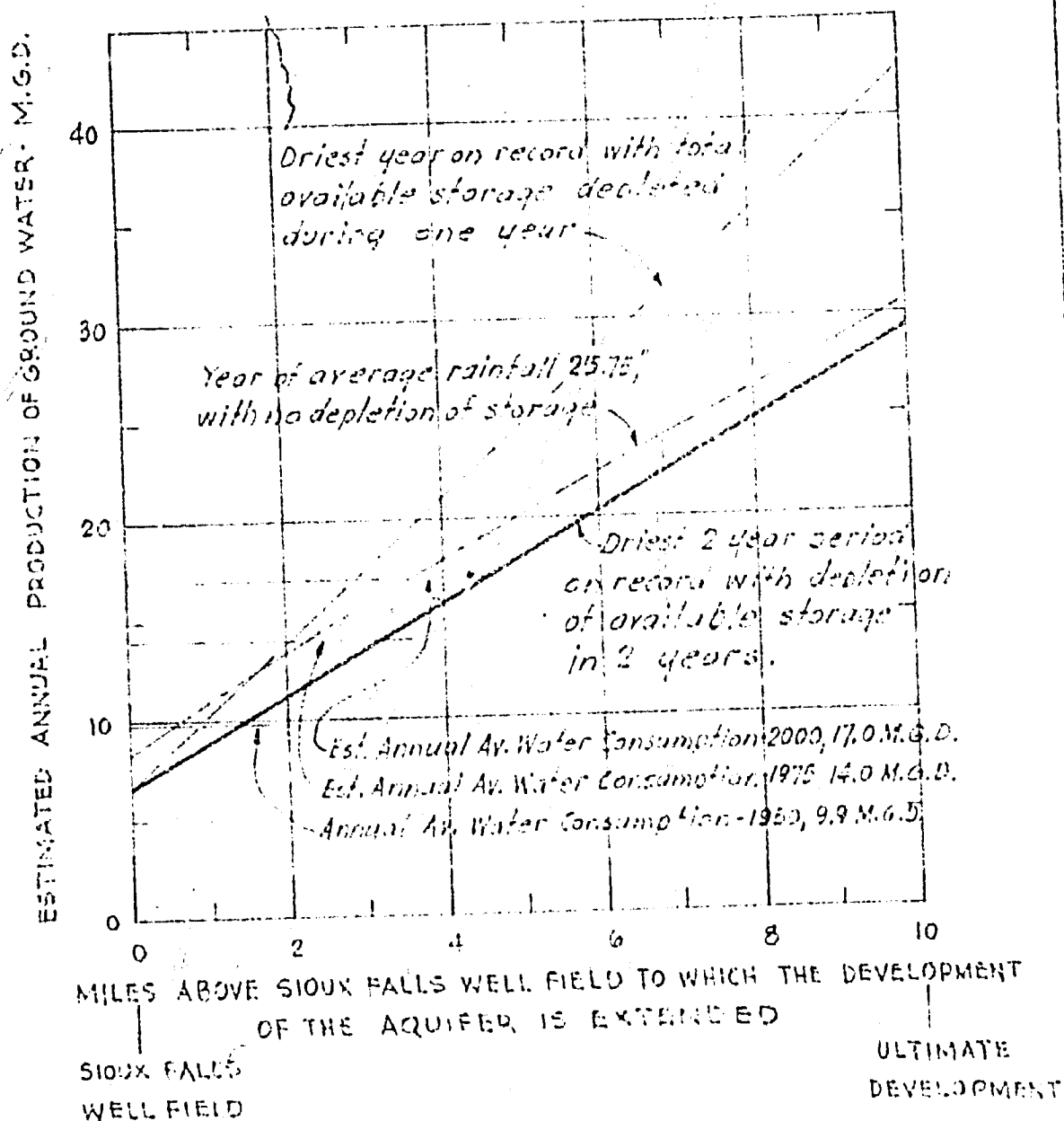
As previously stated, only 25 per cent of the aquifer is occupied by wells. Present pumpage from the well field exceeds the capacity of the valley sand and gravel deposits to transmit water from the upper stretches of the valley to the well field. Thus, the role of the Big Sioux River and the County Drainage Ditch is to conduct water to the present well field.

The Big Sioux aquifer has adequate capacity to meet the future requirements of Sioux Falls, provided the well field is developed to the north as indicated above.

2. Capacity of the Skunk Creek Aquifer

Skunk Creek is a possible source of additional water supply. Three samples of water from wells in the Skunk

FIGURE 3



SIOUX FALLS, S.D.
 WATER SUPPLY INVESTIGATION
 REPORT ON SOURCE OF SUPPLY
 CAPACITY OF BIG SIOUX AQUIFER
 ANNUAL BASIS

FEBRUARY, 1957

GREELEY AND HANSEN
 ENGINEERS

Creek area, together with samples of raw and treated water at the existing Water Treatment Plant, were analyzed on January 24, 1957. This information is indicated in Table I. The water from Skunk Creek contains less iron and manganese, but more sulphates and is somewhat harder. The type of development would be similar to the Big Sioux aquifer. The supply, however, is quite limited. Geological investigations indicate that a safe supply of 3 to 5 million gallons per day could be developed.

The most favorable location for wells in the Skunk Creek aquifer, as indicated in the geological investigation, is adjacent to the southwest section of Sioux Falls. This location is over five miles from the existing water treatment plant and pumping station. It can be readily seen that South Sioux Falls and a portion of the southern section of Sioux Falls could be supplied more readily from the Skunk Creek aquifer. However, it would require additional water treatment facilities in the southwest section of Sioux Falls to supply these sections of the City with water directly from Skunk Creek.

Since the Big Sioux aquifer has ample capacity, and the future developments would be closer to the existing water treatment plant than the Skunk Creek supply and the existing water treatment plant can be readily expanded, the development of a relatively small supply as Skunk Creek does not appear warranted at this time.

TABLE I
SIOUX FALLS, SOUTH DAKOTA
WATER SUPPLY INVESTIGATION
Comparison of Water Analyses - ppm

Item	Big Sioux Aquifer			Skunk Creek Aquifer		
	1950 Report (Page 8)	Raw Water to Treat- ment Plant	Treat- ed Water	Well of Eagle Sand & Gravel Co.	Farm Well 100' From Test Well #S-1	Test Well #S-3
Total Solids	556	730	469	855	1119	791
Sulphates, SO_4	177	267	260	445	452	300
Chloride, Cl_2	6.4	15	18	6	8	7
Silica, SiO_2	20	14	10	14	16	9
Calcium, Ca	109	142.4	56.8	130	177	146.4
Magnesium, Mg	36	48.5	38.31	53.83	78.59	51.89
Alkalinity, P	4.3	0.0	11	0.0	0.0	0.0
Alkalinity, MO	244	288	46	145	345	283
Hardness, $CaCO_3$	421	556	300	530	776	580
Iron, Fe	2.2	3.05	.05	.23	.18	.14
Manganese, Mn	1.3	2.07	NIA	.34	.17	1.0
pH	7.10	7.10	9.20	7.35	7.20	7.40

3. Missouri River as a Source of Supply

The Missouri River is also a possible source of additional water supply. All of the supply or a portion of the supply could be obtained from either of three reservoirs, the reservoir formed by Gavin Point Dam, Fort Randall Dam and Big Bend Dam. The distance of these reservoirs from Sioux Falls is indicated as follows:

Reservoir	Pool Elevation U.S.G.S.	Estimated Distance in Miles from Sioux Falls
Gavin Point	1205	80
Fort Randall	1340	130
Big Bend	1416	145

To obtain water from either of these reservoirs would require the installation of a pipe line from the reservoir to the water treatment plant. The elevation at Sioux Falls is 1440 U.S.G.S. It would thus be necessary to provide a pumping station at the river in order to overcome the difference in static head between the reservoirs and Sioux Falls. Additional pumping stations would be required along the route of the pipe line to overcome friction and pump over high points in the line.

The construction of a pipe line and pumping stations to supply Sioux Falls with water from the Missouri River would

be very costly. Such an undertaking might best be accomplished as a joint project with other cities or villages in the area between Sioux Falls and the river, so that each one might obtain an ample supply of water from a single system.

However, at the present time and for the foreseeable future, an adequate supply of water can be obtained from the Big Sioux aquifer. Additional water in the amount of 3 to 5 MGD can also be obtained from the Skunk Creek aquifer and, finally, a third possible source is the Missouri River.

Thus, it is evident that Sioux Falls can always be assured of an adequate water supply.

4. Project for the Further Development of the Big Sioux Aquifer

The Big Sioux River, Silver Creek and the County Drainage Ditch are important in maintaining high water levels in wells during periods of stream flow. It is therefore advisable to locate wells near these streams because the surface flow will be introduced directly into the sands and gravels surrounding the wells, and the underground storage, during periods of stream flow, will not be reduced by drafts on the wells in excess of the underflow.

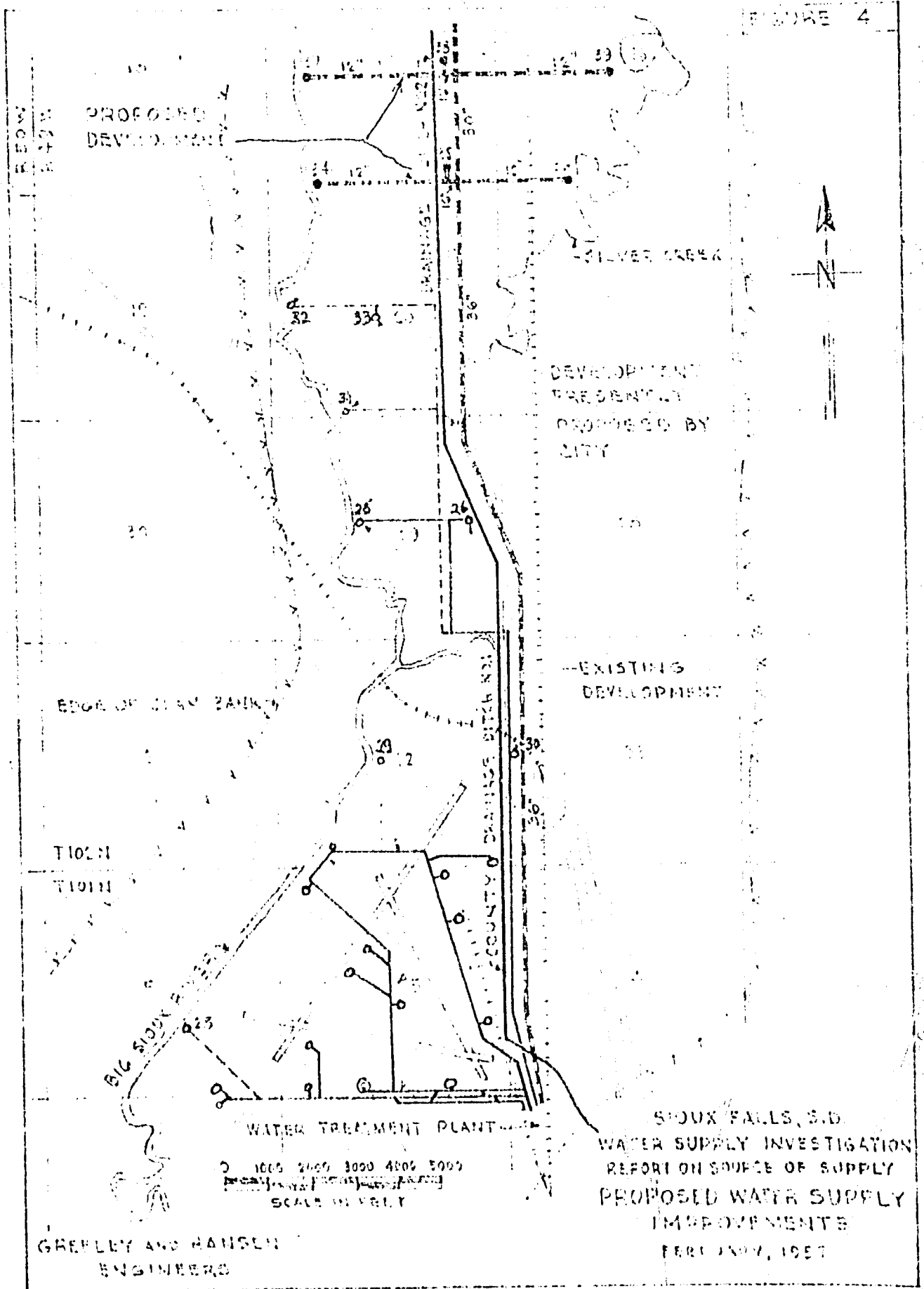
Recent tests of the existing wells with all of the wells in service indicated a maximum production of about 13 MGD. The two Ranney and one Bragstad wells presently under construction will increase the yield of the wells to 18 MGD.

However, an allowance should be made due to wells being out of service and increased head losses in the collecting system. Assuming this loss to be 10 per cent, the firm yield of the system would be about 16 MGD. If the three proposed Ranney wells are constructed, the firm yield would then be about 22 MGD, or sufficient capacity to meet the requirements of the maximum day in 1960.

The estimated water use or demand for the maximum day in 1975 is 30 MGD and for 2000 is 38.3 MGD. It is proposed to add six new wells to meet the demand expected in 1975. Figure 4 shows the location of wells considered necessary for the development of the aquifer to meet this demand. The location of these wells is not considered final. As in the past, exploration should precede well construction to insure that the sites selected are underlain with the best water producing sands and gravel.

It is proposed to locate these wells at half-section lines or approximately 2,600 feet apart. A single pipe line is proposed to conduct water from the proposed new wells to the existing water treatment plant. This new pipe line will provide more reliability and will not influence the existing wells or collecting system. The pipe lines shown are adequate to supply the estimated demands for the maximum day in 2000. Should Sioux Falls continue to grow beyond 1975, this pipe

FIGURE 4



line and the well field can again be extended to meet the future requirements.

It is proposed to provide each well with a single motor driven turbine pump having a rated capacity of 2 MGD. The rated heads of these pumps are estimated as follows:

Well Numbers	Rated Head Feet
34 and 36	90
35	70
37 and 39	95
38	70

The estimated cost of the water supply facilities shown on Figure 4 is \$1,548,000. A breakdown of this estimated cost is indicated in Table II. Piping costs were estimated on the basis of using cast iron pipe for sizes 12-inch and smaller. Costs for larger pipe sizes were estimated on the basis of using reinforced concrete pressure pipe.

5. Summary

The water supply improvements for the further development of the Big Sioux aquifer will provide an adequate supply until the year 1975. To be adequate, based on the estimated consumption during the year 1975, the water supply should include facilities to meet the following demands:

TABLE II

SIOUX FALLS, SOUTH DAKOTA

WATER SUPPLY INVESTIGATION

Estimated Cost of Project
for Further Development of the Big Sioux Aquifer

<u>Item</u>	<u>Estimated Cost</u>
Test Holes	\$ 10,000
6 Ranney Wells @ \$62,000 ea.	372,000
6 Well Houses @ \$1,500 ea.	9,000
21,600 ft. 36" concrete pipe @ \$32.00/lin.ft.	691,200
2,500 ft. 30" concrete pipe @ \$25.00/lin.ft.	62,500
600 ft. 16" concrete pipe @ \$11.00/lin.ft.	6,600
12,400 ft. 12" cast iron pipe @ \$6.00/lin.ft.	74,400
Valves and Fittings	85,000
Pumping Equipment	27,000
Electrical Controls	<u>9,000</u>
	\$1,346,700
Engineering and Contingencies - 15%	<u>201,300</u>
Total Estimated Cost	\$1,548,000

- (a) The well field should be capable of supplying an annual demand of 14 MGD under any weather condition which may be expected.
- (b) The wells should be able to supply a maximum demand of 30 MGD with 10 per cent of the wells out of service.

To meet these conditions, the following facilities are considered necessary:

- (a) Extend the well field approximately two miles north of the existing well field by constructing six additional wells, and by providing pumps and pipe lines to convey the water to the water treatment plant.
- (b) The existing wells include those presently under construction and proposed by the City and will have an estimated capacity of 22 MGD. The six additional wells will have an estimated capacity of 12 MGD, making a total of 34 MGD. With 10 per cent of the wells out of service, the remaining maximum capacity will be 30 MGD, or sufficient capacity to meet the maximum day in 1975.

The construction cost of these improvements is estimated at \$1,548,000.

In order to allow for reduction of yield due to wells being out of condition, increased head losses in the collecting system, and like items, which reduce the firm yield of the system, it is recommended that three of the additional wells and the pipe line be constructed immediately so that there will be sufficient standby capacity in the present system beyond the requirements of the maximum day in 1960.

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 -

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

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.

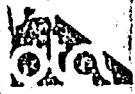
Unless water use and population trends change a good deal in the next 30 years, it is doubtful Slip Up would be needed for Sioux Falls water supply purposes before 2020 or 2030 and then only as a supplemental supply.

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

3rd Floor Building
1123 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Rick W. Knobe, Mayor, City of Sioux Falls
From : *for* John Hatch, Chief Engineer, Water Rights Division *James H. Hutton*
Subject : Review of Future Use Water Permit No. 449-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 449-3, 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 1-26, 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. 449-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 449-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 449-3 was approved June 28, 1957 with a priority date of April 8, 1957, for 15.6 cubic feet per second (cfs) from the following area: Sections 9, 15, 16, 22, 23, 24, 25, T101N-R50W 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 before to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 449-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 449-3 with the following qualifications:
 - a) Permit No. 449-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This Permit is approved for groundwater from the Skunk Creek South 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. 449-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$252.80.

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
820 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
(605 773-3352)

August 24, 1983

NOTICE

TO: Rick W Knobe, 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 and 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 Szamalt, 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

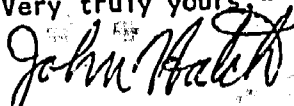
Rick W Knobe, Mayor
City of Sioux Falls
224W 9th St
Sioux Falls SD 57102

Dear Mayor Knobe:

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. 449-3

FOR CITY OF SIOUX FALLS

Future Use Permit No. 449-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 449-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of three and a half (3½) years.
- b) This Permit is approved for groundwater from the Skunk Creek South Aquifer.

South Dakota Department of
Water & Natural Resources

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

February 13, 1987

Richard A. Willer, Utilities Director
Utilities Dept. - Water Division
224 W 9th St
Sioux Falls SD 57102

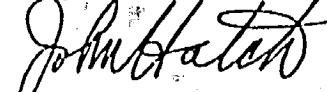
Dear Mr. Willer:

I am writing in regard to Future Use Water Permit Nos. 3981-3 and 449-3 held by the City of Sioux Falls. Copies of Permit Nos. 449-3 and 3981-3 are enclosed for your information.

Future Use Permit Nos. 3981-3 and 449-3 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permits. A fee will be charged if Permit Nos. 3981-3 and 449-3 remain in effect after May 6, 1987. The fee assessed if Permit No. 3981-3 remains in effect will be \$1,060.00 and the fee assessed if Permit No. 449-3 remains in effect will be \$225.00.

Please advise in writing within 30 days of the city's intentions regarding Future Use Permit Nos. 3981-3 and 449-3. Let us know if you have any questions.

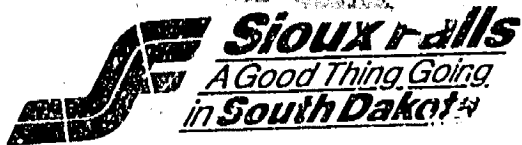
Very truly yours,



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

enclosures

cc: Manfred Szameit, Finance Officer



UTILITIES DEPARTMENT
Water Division
224 West 9th Street
Sioux Falls, S.D. 57102
(605) 339-7031 VOICE
(605) 339-7039 TDD



February 24, 1987



Mr. John Hatch
Chief Engineer
Water Rights Division
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

Thank you for your letter regarding Future Water Permits No. 3981-3 and 449-3, held by the City of Sioux Falls.

The City of Sioux Falls is interested in renewing these future water rights. The City of Sioux Falls will submit documentation outlining our efforts to implement these water rights. We will present the technical information first to the Water Advisory Board at the regularly scheduled meeting in March, and then forward the same to you in April.

I'm looking forward to the notification of official time and place of the hearing so that I may present our intentions in person.

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

Sincerely,

Richard A. Willer
Utilities Director

bme

cc Ertis Osterberg
Larry Doss, P.E.
Manfred Szameit

(R.D)

EAST DAKOTA WATER DEVELOPMENT DISTRICT

Office
524 Seventeenth Avenue
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE (605) 692-5185

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JERRY L. SIEGEL
Manager-Treasurer

April 1, 1987

Richard Willer
Utilities Director
City of Sioux Falls
224 West Ninth Street
Sioux Falls, SD 57102

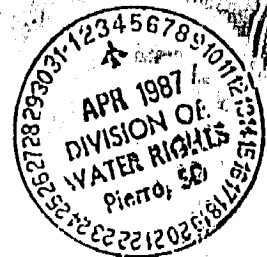
Dear Dick:

As noted over the telephone last Friday, I discussed with Ron Duvall, Del Broz, and John Hatch the advisability of Sioux Falls asking the Board of Water Management in May to enlarge the Skunk Creek Aquifer area included in Sioux Falls' Future Use Permit #449-2.

I learned that the original permit cannot be simply amended to include more area since that permit has an April, 1957 time priority. Since that time, other users have established water rights in other areas of the aquifer. Thus, Sioux Falls would need to submit a new application for any additional area you wish to be covered by permit; any new area would have priority based on the date the new application is filed.

The Water Rights staff noted that the present Water Management Board is giving future use permits a thorough review. Your Skunk Creek permit has already been "red flagged" as evidenced by the limited 3½ year extension approved last time. Thus, even though a Skunk Creek digital model has been prepared and even though we are implementing a water quality study of the southern unit of the aquifer, Sioux Falls may experience difficulty securing another time extension. You might jeopardize another extension further if you complicate matters by requesting approval of a larger future use area since you will need to explain that the 15.6 cfs contained in the existing permit likely cannot be secured in the area covered by permit.

We concluded that your best course of action would involve (1) building as strong a case as possible in May for approval of a time extension for your existing permit and (2) requesting a future use permit for additional portions of the Skunk Creek Aquifer only if and when you decide to aggressively develop that source.



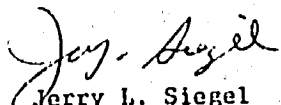
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DATE MICROFILMED
CHIEF OPERATOR

Richard Willer
April 1, 1987
Page 2

I'll be glad to discuss this with you further. I'm planning to testify in May in support of Sioux Falls' permit extension.

I'm sending copies of this letter to the Water Rights staff, my Board members in Minnehaha County, and USGS officials in case they want to add further comment.

Sincerely yours,


Jerry L. Siegel
Manager-Treasurer

JLS/kah

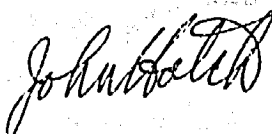
cc: J. Hatch, D. Broz, R. Duvall - Division of Water Rights
D. Brown, A. deWit, G. Scholz, H. Storer, E. Acheson
Neil Koch - USGS, Huron
Commissioner Richard Peterson

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 449-3

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. 449-3, City of Sioux Falls, 224 West 9th St, Sioux Falls SD.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That the fee of \$225.00 for maintaining the effectiveness of Future Use Permit No. 449-3 is paid within 60 days of notice to the City of Sioux Falls.



JOHN HATCH, Chief Engineer
March 31, 1987

Instruction to Newspaper-Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 449-3 AND 3981-3

Notice is hereby given that the Water Management Board will review Future Use Permit Nos. 449-3 and 3981-3 held by the City of Sioux Falls, 224 West 9th 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 by Permit Nos. 449-3 and 3981-3. Permit No. 449-3 was approved June 28, 1957 to reserve 15.6 cfs (11,294 acre feet) from the Big Sioux/Southern Skunk Creek aquifer for diversion from Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N, R50W. Permit No. 3981-3 was approved January 30, 1980 to reserve 170 cfs (50,000 acre feet annually) from the Big Sioux River for diversion from the W 1/2 Section 33, T102N, R49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit Nos. 449-3 and 3981-3 remain in effect 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. 449-3 and 3981-3 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

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 April 24, 1987. 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 Nos. 449-3 and 3981-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, 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 hearing will be automatically extended 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 extension must be filed with the Chief Engineer by April 24, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County LINCOLN) ss.

I, CONNIE RENLI hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the SIoux VALLEY NEWS

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 CANTON

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

April 9, 1987

April 16, 1987

Connie Renli
(Signature)

Bookkeeper
(Title)

April 16, 1987
(Date Signed)

Cost of Printing: \$44.14

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS. 449-3

AND 3981-3
Notice is hereby given that the
Water Management Board will
review Future Use Permit Nos.
449-3 and 3981-3 held by the City
of Sioux Falls, 224 West 9th 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 by Permit Nos. 449-
3 and 3981-3. Permit No. 449-3 was
approved June 28, 1957 to reserve
15.6 cfs (11,294 acre feet) from the
Big Sioux: Southern Skunk Creek
aquifer for diversion from
Sections 9, 15, 16, 22, 23, 24 and
25; all in T101N, R50W. Permit No.
3981-3 was approved January 30,
1960 to reserve 170 cfs (50,000
acre feet annually) from the Big
Sioux River for diversion from the
W 1/2 Section 33, T102N, R49W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water
Rights Division recommends that
Permit Nos. 449-3 and 3981-3
remain in effect 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. 449-3 and
3981-3 in Room 216, Joe Foss
Building, Pierre, SD on May 6, 1987
at 2:15 p.m. 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 4)
take no action after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may be
affected by a Board decision and
who intends to participate in the
hearing before the Board and
present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the permit
owner and the Chief Engineer by
April 24, 1987. The petition may be
informal, but it must include a
statement describing the
petitioner's interest in the future
use permit, the reasons for
petitioner's opposition to or
support of continuing the future
use permit, and the signature and
mailing address of the petitioner
or his legal counsel if legal
counsel is obtained. The permit
owner need not file a petition.

The hearing to review Future
Use Permit Nos. 449-3 and 3981-3
will be conducted pursuant to the
provisions of SDCL 45-1-14, 45-
38-1, Board Rules ARSD
74:02:01:27 and contested case
procedures contained in SDCL 1-
26.

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

Any person wishing a copy of
the Chief Engineer's
recommendation, or 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
hearing will be automatically
extended 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 extension
must be filed with the Chief
Engineer by April 24, 1987.

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

No. 3981-3 & 449-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.



I, R. Deutscher hereby

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

Water 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 Minnehaha

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

April 8, 1987

April 15, 1987

R. Deutscher
(Signature)

Controller
(Title)

4/15/87
(Date Signed)

Cost of Printing: \$66.75

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NOS. 449-3
AND 3981-3
Notice is hereby given that the
Water Management Board will
review Future Use Permit Nos.
449-3 and 3981-3 held by the City
of Sioux Falls, 224 West 9th St.,
Sioux Falls, SD 57104, progress
made in the development of the
water reserved by the Permits
and future plans for development
of the water reserved by Permit
Nos. 449-3 and 3981-3. Permit No.
449-3 was approved June 28, 1957,
to reserve 15.6 cfs (11,294 acre-
feet) from the Big Sioux; Southern
Stunk Creek aquifer for divi-
sion from Sections 7, 15, 16, 22, 23,
24 and 25; all in T101N, R50W,
Permit No. 3981-3 was approved
January 30, 1959, to reserve 170
cfs (150,000 acre-feet) annually
from the Big Sioux River for di-
vision from the W 1/2 Section
33, T102N, R50W, 1/4 Sec. 34, 35,
36, 37, 38, 39, 40, 41, 42, 43, 44,
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1980, 1981, 1982, 1983, 1984, 1985,
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1992, 1993, 1994, 1995, 1996, 1997,
1998, 1999, 2000, 2001, 2002, 2003,
2004, 2005, 200



Department of Water & Natural Resources

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

May 18, 1987

NOTICE

Richard A. Willer, Utilities Director
Utilities Dept. - Water Division
224 W 9th ST
Sioux Falls SD 57102

Dear Mr. Willer:

This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit Nos. 3981-3 and 449-3. The Board allowed the permits to remain in effect and amended Permit Nos. 3981-3 and 449-3 by adding the qualifications on the enclosed "Attachment". The "attachment" should be placed with the permits. Future Use Permit Nos. 3981-3 and 449-3 are again subject to review in seven years.

The Board amended the 3 1/2 year review qualification on Permit No. 449-3 to 7 years.

The fee for maintaining the effectiveness of Future Use Permit No. 3891-3 is \$1,060.00 and for Permit No. 449-3 the fee is \$225.00. Please remit within 60 days.

Please contact us if you have any questions.

Very truly yours,

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

enclosure

cc: Manfred Szameit, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 449-3

CITY OF SIOUX FALLS

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 449-3 was allowed to remain in effect and amended by adding the following qualifications:

1. That the fee of \$225.00 for maintaining the effectiveness of Future Use Permit No. 449-3 is paid within 60 days of notice to the City of Sioux Falls.
2. Permit No. 449-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven years.



Department of Water & Natural Resources

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

April 3, 1987

Erwin Edeler, Supervisor of Wayne Township
Rt 3, Box 341
Sioux Falls SD 57106

Dear Mr. Edeler:

Enclosed is a legal notice to be published in the Argus Leader. The publication is to give notice that the City of Sioux Falls Future Use Permit No. 449-3 will be reviewed by the Water Management Board. The future use permit was originally approved in June of 1957 and was opposed by many people in Wayne Township. The enclosed notice is to inform the Township that this permit is scheduled to be reviewed on May 6, 1987.

Please contact us, if you have any questions.

Sincerely,

RON DUVALL
Natural Resources Engineer

RD:ks

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410907

Pierre, June 10, 197

RECEIVED OF City of Sioux Falls, Finance Office, 224 W. 9th St., Sioux Falls, SD 57702- the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. 3891-3 after period of seven years.	1060	00
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	1060	00

By John Hatch
Chief Engineer JOHN HATCH (MS)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 10, 1987

RECEIVED OF City of Sioux Falls, Finance Office, 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 works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.	225	00
Fee for Inspecting Constructed Work _____ and 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	225 00

By J. P. Hatch
Chief Engineer JOHN HATCH (MS)

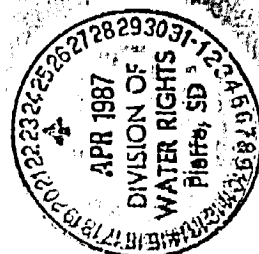


UTILITIES DEPARTMENT
Water Division
224 West 9th Street
Sioux Falls, S.D. 57102
(605) 339-7031 VOICE
(605) 339-7039 TDD



March 26, 1987

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181



Dear Mr. Hatch:

This letter is a follow-up to my letter of February 24, 1987, indicating the city's interest and intent to request an extension of our future Water Permits Nos. 3981-3 and 449-3. Both permits are held by the City of Sioux Falls.

Enclosed please find a copy of information we have gathered relative to our request to extend these future use permits. This report has been reviewed by the Water Advisory Board and is being forwarded to you for your consideration. You have not yet notified me of the specific date when hearing for these permits will be reviewed.

As indicated earlier, I will be interested in attending the hearing and anticipate your forwarding notices to be published in local papers prior to the hearing date. Please let me know if you have any questions regarding the enclosure.

Sincerely,

Richard A. Willer
Utilities Director

thj

Enclosure

cc Ertis Osterberg
Larry Doss, P.E.
Manfred Szameit

REVIEW OF FUTURE USE PERMITS
NOS. 3981-3 AND 449-3
City of Sioux Falls, South Dakota
Public Hearing Date: May 6, 1987
Time: 2:15 P.M.
Location: Pierre, SD

BACKGROUND

The City of Sioux Falls has been utilizing the saturated deposits of glacial outwash confined to the valley of the Big Sioux River for its water supply since 1890. The deposits range from 20 to 50 feet in maximum saturated thickness and are presumed to be directly connected to the main stream channel. This aquifer known as the Big Sioux Aquifer in Minnehaha County, South Dakota, has been the subject of extensive research, including the development of a digital computer model by the U.S. Geological Survey (see "Water Resources Investigation 82-4064"). The aquifer is bound by relatively impermeable quartzite at Dell Rapids on the north and at Sioux Falls on the south. The Big Sioux Aquifer has been identified as the primary source of supply and the city is committed to its full development. However, the quantity of supply available is limited by the physical characteristics of the aquifer and by various climatic conditions affecting recharge such as river flow and precipitation. In 1977, the City of Sioux Falls made application for future water use permit from the Big Sioux River and was subsequently granted Permit No. 3981-3 in January of 1980. In prior action, the city made application for future use of the Skunk Creek South Aquifer and had been granted Permit No. 449-3 in June of 1957. The following information is presented to the South Dakota Water Management Board to aid them in making a determination on these future use permits.

HISTORY

The main source of water supply for the City of Sioux Falls has been ground water from the Big Sioux Aquifer dating back to 1890. More recently, the need for additional supply from sources such as ground waters of the Skunk Creek Aquifer and off-stream storage of the Big Sioux River flows have been identified as the most feasible future supply sources for the city. In 1985, the city engaged the services of the consulting engineering firm HDR Inc. Infrastructure to evaluate historical water usage and develop water use projections; to evaluate the existing supply, i.e., the Big Sioux Aquifer; to evaluate alternative water supply sources as previously developed by others; to recommend the most feasible mixed future supply source; and, to recommend financial and planning activities. The resulting report titled "The City of Sioux Falls Water Supply Program" is attached as part of this review document. The report is very thorough and addresses each issue in great detail; however, to aid the board in this review, important factors are represented in the following discussions.

Historical Water Usage

Water usage is influenced by population and overall personal, commercial, and public uses. Distinct use is shown in the report up to 1983. Generally, total water usage and population indicate overall usage. Trends in population and usage are shown in Table 1 below. Typical accounting for various uses are

TABLE 1
POPULATION AND WATER USAGE
STOUX FALLS, SD

YEAR	POPULATION	TOTAL USAGE	
		MGD	GPCD
1986	95,200	14.33	150.5
1985	94,100	13.50	143.5
1984	92,225	13.79	149.5
1983	85,000	13.71	161.3
1982	83,000	12.71	153.1
1981	82,000	13.51	164.8
1980	81,000	13.56	167.4

NOTES REGARDING TABLE 1:

1. Population figures provided by the Sioux Falls Planning Department.
2. Total useage figures based on total pumpage data of the Sioux Falls Water Department. Abbreviations shown are MGD (millions of gallons per day) and GPCD (gallons per capita per day).
3. This table is a summary continuation of data shown in the Report "Water Supply Program" by HDR Infrastructure, 1985, See Table "HISTORICAL WATER USAGE" found in Appendix B of the report.

shown in Figure 1, Disposition of 1985 Pumpage, the city Water Department's most recently published annual report. Table 1 shows an increase in population between 1983 and 1984 reflecting annexation of the Hayward area into the city and an increase in customers in the later part of 1984. Computed usage is skewed downward. Considering all the information reviewed in the report, it can be said that total usage is increasing faster than population.

Future Use Projections

Perhaps the most difficult task of any report of this nature is making future predictions. The HDR engineers utilized several recognized methods and factored in such influences as trends in housing and household makeup to arrive at their estimates. Report Table 2.4.3, Estimated Water Demand at 10-Year Intervals, is reproduced here as Table 2. Part of the Water Department's mission is to faithfully record and account for water usage to test out predictions and assumptions needed for making such predictions. In viewing Table 2, the medium and low average demand estimates are, in our opinion, very valid. We have experienced such flows before. Therefore, we can put some tempered faith in the projections. The importance of projections relates to the ability of the present source to meet demands as discussed next.

Existing Supply

The city's current water supply is ground water from the Big Sioux Aquifer and supplemental surface supply from the two river intakes. Figure 2 shows the existing supply system and wells currently under construction and the 1987 area of expansion. The city is committed to full development of the Big Sioux Aquifer and shall be utilizing the balance of that future use permit as development proceeds. However, as shown in USGS Report, the productive capacity of the aquifer under dry conditions is limited to 24 million gallons per day (MGD) firm pumping capacity. The consultant reduced this to 22.4 MGD when factoring in maintenance and possible source pollution losses. The conclusion in the report was that if present trends continue, sometime between 2000 and 2010, the present main source may not meet the city's supply needs. This is reasonable when considering that if the river dries up as it has, existing surface supplies are useless.

Alternative Sources of Supply

There is general agreement within the Water Department that additional sources of supply will be needed in the foreseeable future. The consultant evaluated all previously proposed sources of supply and concluded only three were technically and economically feasible given our present understanding of the situation. Those alternatives are:

- 1) Development of off-stream storage from the Big Sioux River to a reservoir off the Slip-Up Creek;
- 2) Development of the Skunk Creek Aquifer; and
- 3) Waste water reuse.

We are requesting favorable consideration and extension of Permit Nos. 3981-3 and 449-3 which deal directly with these options. The actions and status of such actions are presented in the following discussions.

FIGURE 1

DISPOSITION OF 1985 PUMPAGE

	<u>Gallons</u>	<u>Total Gallons</u>
METERED SALES:		
Industrial	850,749,768	
Commercial*	889,126,656	
*(Deducted City Paying)		
Residential	2,324,065,920	
Total		4,063,942,344
METERED CITY USAGE		
Fire Stations	1,564,816	
Park Department	37,143,436	
Street Department	1,902,164	
Sewer Department	18,041,012	
Water Department	522,543,076	
Light Department	77,044	
Others	12,105,632	
Testing Meters	589,424	
Total		593,966,604
Metered City Water Total		4,657,908,948
UNMETERED USAGE (Estimated):		
Fire Fighting	1,502,900	
Street Flushing	3,931,711	
Sewer Flushing	1,206,500	
Hydrant Flushing	25,000,000	
Tank Draining	875,000	
Main Breaks	1,750,000	
Total		34,266,111
UNACCOUNTED FOR:		
TOTAL PUMPAGE		4,692,175,059
DISPOSITION OF PUMPAGE		
Industrial	850,749,768	17.26
Commercial	889,126,656	18.04
Residential	2,324,065,920	47.15
City Metered	593,966,604	12.05
Unmetered	34,266,111	.70
Unaccounted	236,441,463	4.80
Total	4,928,616,522	100.00%

TABLE 2

(reproduced from attached report)

TABLE 2.4.3
ESTIMATED WATER DEMAND AT 10 YEAR INTERVALS

Year		Projected Population	Average Demand	
			gpcd	MGD
1990	High	100,000	185	18.5
	Median	91,500	175	16.0
	Low	83,000	165	13.7
2000	High	111,000	192	21.3
	Median	102,000	182	18.5
	Low	93,000	172	16.0
2010	High	123,000	200	24.6
	Median	112,000	190	21.2
	Low	103,000	180	18.5
2020	High	134,000	206	27.6
	Median	123,000	196	24.1
	Low	113,000	186	21.0
2030	High	146,000	210	30.7
	Median	134,000	200	26.8
	Low	122,000	190	22.9

The water demand projections presented in Table 2.4.3 are the average daily demand for a year's period. However, pumping records show that the actual daily demand varies from the average considerably(3). Demand is lowest during winter months and highest during the months of June to September. Significant increases in average annual demand occur during dry years (See Figure 2.3.1). The higher demand can be attributed to lawn watering and other outdoor uses.

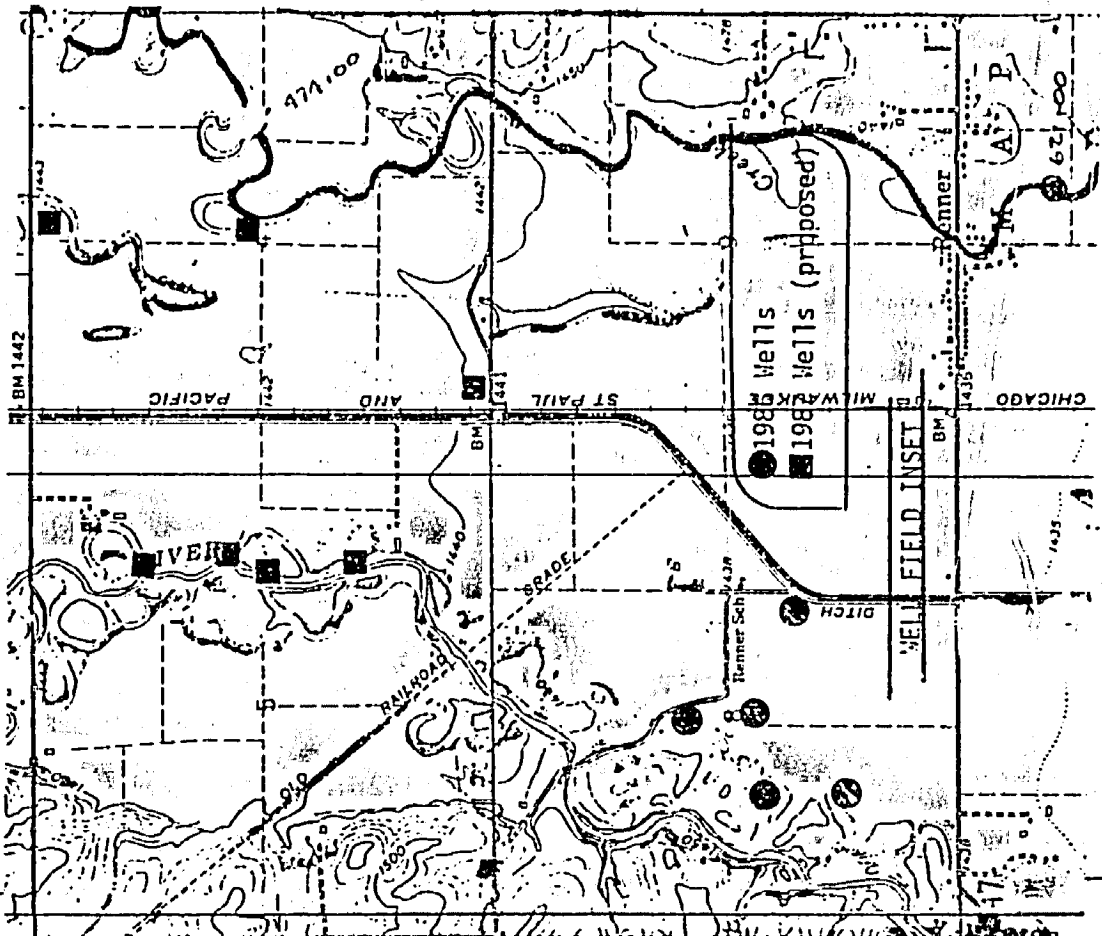
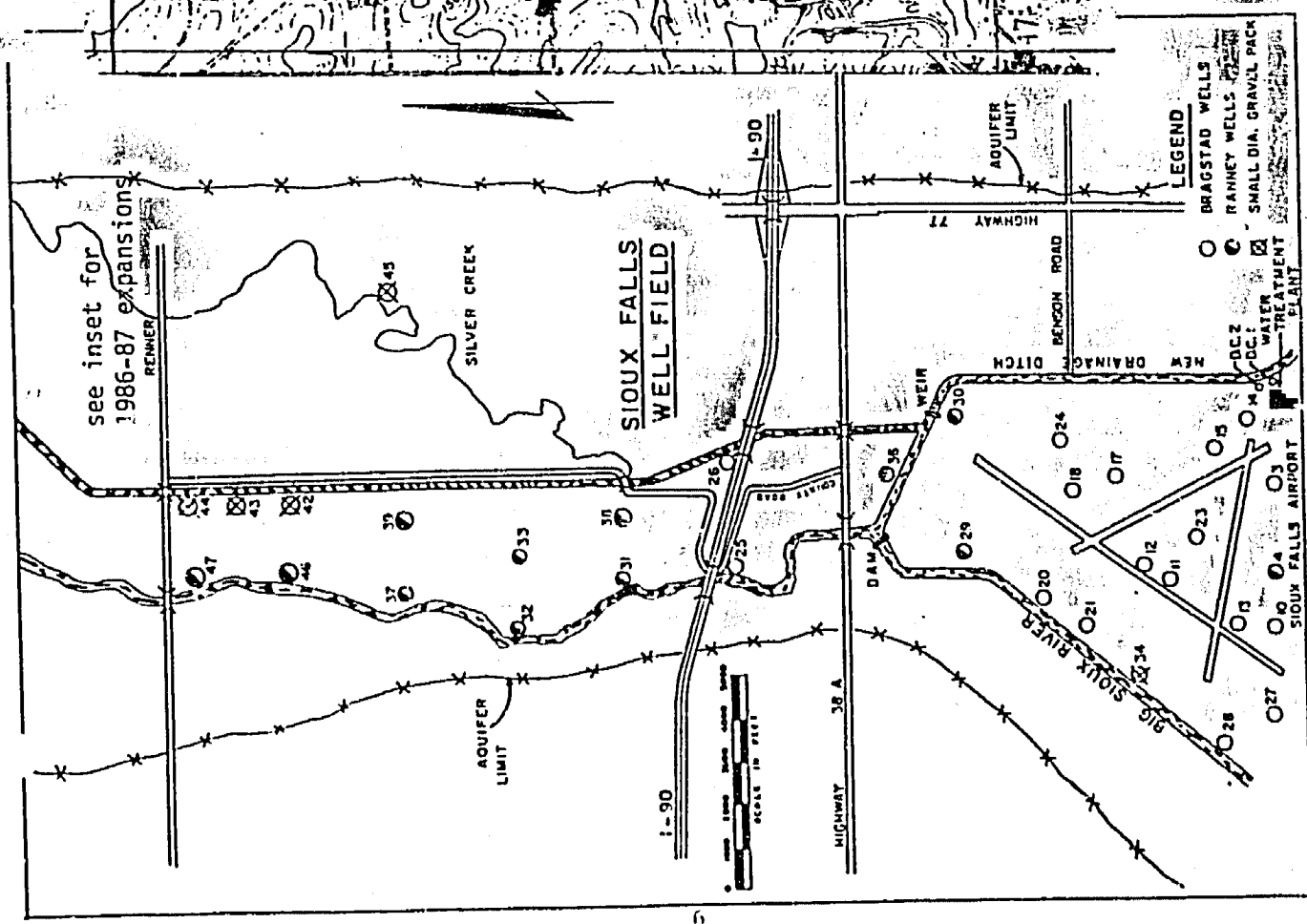


FIGURE 2
EXISTING AND PLANNED WELLS
SIOUX FALLS WELL FIELD

FUTURE USE WATER PERMIT NO. 3981-3

This permit deals exclusively with future water use diverting Big Sioux River flows to a reservoir in the Slip-Up Creek. The previously cited engineering report, "City of Sioux Falls Water Supply Program," represents the most significant comprehensive evaluation of viable alternatives to date. In this regard and given our current level of understanding of future needs, the off-stream storage program appears to be the city's most viable alternative for future supply as demands continue to increase and eventually out-pace the capacity of the Big Sioux Aquifer. The Sioux Falls City Commission has passed a resolution giving the Utilities Division direction to take certain actions to help insure the viability of this particular project, thus, continuing in part preliminary work indicated in the planning advice in the aforementioned report. A copy of the resolution is attached for the board's review. In order help insure availability of water from the Big Sioux River, the City of Sioux Falls requests that its Future Use Permit, Permit No. 3981-3, be renewed as continued project development proceeds.

FUTURE USE WATER PERMIT NO. 449-3

This permit deals with the future use of flows from the Skunk Creek Aquifer, an alternative cited in the report as the second most viable option for future supply needs. As more is learned of the first option, this alternative may become more attractive; moreover, the first option addresses needs through the year 2030, at which time, full development of this source may be necessary for the city to meet its needs under various climatic conditions. The city is participating in and actively interested in a number of ground water studies dealing with the Skunk Creek Aquifer. Mr. Jerry Siegel, of the East Dakota Water Development District, has prepared a summary of all such studies for the city's Water Advisory Board. Excerpts of his summary dealing with specific studies follow this section of the report. They are: 1) Minnehaha County Geological and Ground Water Study, 2) Skunk Creek Digital Model Study, and 3) Skunk Creek Aquifer Water Quality Study. At this writing, the results of these studies are not published. They do, however, demonstrate the city's continued interest in maintaining their options for future water supplies. Provisional data from the Skunk Creek Digital Model Study demonstrates that optimum spacing of nine wells having nominal production of 500 gpm can be placed within the Southern Management Unit of the aquifer before "mining" occurs. Also, 19 additional similar wells could be placed in what is known as the Middle Management Unit. Thus, the Southern Management Unit can produce 4 MGD and the Middle Management Unit can produce 14 MGD. The current permit is for 15.6 cubic feet per second or 10.1 MGD.

The provisional data also demonstrates high potential water quality degradation due to accelerated confluent mixing from the Wall Lake Aquifer, an aquifer of very poor quality connected to the South Management Unit.

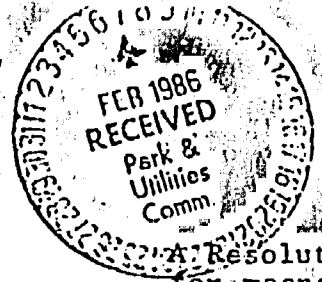
In view of the foregoing, it can be seen that the current permit cannot be developed to the stated level of production and that water quality due to natural influences would be highly questionable. Note also that recent ground water pollution episodes in the Southern Management Unit renders the potential for full, efficient development very, very questionable.

Since the current permit applies to only the Southern Management Unit and potential can be demonstrated, the City of Sioux Falls requests the following:

- 1) The current permit be renewed.
- 2) The city be allowed the full seven-year renewal of this future use permit. This will allow the city to fully evaluate the impact of the Williams Pipeline spills on this future water supply option.

ATTACHMENTS

- 1) Report: City of Sioux Falls Water Supply Program, HDR Infrastructure, 1985.
- 2) Resolution No. 29-86
- 3) Excerpts of study summaries pertaining to Big Sioux and Skunk Creek Aquifers per Jerry Seigel, East Dakota Water Development District.



RESOLUTION NO. 29-86

Resolution of the City of Sioux Falls providing for Planning for means to control land in the Slip-Up Creek Valley for construction of a future water supply project and amendment of Year 2000 Plan and continued evaluation of wastewater recycling.

WHEREAS, the City of Sioux Falls currently uses on the average, 13.6 million gallons of water per day; and

WHEREAS, the firm yield of the current water supply is 24 million gallons per day which is projected to be exceeded between the period of the year 2000 and 2020; and

WHEREAS, the city has been studying its future water supply needs for the past 11 years and it has been determined that Sioux Falls will need surface storage of water in the future; and

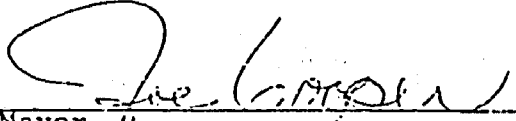
WHEREAS, the Slip-Up Creek Valley is the closest, most effective location for a reservoir; and

WHEREAS, the Sioux Falls City Commission recognizes that a surface water reservoir in the Slip-Up Creek Valley will be necessary to supplement the city's future water supply after full development of the Big Sioux Aquifer:

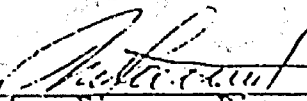
NOW, THEREFORE, the Sioux Falls City Commission directs the Utilities Department, through the Water Division and Water Advisory Board to pursue additional means for control on the land in the Slip-Up Creek Valley for the eventual construction of this future water supply project; and

The Sioux Falls City Commission further directs the Planning and Building Services Department to amend the Year 2000 Plan accordingly, and the Utilities Department to continue the evaluation of the potential for wastewater recycling and to initiate a program of water use education and conservation.

Adopted this 3rd day of February, 1986.


Mayor

ATTEST:


M. Szameit, Finance Director

ATTACHMENT 3

SUMMARY OF IMPORTANT GROUNDWATER STUDIES IN THE SIOUX FALLS AREA

As Prepared by Jerry L. Siegel, Manager - EDWDD
February, 1987

Introduction

During the past twenty years, eight significant studies have been initiated in the Sioux Falls area aimed at evaluating groundwater resources. I discussed seven of these briefly with the Sioux Falls Water Advisory Board on January 20, 1987. The Board asked me to prepare a written summary of these proposals including information on study purpose, procedure, timetable, status, cost, participants, and any significant findings. I am adding a summary of the Big Sioux Aquifer Recharge Study.

4. Minnehaha County Comprehensive Geologic and Groundwater Study

Purpose -- To determine the areal extent, thickness, depth and quality of all non-bedrock aquifers in Minnehaha County.

Procedure -- Initially, a well inventory was made. Test holes extending to bedrock were completed using a three mile grid. Additional shallow test holes were developed to evaluate the sand gravel resources and map the shallow aquifer. A number of separate reports will be prepared.

Principal Investigator -- Dennis Tomhave - SDGS and Rick Lindgren - USGS.

Timetable/Status -- 1983-1989. Nearly all the field work has been completed although two to three weeks of test hole drilling may still be required. Maps of the surface geology, bedrock geology, and sand and gravel resources are being drafted.

Participants/Cost -- Total cost - about \$120,000. USGS - \$60,000, SDGS - \$30,000, EDCS-D - \$15,000, Minnehaha County - \$15,000.

6. Skunk Creek Digital Model Study

Purpose -- To determine the yield of the lower two segments of the shallow Skunk Creek Aquifer under various hydrologic conditions. Sioux Falls needs to know how much future water supply is available from this source; the study should help Sioux Falls maintain their future use permit until it is up for review in the near future.

Procedure -- Existing data were collected and analyzed, additional test holes drilled, observation wells installed and monitored, and a digital/computer model prepared.

Timetable/Status -- 1984-1987. A digital model has been prepared and verified. A draft final report has been prepared and is being reviewed at the regional and national level.

Principal Investigator -- Neil Koch, USGS.

Participants/Cost -- The EDCS-D asked the USGS to do this study as part of the accelerated BSMS even though it wasn't included in the original workplan. The USGS agreed if EDCS-D would pay for installation and operation of one new stream gauge. The USGS used BSMS funds to install a second gauging station and prepare the model. Estimated total study cost was \$217,000 and estimated EDCS-D cost about \$14,300.

Significant Findings -- EDWDD and Sioux Falls officials need to meet with USGS officials to make sure that the model is utilized. The yield of various segments of the aquifer under various hydrologic scenarios needs to be determined.

7. Skunk Creek Aquifer Water Quality Study

Purpose -- To determine the zones of poor quality water in the lower segment of the Skunk Creek Aquifer from three sources: (1) discharge from the poorer quality Wall Lake Aquifer at the extreme lower end, (2) the Ellis landfill, (3) the gravel pit northwest of Ellis in which livestock wastes were dumped in 1984 and 1986. (Determining the zone of gasoline contamination in the Hayward School area was added as a purpose in late 1986.)

Procedure -- The SDGS is doing the study under the community/rural groundwater study program.

Timetable/Status -- 1985-1988. The EDWDD approved the study in May, 1985. Final Sioux Falls approval was not given until June, 1986. Eight weeks of test drilling are scheduled; two weeks of field work was accomplished in late 1986.

Principal Investigator -- Assad Barari - SDGS.

Participants/Cost -- Total study cost \$16,000. City of Sioux Falls - \$4,000, EDWDD - \$4,000, SDGS - \$8,000.

Water Rights Division - DWR

File No. 449-3

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Sioux Falls

ADDRESS: 224 W 9th Street COUNTY Minnehaha

DATE: November 17, 1988 TELEPHONE _____

RE: Reduction of Future Use Reserves

COMMENTS:

Future Use Permit No. 449-3 → 15.60 cfs
appropriation: Permit No. 5214-3 - 3.10 cfs
12.50 cfs

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.

4/82

NAME: [Signature]

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

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

April 7, 1989

448-3
449-3
1270-3

Jeff Shultz
WOODS, FULLER, SHULTZ & SMITH, P.C.
310 South First Avenue
Sioux Falls, SD 57102

Dear Mr. Shultz:

Enclosed, as you requested, are copies of Future Use Permit Nos. 448-3 and 449-3 held by the City of Sioux Falls. Also enclosed are excerpts of the May, 1966 Water Resources Commission minutes. They include the discussion by the Commission on the qualifications to be placed on Mr. Sweetman's permits.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





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

January 3, 1994

Lyle D. Johnson, Water/Wastewater Manager
Utilities Department
224 W 9th Street
Sioux Falls SD 57102

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. Currently, our records indicate that 12.50 cubic feet of water per second remain in reserve from the Big Sioux Southern Skunk Creek Aquifer under Permit No. 449-3 which was issued in 1957. Permit No. 3981-3, issued in 1980, has 40,000 acre-feet of water from the Big Sioux River, remaining in reserve.

Permit Nos. 449-3 and 3981-3 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of the 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 for each permit.

Please respond in writing by February 15, 1994, 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



CITY OF SIOUX FALLS UTILITIES

February 2, 1994

Karen Schlaak
SD Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Ms. Schlaak:

In response to your letter of January 3, 1994, the City of Sioux Falls would like to retain both future use permits. I have enclosed a summary of water use from each water supply resource since 1990 for your review.

In 1992, the City of Sioux Falls developed a Water Management Plan outlining projected water demands and a plan for developing various water supply resources to meet those demands. I have enclosed a copy for your information. The development of the Big Sioux River is a key element of the City's plans. In 1994, the City intends to file for an additional 10,000 acre-feet out of Future Use permit 3981-3 to allow us to use more water from the Big Sioux River. We are currently updating our Water Treatment Plant to provide enhanced treatment of surface water. In the next few years, use of water from the Big Sioux River will surpass water use from the Big Sioux Aquifer.

The City of Sioux Falls is considering different long-range water supply options to deal with future demands. One of these is the Slip-Up Creek Reservoir. Use of this reservoir will require water withdrawals from the Big Sioux River. Therefore, we need to retain Future Use Water Permit No. 3981-3.

The southern Skunk Creek Aquifer is currently used in summer months to meet peak demands. The City of Sioux Falls has no immediate plans to develop additional wells in this aquifer due to concerns of potential groundwater contamination in the area. Once the sources of contamination are cleaned up, the City may explore expansion of the wellfield in this aquifer.

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088

Lights
2000 N. Minnesota Ave
Sioux Falls, SD 57104
(605) 339-7150

Maint./Svc. Division
668 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020

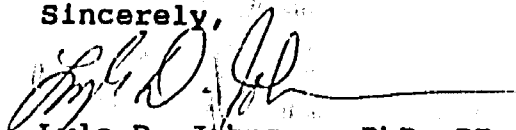
Fax
(605) 338-7801

AN EQUAL OPPORTUNITY EMPLOYER

Hearing Impaired
(605) 339-7039

If you have any questions or need additional information, please contact me.

Sincerely,



Lyle D. Johnson, PhD, PE
Water/Wastewater Manager

gls

Enclosures

cc: Randy Janssen

WATER SUPPLY SUMMARY

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Total Water Production, MG	6660.1	6345.8	6133.5	5484.9
Water Supply from Each Source				
Big Sioux Aquifer, MG	5794.3	3340.9	4017.5	3245.6
% of Total	87.0%	52.6%	65.5%	59.2%
Big Sioux River, MG	771.5	2705.5	1895.6	2049.0
% of Total	11.6%	42.6%	30.9%	37.4%
Split Rock Creek Aquifer, MG	94.3	275.6	212.9	171.4
% of Total	1.4%	4.3%	3.5%	3.1%
Southern Skunk Creek Aquifer, MG	0	23.8	7.5	18.9
% of Total	0	0.4%	0.1%	0.3%

MG = Million Gallons



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1995

Lyle D. Johnson, Water /Wastewater Manager
Utilities Department
224 West 9th Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

I am writing about the seven-year review of Sioux Falls' Future Use Water Permit Nos. 449-3 (Big Sioux:Southern Skunk Creek Aquifer) and 3981-3 and 3981A-3 (Big Sioux River). On February 2, 1994 you submitted a letter expressing the City's desire to retain the future use permits and provided water use records.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. Enclosed are copies of the draft recommendations for your review.

Future Use Permit No. 449-3 currently reserves 12.5 cubic feet of water per second. The draft recommendation is for Permit No. 449-3 to remain in effect for 5,430 acre feet of water annually from the Big Sioux:Southern Skunk Creek Aquifer. This conversion to an acre foot amount reflects a 60 percent pumping rate.

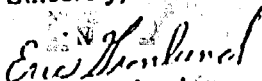
Future Use Permit Nos. 3981-3 and 3981A-3 currently reserve 40,000 acre feet of water annually from the Big Sioux River. The draft recommendation is that 40,000 acre feet of water annually from the Big Sioux River continue to be reserved for future use by the City of Sioux Falls.

If you believe the recommended amounts to remain in reserve do not adequately meet the city's future development needs, please provide additional justification for a greater amount. The draft recommendations are to provide you the opportunity to comment on our recommendations and to allow an opportunity to resolve any disagreements prior to publishing the notice of hearing.

The review of these permits is tentatively planned for the July 6 and 7, 1995, Water Management Board meeting. The notice of hearing on the review of these future use permits will need to be published toward the end of May. I would appreciate receiving any comments you may have on the recommendations by May 12, 1995.

Please contact me, if you have any questions.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosures

DRAFT RECOMMENDATION

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT No. 449-3, CITY OF SIOUX FALLS

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 449-3, City of Sioux Falls, Utilities Department, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Future Use Water Permit No. 449 3 reserves for future use a total of 5,430 acre-feet of water annually.

And that maintaining the effectiveness of Future Use Water Permit Nos. 449-3 is subject to payment of the \$132.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.

JOHN HATCH, Chief Engineer
date

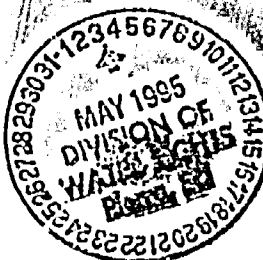
NOTE:

The maximum annual acre-feet of full-time pumping represented by 12.50 cubic feet of water per second (cfs) reserved by No. 449-3 is 9,050 acre-feet. Assuming that the total amount pumped annually would equal 60% of 9,050 acre-feet, then expected developed pumping of water reserved under Permit No. 449-3 would be about 5,430 acre-feet per year.

UTILITIES DEPARTMENT

Hearing Impaired (605) 339-7039

America's #1 City



May 1, 1995

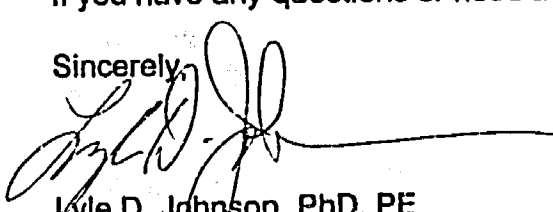
Mr. Eric Gronlund
South Dakota Dept. of Environment & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

The City of Sioux Falls has reviewed the draft recommendations for Future Use Water Permits Nos. 3981-3, 3981A-3 and 449-3. We concur with the recommendations of the Chief Engineer.

If you have any questions or need additional information, please contact me.

Sincerely,


Kyle D. Johnson, PhD, PE
Director of Water/Wastewater

c: Randy Janssen

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031
FAX (605) 338-8490

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025
FAX (605) 338-7801

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088
FAX (605) 338-8484

Lights
2000 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7150
FAX (605) 339-7006

Maint./Svc. Division
669 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020
FAX (605) 338-7883





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

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

Lyle D. Johnson, Water/Wastewater Manager
Utilities Department
224 West 9th St.
Sioux Falls SD 57102

Dear Mr. Johnson:

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Argus Leader printed at Sioux Falls SD (Phone #331-2200). For your information, copies 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 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 reviews can be considered by the Water Management Board.

Sincerely,

Eric Grönlund
Natural Resources Engineer
605 773-3352

enclosures



Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

May 31, 1995

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. 449-3, 3981-3 and 3981A-3 to be published twice. Please publish the first notice on June 7, 1995 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, Utilities Department, 224 West 9th St, 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
Nos. 449-3, 3891-3 and 3981A-3

CUT HERE

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit Nos. 449-3, 3891-3 and 3981A-3 which was first published in our issue of _____ ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

me

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 7, 1995 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 449-3, 3981-3 and 3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, Utilities Department, 224 West 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. 449-3, 3981-3 and 3981A-3.

Permit No. 449-3 was approved June 28, 1957 to reserve 15.60 cubic feet of water per second (cfs) from the Big Sioux/Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W. Permit No. 5214-3 placed 3.10 cfs to beneficial use reserved by No. 449-3 leaving 12.50 cfs held in reserve.

Permit Nos. 3981-3 was approved January 30, 1980 to reserve 50,000 acre-feet annually from the Big Sioux River located in W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved September 28, 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. Permit No. 5334-3 placed 10,000 acre-feet annually to beneficial use reserved by No. 3981-3 leaving 40,000 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 449-3, 3981-3 and 3981A-3 at the Ramkota Inn, Tanglewood Room, 1901 9th Ave SW, Hwy 212, Watertown SD on July 6, 1995 at 9:30 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 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 June 26, 1995. The Chief Engineer's address is Water Rights Division, 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. 449-3, 3981-3 and 3981A-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.

(continued)

Any person wishing a copy of the Chief Engineer's recommendations, 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 Division, (605 773-3352) by June 26, 1995. 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 June 26, 1995. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

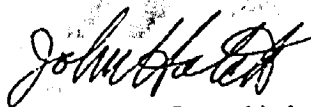
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
No. 449-3, CITY OF SIOUX FALLS**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 449-3, City of Sioux Falls, Utilities Department, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the City of Sioux Falls has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Future Use Water Permit No. 449-3 reserves for future use a total of 5,430 acre-feet of water annually.

And that maintaining the effectiveness of Future Use Water Permit Nos. 449-3 is subject to payment of the \$132.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls.



JOHN HATCH, Chief Engineer
May 31, 1995

NOTE: The maximum annual acre-feet of full-time pumping represented by 12.50 cubic feet of water per second (cfs) reserved by No. 449-3 is 9,050 acre-feet. Assuming that the total amount pumped annually would equal 60% of 9,050 acre-feet, then expected developed pumping of water reserved under Permit No. 449-3 would be about 5,430 acre-feet per year.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of MINNEHAHA) ss

I, D. Reicher

certify that the attached printed Notice was
taken from the Argus Leader

printed and published in City of Sioux Falls

County of Minnehaha and State of

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

Wednesday, June 7, 1995

Wednesday, June 14, 1995

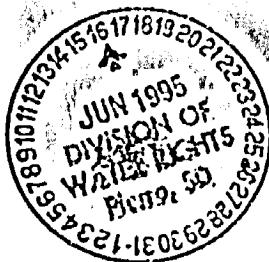
Cost of Printing: \$129.35

D. Reicher
(Signature)

Assistant Controller
(Title)

6/14/95

(Date Signed)



NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NOS. 449-3, 3981-3 and
3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, Utilities Department, 224 West 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. 449-3, 3981-3 and 3981A-3.

Permit No. 449-3 was approved June 28, 1957 to reserve 15.60 cubic feet of water per second (cfs) from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W, Permit No. 5214-3 placed 3.10 cfs to beneficial use reserved by No. 449-3 leaving 12.50 cfs held in reserve.

Permit Nos. 3981-3 was approved January 30, 1960 to reserve 50,000 acre-feet annually from the Big Sioux River located in W 1/2 Section 33-T102N-R49W, Permit No. 3981A-3 was approved September 26, 1969 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. Permit No. 5334-3 placed 10,000 acre-feet annually to beneficial use reserved by No. 3981-3 leaving 40,000 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for this 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. 449-3, 3981-3 and 3981A-3 at the Ramkota Inn, Tanglewood Room, 1801 9th Ave SW, Hwy 212, Watertown SD on July 6, 1995 at 9:30 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 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 June 26, 1995. The Chief Engineer's address is Water Rights Division, 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. 449-3, 3981-3 and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-36, 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. 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, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, may contact Eric Gronlund, Water Rights Division, (605) 773-3352 by June 26, 1995. 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 June 26, 1995. Nettle H. Myers, Secretary, Department of Environment and Natural Resources
4582

June 7, 1995



July 11, 1995

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

NOTICE

Lyle D. Johnson, Water/Wastewater Manager
Utilities Department
224 West 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 July 6, 1995 to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3. The Board allowed the permits to remain in effect and amended Permit Nos. 449-3, 3981-3 and 3981A-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$132.50 and for Future Use Permit Nos. 3981-3 and 3981A-3 is \$852.50 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$985.00 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 Program
605 773-3352

enclosures

**AMENDMENT TO FUTURE USE PERMIT NO. 449-3
CITY OF SIOUX FALLS**

Pursuant to the July 6, 1995 Water Management Board hearing, Future Use Permit No. 449-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 449-3 reserve for future use a total of 5,430 acre-feet annually.

CERTIFICATION

I hereby certify that on July 12, 1995, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 1995, along with the "Amendment" for Future Use Permits, regarding action taken by the Water Management Board at the hearing on July 6, 1995, to review Future Use Permit Nos. 1443-2, 449-3, 3981-3, 3981A-3, 4673-3, 4771-3 and 5155-3, addressed as stated below:

F.U. Permit #1443-2

Van A. Lindquist
West Dakota Water Dev. Dist.
P.O. Box 9633
Rapid City, SD 57709-9633

F.U. Permit #4673-3

Dawn Glover, Finance Officer
City of Elk Point
P.O. Box 280
Elk Point, SD 57025-0280

F.U. Permit #5155-3

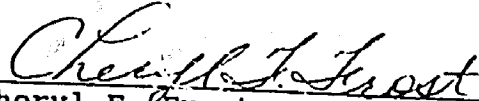
Dennis Larson
Lincoln County Rural Water System
P.O. Box 36
Harrisburg, SD 57032

F.U. Permit #'s 449-3, 3981-3 & 3981A-3

Lyle D. Johnson, Water/Wastewater Mgr.
Utilities Department
224 West 9th St.
Sioux Falls, SD 57102

F.U. Permit #4771-3

Katheryn Tieszen, Finance Officer
City of Marion
P.O. Box 94
Marion, SD 57043

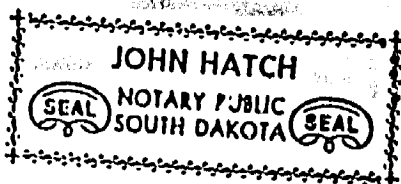

Cheryl F. Frost
Secretary

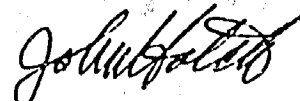
STATE OF SOUTH DAKOTA)

COUNTY OF HUGHES)

SS

Sworn to, before me, this 17th day of July, 1995




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Do not use this space

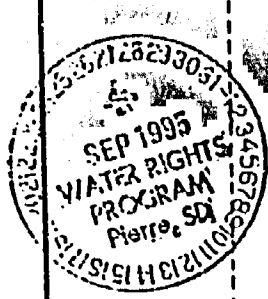
State of South Dakota VOUCHER

- ☐ Direct
☐ Travel
☐ Non-Cash
☐ Cash Receipt
- ☐ Cash Transfer
☐ Investment
☐ Appropriation Budget Transfer

- ☐ Expenditure Correction
☒ Revenue Correction
☐ Period Ending Adjustment
☐ Other Adjustment

AGENCY USE ONLY			APPROVAL OFFICE ONLY	
Application Area 75	Vendor Number	Invoice ID	Voucher Number	Date
Date 9-26-95	Purchase Order ID	Document ID R251120002	Delivery Date	Payment Due Date
TO: (Payee, Billed Agency)			FROM: (Department, Billing Agency)	

FUNDING INFORMATION										Debit/Credit		Invoice		Check		UC SO ED RE
SEQ	Company	Account	User	Required	User	Company	Project	Number	Amount	Code		Invoice	Check	Check	Code	
1	3572	42841000		20211	20002				985							1r
2	3572	42841006		20211	20002				985							1r
3																
4																
5																
6																
7																
8																
9																
10																
Total									1970							

Description of Service, Product, or Transfer	
Money from the City of Sioux Falls was mistakenly deposited into the Drinking Water Fee Account. It should have been deposited to Water Rights future use account. (Date of original deposit 8-29-95)	
Total	

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Gilda Savarigan 9/26/95
Claimant Date

Authorization

Date

Authorization

Date

449-3

File No. ⁹449-3
3981-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: City of Sioux Falls

DATE: 9-27-95

RE: Future Use Fees

COMMENTS:

The fees for retaining two of the City of Sioux Falls future use permits were mistakenly deposited to the Drinking Water Fee Account. The money has been transferred to the proper account.

Permit No. 449-3 \$132.50

Permit No. 3981-3 852.50

Total \$985.00

Karen Schlaak

Karen Schlaak
Environmental Scientist



449-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2002

Lyle D Johnson, Public Works Director
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 Use Water Permit Nos. 449-3 and 3981-3 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 5,430 acre-feet remain in reserve (Big Sioux/Southern Skunk Creek Aquifer) under Future Use Permit No. 449-1 and 40,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit No. 3981-3. These permits were last reviewed in 1995.

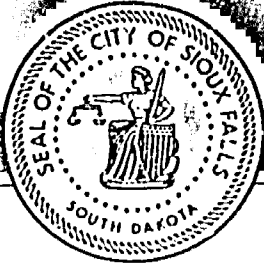
Please respond in writing by May 1, 2002, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 449-3 and 3981-3 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



CITY OF SIOUX FALLS

PUBLIC WORKS

AN EQUAL OPPORTUNITY EMPLOYER

224 West Ninth Street, Sioux Falls, SD 57104-6407

Hearing Impaired (605) 367-7039

Web Site: www.sioxfalls.org

April 8, 2002

Karen Schlaak
SD Dept of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

APR 10 2002

WATER RIGHTS
PROGRAM

Dear Ms. Schlaak:

The City of Sioux Falls has a need to retain Future Use Permits 449-3 and 3981-3. Current population projections indicate that by the year 2015, Sioux Falls will exceed 160,000 persons. The City continues to expand its wellfield in the Big Sioux Aquifer to meet the growing demands. Even with this expansion, our estimates are that groundwater and surface water supply resources will reach capacity around the year 2012. I have enclosed a graph showing water use projections and supply capabilities for Sioux Falls.

The Lewis and Clark Rural Water System has been identified as the City's primary supplemental water supply option. We realize, however, that the project may be delayed due to federal budget limitations. Future use permits 449-3 and 3981-3 provide the City with options to address water needs in the event Lewis and Clark is delayed. Permit 449-3 is under review as a southwest groundwater development project option with the Wall Lake Aquifer. Future Use Permit 3981-3 would allow the City to continue review of the Slip Up Creek Reservoir as a water supply option.

If you have any questions or need additional information, please contact me.

Sincerely,

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

c Randy Janssen
Kevin Smith

Enclosure

Public Works Administration
(605) 367-8600
FAX (605) 367-4005
Utility Billing
(605) 367-7031
FAX (605) 367-7341

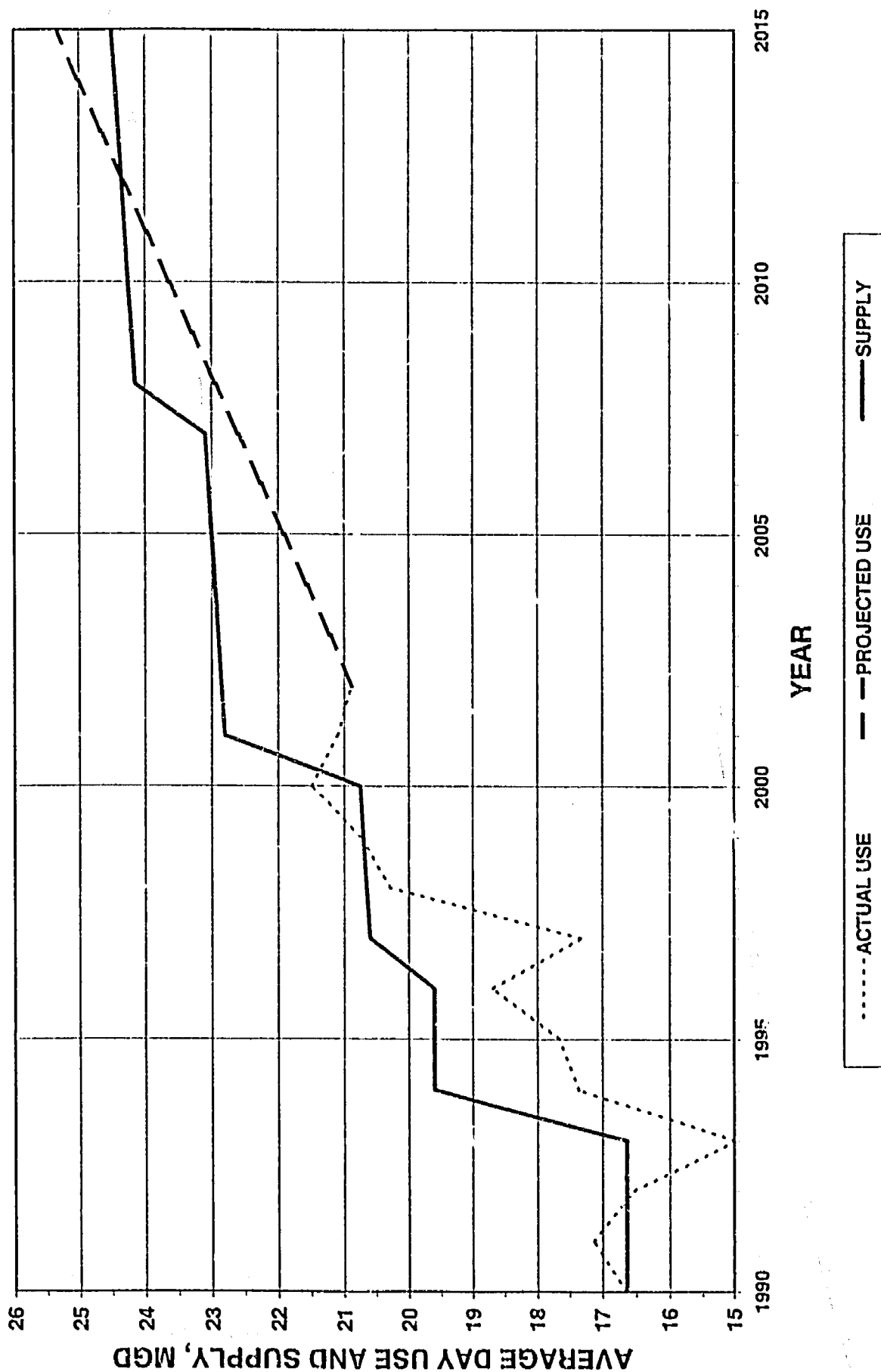
Engineering
(605) 367-8601
FAX (605) 367-4310
Fleet Management
(605) 367-7170
FAX (605) 367-7421

Lights
(605) 367-7150
FAX (605) 367-8306
Streets
(605) 367-7051 or 367-7008
FAX (605) 367-7010

Water Reclamation
(605) 367-7888
FAX (605) 367-8181
Water Purification
(605) 367-7025
FAX (605) 367-8175

Water Meters/
Utility Maintenance
(605) 367-7020
FAX (605) 367-7883

PROJECTED WATER USE AND SUPPLY CAPABILITIES FOR SIOUX FALLS





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
NOS. 3981-3 and 3981A-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 Nos. 3981-3 and 3981A-3, City of Sioux Falls, Utilities Department, 224 West 9th St, Sioux Falls SD 57201.

The Chief Engineer is recommending that Future Use Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 3981-3 and 3981A-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 3981-3 and 3981A-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 Nos. 3981-3 and 3981A-3 is subject to payment of the \$852.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
May 28, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

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

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

Dear Mr. Johnson:

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone # 605 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

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. 449-2, 3981-3 and 3981A-3 to be published twice. Please publish the first notice on June 5, 2002 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, Lyle Johnson, Public Works Director, 224 W 9th St, Sioux Falls SD 57102 (605 367-8600).

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 May 29, 2002 enclosing Notice of Hearing to Review Future Use Water Permits which was first published in our issue of _____, ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Customer Number: 78011
Invoice Number: 7283

City Of Sioux Falls

AFFIDAVIT OF PUBLICATION-

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } SS

Beth Buchanan 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 5 day of June 2002,
Wednesday, the 12 day of June 2002,
_____, the _____ day of _____ 2002,
_____, the _____ day of _____ 2002,
_____, the _____ day of _____ 2002,
_____, the _____ day of _____ 2002,
_____, the _____ day of _____ 2002,
_____, the _____ day of _____ 2002,

and that \$134.48 was charged for publishing the same including A \$5.00 affidavit fee.

Subscribed and sworn to before me 6/25/2002

JOAN STAHL

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-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 the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16,

22, 23, 24 and 25, all in T101N-R60W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 40,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1986 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 449-3, 3981-3 and 3981A-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 10, 2002 at 10:00 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 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 June 28, 2002. 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. The legal counsel is obtained. The

State Notices

permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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. Those 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, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, should contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 28, 2002. 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 continuation of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 28, 2002. Steven M. Pomer, Secretary, Department of Environment and Natural Resources, 7283 June 5, 12, 2002

RECEIVED

JUN 28 2002

WATER RIGHTS
PROGRAM

Instruction to Newspaper-Publish first publication of the following Notice on June 5, 2002 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-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 the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux:Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 40,000 acre-feet of water from the Big Sioux River located in the W ½ Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N ½ Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 40,000 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. 449-3, 3981-3 and 3981A-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on July 10, 2002 at 10:00 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 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 June 28, 2002. 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. 449-3, 3981-3 and 3981A-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)

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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 June 28, 2002. 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 June 28, 2002. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.



July 12, 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

Lyle D Johnson, Public Works Director
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 July 10, 2002 to review Future Use Permit Nos. 449-3 and 3981-3. The Board allowed the permits to remain in effect for 5,430 and 40,000 acre-feet of water annually, respectively. Future Use Permit Nos. 449-3 and 3981-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$132.50 and for Permit No. 3981-3 is \$852.50 pursuant to SDCL 46-2-13(2) (\$985.00 total). Please remit the fee within 60 days. Enclosed is an invoice for the fees.

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

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* INVOICE *

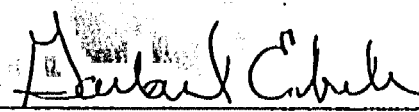
Invoice No. 20411-449-3&3981-3

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St.
Sioux Falls SD 57102

Fee for maintaining the effectiveness
Future Use Permit No. 449-3
Permit No. 3981-3

\$132.50
\$852.50

PLEASE PAY THIS AMOUNT: \$985.00


Garland Erbele
Chief Engineer
Water Rights Program
(605) 773-3352

CERTIFICATION

I hereby certify that on July 12, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 12, 2002 regarding Notice Future User Permit No 449-3 & 3981-3, Future Use Permit No. 1442-2, Future Use Permit No. 4673-3, Future Use Permit No. 5155-3, Future Use Permit No. 5832-3 addressed as stated below:

449-3 & 3981-3

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

1442-2

West River Water Development District
Mike Kurlle, Manager
PO Box 523
Murdo SD 57559

4673-3

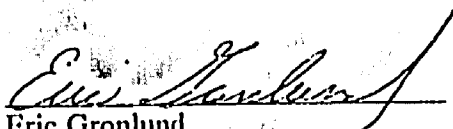
Dawn Glover, Finance Officer
City of Elk Point
PO Box 280
Elk Point, SD 57025-0280

5155-3

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

5832-3

Pamela Bonrud, Executive Director
Lewis & Clark Rural Water System
300 N Dakota Ave
Suite 206
Sioux Falls, SD 57102



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)

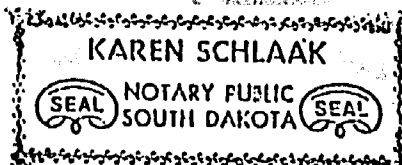
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NR 417262

Pierre, July 31, 20 02

RECEIVED OF City of Sioux Falls, 224 West Ninth ST, Sioux Falls SD 57104-6407
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. 449-3 after period of seven years.

Fee for Inspecting Constructed works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

132 50

132 50

By

Chief Engineer

Darland Eilsh
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2009

Mark Cotter, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57117

Dear Mr. Cotter

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 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 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 5,430 acre-feet remain in reserve (Big Sioux:Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 40,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit No. 3981-3. These permits were last reviewed in July, 2002.

Please respond in writing by May 15, 2009, 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.

Permit Nos. 449-3 and 3981-3 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

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/GIS

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: 605-367-7170 F: 367-7421

Household Hazardous Waste Facility

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: 526-3371

Light

2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7006 F: 367-8306

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: 605-367-7020 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7025 F: 367-8475

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

June 15th, 2009

Karen Schlaak
Water Rights Program
SDDENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Ms. Schlaak:

I am writing in regard to your letter dated April 8th, 2009 referencing the seven year review of Future Use Water Permit Nos. 449-3 and 3981-3 which are held by the City of Sioux Falls. The City of Sioux Falls wishes to retain these water rights.

The City of Sioux Falls has a current population of 154,100 people and has an annual growth rate of 1.9 per cent. The City is responsible for providing high quality drinking water at quantities to meet the demands of its customers. In 2008 the City treated a total of 7.79 billion gallons of drinking water with an average day of 21.3 million gallons per day. The percent of groundwater during 2008 from the total amount of water treated was 64 percent. The remaining 36 percent was surface water from the Big Sioux River.

These Water Rights are essential to maintaining the health, welfare and future economic development of the City of Sioux Falls.

Please feel free to contact me if you should have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Janssen".

Randy Janssen
Water Superintendent
Water Purification Plant
2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, South Dakota 57117-7402

RECEIVED

JUN 18 2009

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. 449-3, 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. 449-3, City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57117.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 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. 449-3 is subject to payment of the \$515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City after the Board hearing.

Garland Erbele, Chief Engineer
August 25, 2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 25, 1009

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 449-3, 3981-3 and 3981A-3 to be published twice. Please publish the first notice on September 3, 2009 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, Water Superintendent, 224 W 9th St, Sioux Falls SD 57102.

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 August 25, 2009 enclosing Notice of Hearing to Review Future Use Water Permits which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2009

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

City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Janssen:

Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone #605 331-2200). For your information, a copy 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 NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on September 3, 2009 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

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Randy Janssen, Water Superintendent, 224 W 9th St, Sioux Falls SD 57117 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. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux:Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the City.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W ½ Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N ½ Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the City.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT FOR 30,000 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 these future use permits at 10:00 am on October 7, 2009 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 September 28, 2009. 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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(continued)

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.

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Published twice at the total approximate cost of _____.

CUSTOMER NUMBER:	78011	Argus Leader	
INVOICE NUMBER:	1227459		
DATES	9/3, 9/10, 2009	P.O. Box 5034, Sioux Falls, S.D. 57117-5034	\$144.95

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

RECEIVED
SEP 14 2009
WATER RIGHTS
PROGRAM

*paid by City of
Sioux Falls*

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 78011
Invoice Number: 1227459

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

Thursday the 3 day of September 2009 ,
Thursday the 10 day of September 2009 ,
_____, the _____ day of _____ 2009
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,
_____, the _____ day of _____ 2009 ,

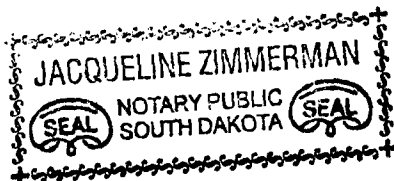
and that \$144.95 was charged for publishing the same

Linda Schulte

Subscribed and sworn to before me 9/10/2009

[Signature]
Notary Public, South Dakota

My Commission expires December 22, 2009



**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS**

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 held by the City of Sioux Falls, c/o Randy Janssen, Water Superintendent, 224 W 9th St, Sioux Falls SD 57117 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. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux/Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24 and 25; all in T101N-R50W to provide for future municipal needs for the City.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the City.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT FOR 30,000 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, will be automatically delayed to review these future use permits at 10:00 am on October 7, 2009 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 pres-

ent evidence or cross-examination, ~~will~~ *must* file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2009. 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. 449-3, 3981-3 and 3981A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 28, 2009. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$144.92. 1227459 Sept. 3 & 10, 2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 28, 2009

NOTICE

TO: City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

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

SUBJECT: Scheduled Time for Notice of Hearing to Review Future Use Permit Nos. 449-3, 3981-3
and 3981A-3

The hearing time before the Water Management Board to consider review of Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 has changed from 10:00 am to 2:00 pm on Wednesday, October 7, 2009.

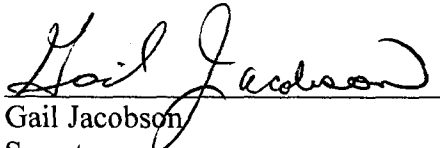
The Water Management Board will consider review of Future Use Permit No. 449-3, 3981-3 and 3981A-3 at 2:00 pm on Wednesday, October 7, 2009, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD.

Applicable provisions of the Notice of Hearing to Review Future Use Permits still apply.

CERTIFICATION

I hereby certify that on September 28, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 28, 2009 regarding notice of hearing change for future use permits addressed as stated below:

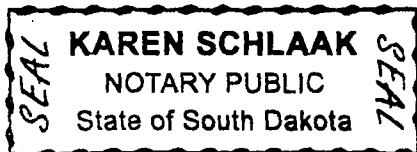
City of Sioux Falls, Randy Janssen, PO Box 7402, Sioux Falls SD 57117
Lewis & Clark Rural Water System, Troy Larson, 401 E 8th St # 306, Sioux Falls SD 57103
City of Volga, Steve Meyer, PO Box 217, Volga SD 57071


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of September, 2009.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 9, 2009

NOTICE

City of Sioux Falls
Randy Janssen, Water Superintendent
PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Janssen:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2009 to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3. The Board allowed the permits to remain in effect for 5,430 and 30,000 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. 449-3 is \$515.00 and Nos. 3981-3 & 3981A-3 is \$2,555.00 (\$3,070.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on October 9, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 9, 2009 regarding future use permits addressed as stated below:

City of Sioux Falls, Randy Janssen, PO Box 7402, Sioux Falls SD 57117-7402

Lewis & Clark Rural Water System Inc., Troy Larson, 401 E 8th St # 306, Sioux Falls SD 57103

City of Volga, Nicole Rawden, Finance Officer, PO Box 217, Volga SD 57071



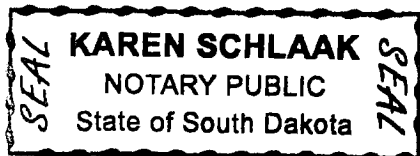
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2009.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 1, 2009

Thomas Berkland
Public Works Department
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57117

Dear Mr. Berkland:

On October 9, 2009 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 (copy attached). To date, we have not received this payment.

Please submit the \$3,070.00 fee as soon as possible to avoid jeopardizing the City's future use permits. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

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

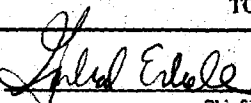
Date 12/8, 20 09

RECEIVED OF City of Sioux Falls PO Box 7002 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	515 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>449-3</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. _____	515 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL 515 00	

No. **04263**

By 
Chief Engineer



449-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 28, 2016

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 449-3, 3981-3, 3981A-3 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 5,430 acre-feet remain in reserve (Big Sioux/Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 30,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit Nos. 3981-3 and 3981A-3. These permits were last reviewed in 2009.

Please respond in writing by May 31, 2016 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 5,430 acre-feet remains in reserve under No. 449-3, the fee will be \$515.00. If the entire 30,000 acre-feet remains in reserve under Nos. 3981-3 and 3981A-3, the fee will be \$2,555.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Sioux Falls



CITY OF SIOUX FALLS
PUBLIC WORKS

Providing a Better Quality of Life for You!

Administration/GIS

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

Household Hazardous Waste Facility

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: 605-367-7006 F: 367-8306

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: 605-367-7020 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-7025 F: 367-8475

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

May 16, 2016

Karen Schlaak, Environmental Scientist
Water Rights Program
DENR

Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak,

In regards to your letter dated April 28, 2016, the City of Sioux Falls intends to retain Future Use Water Permit No. 449-3 (Big Sioux: Southern Skunk Creek Aquifer) and Future Use Water Permit Nos. 3981-3 and 3981A-3 (Big Sioux River).

Sioux Falls began 2016 with a population total of 173,300 which is an increase of 17,000 from 2009 when the permits were last reviewed. Future population projections indicate by the year 2035, Sioux Falls will have a population total of 270,000. Reaching out to the year 2060 projections indicate Sioux Falls population total could reach the 334,000 mark. When reviewing the annual population growth rates, Sioux Falls has been averaging nearly 3,000 to 3,500 annually for the past decade and we project this current growth rate will continue if not increase.

Demand for water in 2015 reached 7,083,054,000 gallons for an overall daily average of 19,352,606 gallons. By the year 2035, the daily average demand for water has been projected to be as high as 30,069,244 gallons per day. The most recent year with warm and dry conditions was 2012. During the summer of 2012 the gallons per day per capita reached 294 gallons. Projecting this demand for water into the year 2035, the daily demand for water could reach a peak of 79.380 million gallons per day.

As Sioux Falls continues to grow there has been an ever growing interest in industrial development. In 2016 the first water mains will be constructed to supply water up to Foundation Park, a large industrial area designed for this expected industrial growth which will include a greater demand for water.

It will be essential for the growth and sustainability of the City of Sioux Falls to keep Permit Nos. 449-3, 3981-3 and 3981A-3. This water will be necessary to insure the health, welfare, and future economic development 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".

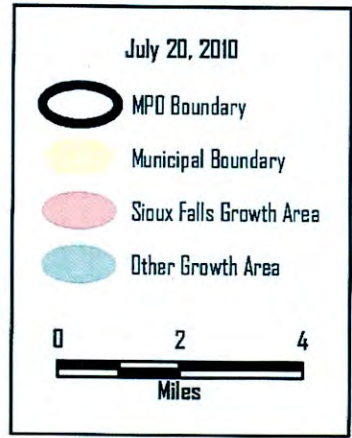
Greg Anderson, Water Superintendent
Water Purification Plant
(605) 373-6944
ganderson@siouxfalls.org

RECEIVED

MAY 19 2016

WATER RIGHTS
PROGRAM

Map 3 - 2035 Population Projections





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 449-3, 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. 449-3, City of Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 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. 449-3 is subject to payment of the \$515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
May 31, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 31, 2016

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

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson

Future Use Permit Nos. 449-3, 3981-3 and 3981A-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. Notice of the reviews have been emailed to the Argus Leader (605 331-2294) and the Sioux Valley News, Canton (605 764-2000). 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 June 9, 2016. 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

Instruction to Newspaper-Publish the following Notice on June 9, 2016. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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 permits and future plans for development of the water reserved the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux:Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-2 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 6, 2016 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 June 27, 2016. 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. 449-3, 3981-3 and 3981A-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 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 June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:55 AM
To: svn@siouxvalleynewsonline.com
Subject: 449-3, City of Sioux Falls
Attachments: 449-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Greg Anderson, Water Supt., Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104 (605 373-6944) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:56 AM
To: allegals@argusleader.com
Subject: 449-3, City of Sioux Falls
Attachments: 449-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Greg Anderson, Water Supt., Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104 (605 373-6944) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

RECEIVED
JUN 20 2016
WATER RIGHTS
PROGRAM

ANDY WILCOX

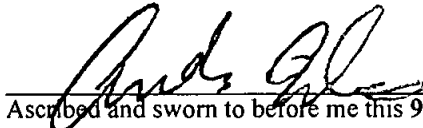
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

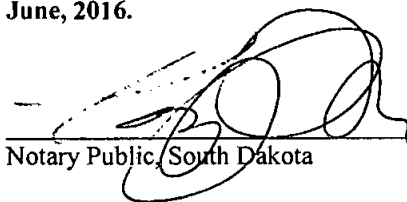
Water Use Permit Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

June 9, 2016

that the full amount of the fees charged for publishing the same to-wit: the sum of \$50.51 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.


Subscribed and sworn to before me this 9th day of
June, 2016.


Notary Public, South Dakota

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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 permits and future plans for development of the water reserved the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-2 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 6, 2016 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 June 27, 2016. 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. 449-3, 3981-3 and 3981A-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.



My Commission Expires
December 9, 2020

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 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 June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on June 9, 2016 at a total approximate cost of \$50.51.

RECEIVED

JUN 13 2016

WATER RIGHTS
PROGRAM

PO # 149920

Customer Number:

078011

City Clerks Office

Invoice Number:

1326646

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

Thursday ,the	9	day of	June	2016 ,
_____ ,the	_____	day of	_____	2016 ,
_____ ,the	_____	day of	_____	2016 ,
_____ ,the	_____	day of	_____	2016 ,
_____ ,the	_____	day of	_____	2016 ,
_____ ,the	_____	day of	_____	2016 ,
_____ ,the	_____	day of	_____	2016 ,

and that \$113.23 PD was charged for publishing the same

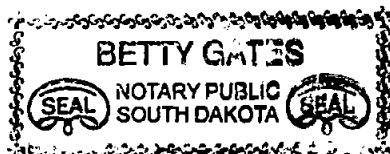
Linda Schulte
Subscribed and sworn to before me

6/9/2016

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022



608

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3 and 3981A-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 permits and future plans for development of the water reserved by the permits.

Permit No. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3 and 3981A-3 REMAIN in EFFECT for 30,000 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. 449-3, 3981-3 and 3981A-3 at 2:00 pm, July 6, 2016 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 1-66, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. The Chief Engineer's address is "Water Rights Program", Joe Foss Building,

100, 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. 449-3, 3981-3 and 3981A-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 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 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 June 27, 2016. 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 June 27, 2016.

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 June 28, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$113.23.
1326646 June 9, 2016



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 12, 2016

NOTICE OF ENTRY OF ORDER

Greg Anderson, Water Superintendent
Water Purification Plant
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 July 6, 2016 to review Future Use Permit Nos. 449-3, 3981-3 and 3981A-3. The Board allowed the permits to remain in effect for 5,430 acre-feet of water annually and 30,000 acre-feet of water annually. Future Use Permit Nos. 449-3, 3981-3 and 3981A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$515.00 and for Future Use Permit Nos. 3981-3 and 3981A-3 is \$2,555.00 (\$3,070.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 12, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 12, 2016 regarding future use permits addressed as stated below:

Permit No. 5155-3 Lincoln County RWS, Robin Dykstra, PO Box 36, Harrisburg SD 57032

Permit No. 4673-3 City of Elk Point, Erika Hammitt, FO, PO Box 280, Elk Point SD 57025

Permit Nos. 449-3, 3981-3, 3981A-3 Greg Anderson, Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104

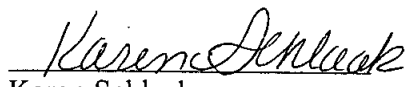
Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

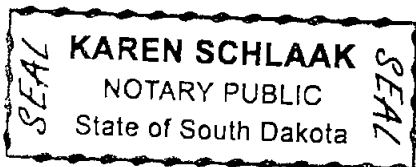
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 2016.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





Vendor
Number
1842

Check
Date
07/22/2016

Check
Number
00066747

\$3,070.00

Pay Three Thousand Seventy Dollars and 00 cents *****

To The
Order Of

SD DEPT OF ENVIRONMENT AND NATURAL RESOURCES
SD DEPT OF REVENUE
523 EAST CAPITOL
PIERRE, SD 57501

EFT COPY
NON-NEGOTIABLE

449-3 515⁰⁰
3981-3 + 3981A-3 2555⁰⁰

City of Sioux Falls, SD 57104

Page 1 of 1

Check Number: 00066747

Invoice Date	Invoice Number	Description	Invoice Amount	
07/12/2016	Permit 39813 3981A3	Water Mgmt Board Hearing 7/6/26 Fee for Permits	\$3,070.00	
Coming man. Do Rct a. Deposit				
Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
1842 SD	DEPT OF ENVIRONMENT AND NATURAL RESOURCES	00066747	07/22/2016	\$3,070.00

* 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

March 29, 2023

Gavin Graverson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Graverson:

I am writing in regard to the seven-year review of Future Use Water Permit Nos. 449-3, 3981-3 and 3981A-3 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 5,430 acre-feet remain in reserve (Big Sioux/Southern Skunk Creek Aquifer) under Future Use Permit No. 449-3 and 30,000 acre-feet remain in reserve (Big Sioux River) under Future Use Permit Nos. 3981-3 and 3981A-3. These permits were last reviewed in 2016.

Please respond in writing by May 1, 2023, 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 5,430 acre-feet remains in reserve under No. 449-3, the fee will be \$515.00. If the entire 30,000 acre-feet remains in reserve under Nos. 3981-3 and 3981A-3, the fee will be \$2,555.00.

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

Sincerely,

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



CITY OF
SIOUX FALLS

RECEIVED

APR 20 2023

OFFICE OF
WATER

PUBLIC WORKS

P.O. Box 7402, Sioux Falls, SD 57117-7402

April 20, 2023

Karen Schlaak
Water Rights Program
Department of Agriculture and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak,

Regarding your letter dated March 29, 2023, it is the City of Sioux Falls' intent to retain Future Use Water Permit No. 449-3 with 5,430 acre feet from the Big Sioux: Southern Skunk Creek Aquifer and Future Use Water Permit Nos. 3981-3 and 3981A-3 with 30,000 acre feet from the Big Sioux River.

The population and commercial needs of Sioux Falls continue to grow, which in turn increases the demand for potable water. In February of 2022, the population of Sioux Falls was estimated at 202,600. Current population is estimated in February of 2023 at 208,884. This is a 6,284 person increase of the past 12 months. Population projections from the Sioux Falls Planning Division show Sioux Falls could reach a population of 263,300 by 2035.

Demand for water in 2023 is estimated to be more than 8,362,070,000 gallons for a daily average of about 22,900,000 gallons. By the year 2035, the daily average demand for water has been projected to be as high as 31,130,000 gallons per day. Future use water permits 449-3, 3981-3 and 3981A-3 provide the City of Sioux Falls with options to address water needs as the city continues to grow. This water will be necessary to insure the health, welfare, and future economic development of the City of Sioux Falls.

Long term water needs require a visionary approach to water resources. These future use permits provide the city with options to address our future water needs to insure the continued growth and sustainability of the City of Sioux Falls.

If you have any questions or comments, please contact me.

Sincerely,

Ryan Johnson, Utility Administrator
City of Sioux Falls
(605) 367-8641
rjohnson@siouxfalls.org



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 449-3 City of Sioux Falls**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 449-3, City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117.

The Chief Engineer is recommending that Future Use Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 449-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 449-3, 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. 449-3 is subject to payment of the \$ 515.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
May 23, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2023

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

City of Sioux Falls
Ryan Johnson, Utility Administrator
PO Box 7402
Sioux Falls SD 57117

Dear Mr. Johnson:

Future Use Permit Nos. 449-3, 3981-3, 3981A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the following newspapers:

- Sioux Valley News, Canton SD (Ph # 605-764-2000)
- Argus Leader, Sioux Falls, SD (contact information will be mailed to you when received from the newspaper)

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) 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 June 8, 2023. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on June 8, 2023. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 449-3, 3981-3, 3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, Ryan Johnson, Utility Administrator, 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. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 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 Chief Engineer's recommendations with qualifications are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendations, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and

the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-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.

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 renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 20, 2023. However, since this particular matter is a future use permits renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

Sioux Valley News

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 8:49 AM
To: svn@midconetwork.com
Subject: 449-3, 3981-3, 3981A-3 City of Sioux Falls - Public Notice
Attachments: 449-3_3981-3_3981A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117, (605-367-8641) 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.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 8:50 AM
To: legals@argusleader.com
Subject: 449-3, 3981-3, 3981A-3 City of Sioux Falls - Public Notice
Attachments: 449-3_3981-3_3981A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

City of Sioux Falls, Ryan Johnson, Utility Administrator, PO Box 7402, Sioux Falls SD 57117, (605-367-8641) 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.

Thank you,

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



Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No.: SFA-078011
Ad No.: 0005718090
PO #: 449-3, 3981-3, 3981A-3
Lines : 264
Ad Total: \$78.46

SF, CITY OF
235 W 10TH ST
SIOUX FALLS, SD 57104

This is not an invoice

of Affidavits 1

Account No.: SFA-078011
Ad No.: 0005718090

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper 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 issue(s) :

Thursday, June 8, 2023

Sworn to and subscribed before me this 8 day of June, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

8-21-26
My Commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.

449-3, 3981-3, 3981A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, Ryan Johnson, Utility Administrator, 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. 449-3 was approved in 1957 and currently reserves 5,430 acre-feet of water from the Big Sioux: Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Permit No. 3981-3 was approved in 1980 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W.

Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,430 acre-feet annually and Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 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 Chief Engineer's recommendations with qualifications are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the per-

mits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://dnr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendations, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 449-3, 3981A-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 ex-

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

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17."

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 20, 2023. However, since this particular matter is a future use permits renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published June 8, 2023 at the total approximate cost of \$78.46 and may be viewed free of charge at www.sdpublishnotices.com.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

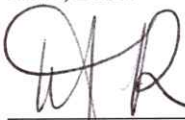
City of Sioux Falls Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

June 1, 2023

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$78.39** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Ascribed and sworn to before me this **1st** day of
June, 2023.


Notary Public, South Dakota



My Commission Expires
January 12, 2024

future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendations, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-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.

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Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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Published in the Sioux Valley News on June 1, 2023 at the total approximate cost of \$78.39 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

JUN 15 2023

OFFICE OF
WATER

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 449-3, 3981-3,
3981A-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 held by the City of Sioux Falls, Ryan Johnson, Utility Administrator, 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. 449-3 was approved in 1957 and currently reserves 5,490 acre-feet of water from the Big Sioux Southern Skunk Creek Aquifer located in Sections 9, 15, 16, 22, 23, 24, and 25; all in T101N-R50W to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Permit No. 3981-3 was approved in 1989 and currently reserves 30,000 acre-feet of water from the Big Sioux River located in the W 1/2 Section 33-T102N-R49W. Permit No. 3981A-3 was approved in 1989 to increase the area reserved for future use to include the N 1/2 Section 32-T102N-R49W with no increase in the amount of water reserved by Permit No. 3981-3. The water is to provide for future municipal needs for the city. This permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 449-3 REMAIN in EFFECT for 5,490 acre-feet annually and Permit Nos. 3981-3, 3981A-3 REMAIN in EFFECT for 30,000 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 Chief Engineer's recommendations with qualifications are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 449-3, 3981-3, 3981A-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 31, 2023

NOTICE OF ENTRY OF ORDER

City of Sioux Falls
c/o Ryan Johnson
PO Box 7402
Sioux Falls SD 57117

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2023 to review Future Use Permit No. 449-3. The Board allowed the permit to remain in effect for 5,430 acre-feet of water annually. Future Use Permit No. 449-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 449-3 is \$515 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

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

CERTIFICATION

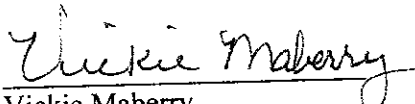
I hereby certify that on July 31, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 31, 2023 involving action taken by the Water Management Board hearing on July 12, 2023:

Lincoln County Rural Water System, c/o Robin Dykstra, 27066 Henry Pl., Sioux Falls SD 57108

West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559

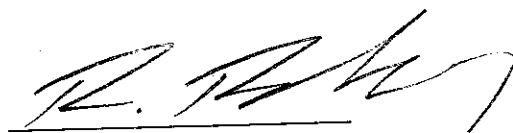
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117

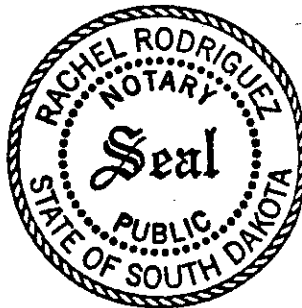
City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31 day of July, 2023.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



Rodriguez, Rachel

From: Keiser, Darcy
Sent: Monday, September 25, 2023 3:18 PM
To: Gronlund, Eric
Cc: Rodriguez, Rachel
Subject: RE: Sioux Falls

I am sorry, I should have followed up on this email earlier.

Their will be no receipt. It does not go through the check receipting process since it was an ACH payment. It was received by our bank on Aug 14

-----Original Message-----

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Thursday, August 24, 2023 1:06 PM
To: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Sioux Falls

Yes - those are for two future use permit allowed to remain in place for the city of Sioux Falls.

The receipts should go to Rachel Rodriguez

-----Original Message-----

From: Keiser, Darcy <Darcy.Keiser@state.sd.us>
Sent: Thursday, August 24, 2023 12:22 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Sioux Falls

Hi Eric

Are you expecting future use permit fees from Sioux Falls? Is it OK to deposit them if they are WR?

Thanks
Darcy



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

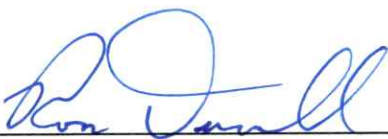
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 449-3

Name of Applicant: City of Sioux Falls, Ryan Johnson

Date of Posting: 6/5/2023

Date of Removal: 7/31/2023



Ron Duvall, Water Rights Permitting Administrator

7/31/23

Date

Subscribed and sworn to before me, a notary public, this 31 day of July, 2023.



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

