

FUTURE USE

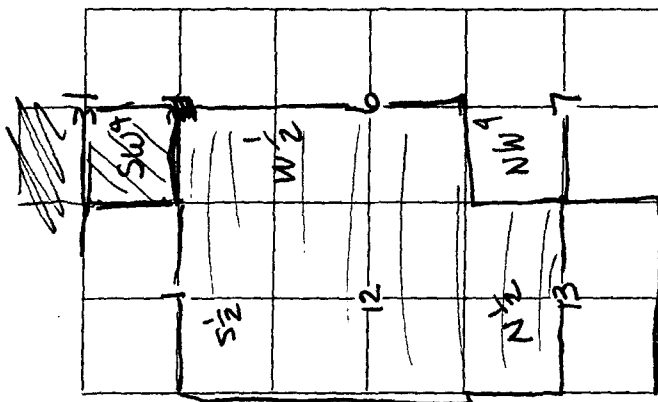
1. Considered: 10-7, 1981 Water Right No. 4796-3
2. Name of Applicant CITY OF SISSETON
3. Post Office Address 513 1ST AVE E. SISSETON 57262
4. Amount of Water Claimed 10.0 maximum acre feet
5. Source of Water Supply WELLS less than 200' deep
6. Water to be used for MUN acres to be irrigated -
7. County ROBERTS about _____ miles of _____
8. PROOF OF PUBLICATION: Received (initials) 9-8-81 Not Received _____
 APPLICATION: Approved 10-7-81 Subject to FUR
 Not Approved _____ Action Deferred 7yr review

PRIORITY Dated Received 10-18-81 Application complete-yes _____ no _____ FEE N/A
10-18-81 Remarks Permits 719-3-1.3 CFS; 2409-3-4.5 CFS

Corrected Application received _____ Period of Annual Use _____

WATER QUALITY N/A Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 W1-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
S 1/2 SEC 1; SEC 12 & N 1/2 SEC 13
T 125N-R 51W; SW 1/4 31-T 126N-
R 50W & W 1/2 SEC 6; NW 1/4 SEC 7
T 125N-R 50W
 Land to be irrigated _____

WELL LOG Driller Unknown at this time Licensed - yes _____ no _____
 Depth less than 200' deep
 Remarks _____

MAP Map No. 4005-3 Map located in Water Right ✓ Map file _____
 Type of Map DRAWN Prepared by SP N Assoc PE

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

August 18, 1981

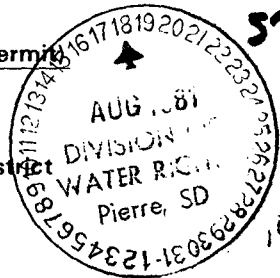
Deety Weselund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4796-3
Map No. 4005-3 Water Division No. 3 MINNESOTA District ABOVE FOR OFFICE USE RIVER



STATE

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☒ XX

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant City of Sisseton Phone No. 698-3391
Post Office Address 513 First Ave. East - Sisseton State SD 57262
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation August 17, 1907
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work N/A CITY FUTURE USE WELLS
4. Amount of water claimed (cubic feet per second) 10.0 CFS
5. Source of water supply Wells less than 200' deep gH
6. Location of point of diversion S 1/2 Section 1, Section 12 and N 1/2 Section 13
(all in T125N and R51W)---SW 1/4 31-126-50---W 1/2 Section 6 and
NW 1/4 Section 7 (both in T125N and R50W) County Roberts
7. Annual period or periods during which water is to be used Daily
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
9. For irrigation use, Total number of acres to be irrigated N/A

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N/A years. Additional time required to complete application of water to the proposed beneficial use N/A years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Sisseton Courier
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

WELLS

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

TRANSMISSION LINE

C. Works proposed to apply water to beneficial use.

DISTRIBUTION SYSTEM

Estimated Total Cost \$ N/A

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

STATE OF SOUTH DAKOTA)
County of Roberts)ss.

I, Edward Buck - Mayor the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Edward L. Buck

Subscribed and sworn to before me this 3rd day of August, 1981

David L. Silbert
Notary Public (or qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4796-3

CITY OF SISSETON

(Applicant)

513 1ST AVE E, SISSETON

(Post Office Address)

SOUTH DAKOTA

(State)

57262

With the following qualifications.

This Future Use Permit No. 4796-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years. 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 prior to construction of facilities.

This Permit is approved for ground water less than 200 feet deep.

Date of first receipt of application AUGUST 18, 1981

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

Date of receipt of corrected application _____, 19____

Approved OCTOBER 7, 1981, Recorded in Book 22 Page 294

WATER RIGHT PERMIT NO. 4796-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4796-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 18, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before N/A, 19____
3. The whole of said work is to be completed on or before N/A, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is N/A, 19____
5. The water appropriated shall be used for the purpose of MUNICIPAL USE-

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

7. The amount of the appropriation herein granted shall not exceed 10.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre foot per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~ WILL BE USED FOR FUTURE USE

for irrigation on or before N/A, 19____; said water to be used during the following described

annual period: CONTINUOUSLY

Witness my hand this 15th day of OCTOBER, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

No. _____

Map No. _____ Water Division No. _____ District _____

Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant _____ Phone No. _____

Post Office Address _____ State _____
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

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

3. Name of diversion work _____

4. Amount of water claimed (cubic feet per second) _____

5. Source of water supply _____

6. Location of point of diversion _____

County _____

7. Annual period or periods during which water is to be used _____

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____

9. For irrigation use, Total number of acres to be irrigated _____

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
County of _____) ss.

I, _____ the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public (or other qualified officer)

Publish first publication, on or before August 27, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 18, 1981

Notice is hereby given that the City of Sisseton ~~whose post office~~

~~address is~~, South Dakota, has made application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for permit to appropriate for beneficial use

10.0 cubic feet of water per second of time from ~~the~~ groundwater

through the City Future Use Wells, the point(s) of diversion of which ~~is~~ (are)

to be located in the S $\frac{1}{2}$, Section 1; Section 12 & N $\frac{1}{2}$, Section 13, T125N, R51W;

SW $\frac{1}{4}$, Section 31, R126N, R50W; W $\frac{1}{2}$, Section 6 & NW $\frac{1}{4}$, Section 7

~~XXXXXX~~, Twp. 125N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
~~XX~~

water supplies for City of Sisseton's future municipal use

This Application No. 4796-3 will be considered by the Water Management Board at

Staurolite Inn, Brookings SD upon 7th day of October, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing to the hearing or orally at the hearing.

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 Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: **City of Sisseton**
513 1st Ave E
Sisseton SD 57262

WNR-806C-7/79

Notice of Intent to Appropriate Water
(Future Use - Groundwater)

(605) 773-3352
Water Rights Division

October 20, 1981

City of Sisseton
513 1st Ave. E.
Sisseton, SD 57262

Dear Sir:

Enclosed is your Future Use Withdrawal Permit No. 4796-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in this future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

BH/bt
Enc.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County ROBERTS) ss.

I, JACK ADAMS hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the SISSETON COURIER

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 SISSETON

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

AUG. 27, 1981

SEPT. 3, 1981

Jack Adams
(Signature)
PUBLISHER
(Title)
SEPT. 3, 1981
(Date Signed)

Cost of Printing: 72 LINES, 11 PICAS, @ 17.3¢
1ST WEEK 12.46, 2ND WEEK 9.97
TOTAL: 22.43

WNR-808-7/79
Proof of Publication



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, SD 57501

August 18, 1981

Notice is hereby given that the City of Sisseton, South Dakota, has made application in accordance with the provisions of SDCL 46-1-1 thru 47-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for permit to appropriate for beneficial use 10.0 cubic feet of water per second of time from groundwater through the City Future Use Wells, the points of diversion of which are to be located in the S $\frac{1}{2}$, Section 1; Section 12 & N $\frac{1}{2}$, Section 13, T125N, R51W; SW $\frac{1}{4}$, Section 31, R126N, R50W; W $\frac{1}{2}$, Section 6 & NW $\frac{1}{4}$, Section 7, Twp. 125N, Range 50W. Said water to be used for the purpose of providing water supplies for City of Sisseton's future municipal use.

This Application No. 4796-3 will be considered by the Water Management Board at Staurolite Inn, Brookings, SD upon 7th day of October, 1981 at 10 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing to the hearing or orally at the hearing.

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 Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER
MANAGEMENT
BOARD

Betty Westlund
Water Rights
Specialist

(Aug. 27-Sept. 3-2w)



Department of Water & Natural Resources

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

August 3, 1989

Raymond Pederson, Mayor
City of Sisseton
513 1st Avenue East
Sisseton SD 57262

Dear Mayor Pederson:

I am writing in regard to Future Use Water Permit No. 4796-3 held by the City of Sisseton. A copy of Permit No. 4796-3 is enclosed for your files.

Future Use Permit No. 4796-3 will be scheduled for review by the Water Management Board on September 27 or 28, 1989 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place. The purpose of this review is to determine if a reasonable need exists for keeping the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee assessed if the permit remains in effect will be \$125.00.

Please respond in writing by August 18, 1989 regarding the city's intentions for the future use permit. If the city plans to retain the permit, then your response should outline a reasonable need for retaining the permit for future use.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



City Of Sisseton

513 First Avenue East
Sisseton, South Dakota 57262

August 16th, 1989

Area Code 605
Phone 698-3391

Ron Duvall
SD Dept. of Water/Natural Res.
523 East Capitol
Pierre, SD 57501

Re: Water Use Permit # 4796-3



Dear Mr. Duvall:

In regards to your correspondence on the Future Use Water Permit
34796-3 presently held by the City of Sisseton.

The City would like to maintain the future water permit . Due to the
fact if the city would ever need more water, we already have pipe to this
site and one well there. The three wells we have closer to town are in the
same aquafer and under the Interstate at the Junction of Hwy 10 and I-29 .

The City Council are quite concerned that something could happen to
these wells .

Therefore we request permission to maintain water use permit in
question. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Raymond T. Pederson".

Raymond T. Pederson,
Mayor
City of Sisseton



Department of Water & Natural Resources

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

August 23, 1989

Sisseton Courier
Box 169
Sisseton SD 57262

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4792-3 to be published twice. Please publish the first notice on or before August 30, 1989 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 Sisseton, 513 First Ave E, Sisseton SD 57262.

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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name

Newspaper



 **Department of
Water & Natural Resources**

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

August 23, 1989

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

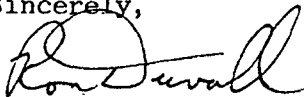
Raymond T. Pederson, Mayor
City of Sisseton
513 First Ave E
Sisseton SD 57262

Dear Mayor Pederson:

Future Use Permit No. 4796-3 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 Sisseton Courier printed at Sisseton SD. 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,



RON DUVALL
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper-Publish first publication of the following Notice on or before August 30, 1989 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved October 7, 1981 to reserve 10.00 cubic feet of water per second (cfs) from the Veblen Aquifer for diversion from the S1/2 section 1, section 12, N1/2 section 13, all in T125N, R51W; SW1/4 section 31, T126N, R50W; W1/2 section 6, NW1/4 section 7, both in T125N, R50W. Water Permit No. 5006-3 appropriates 3.00 cfs reserved by Permit No. 4796-3. Therefore, the amount of water reserved by Permit No. 4796-3 has been reduced to 7.00 cfs.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4796-3 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 No. 4796-3 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on September 27, 1989 at 8:45 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

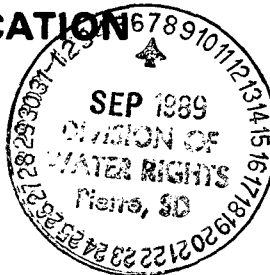
The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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 this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 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 extension must be filed with the Chief Engineer by September 15, 1989.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County ROBERTS) ss.



I, JACK ADAMS

certify that the attached printed Notice was taken
 from the SISSETON COURIER

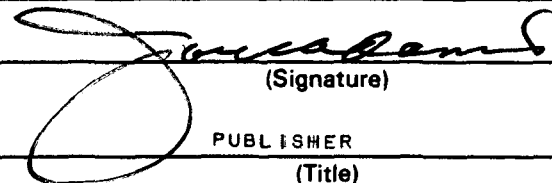
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

CITY of SISSETON

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

AUG. 30, 1989

SEPT. 6, 1989


 (Signature)
 PUBLISHER
 (Title)

SEPT. 6, 1989
 (Date Signed)

Cost of Printing: \$47.43
108 LINES @ 24.4¢, 80% SECOND ISSUE

**NOTICE OF HEARING TO
 REVIEW FUTURE USE WATER
 PERMIT NO. 4796-3**

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved October 7, 1981 to reserve 10.00 cubic feet of water per second (cfs) from groundwater less than 200 feet deep for diversion from the S $\frac{1}{2}$ Section 1, Section 12, N $\frac{1}{2}$ Section 13, all in T125N, R51W; SW $\frac{1}{4}$ Section 31, T126N, R50W; W $\frac{1}{2}$ Section 6, NW $\frac{1}{4}$ Section 7, both in T125N, R50W. Water Permit No. 5006-3 appropriates 3.00 cfs reserved by Permit No. 4796-3. Therefore, the amount of water reserved by Permit No. 4796-3 has been reduced to 7.00 cfs.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4796-3 REMAIN IN EFFECT because 1) the reserved water may be developed, 2) the reserved water will be a beneficial use, and 3) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on September 27, 1989, at 8:45 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or

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

The hearing to review Future Use Permit No. 4796-3 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 this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe [redacted] Building, Pierre, SD 57501; 605- [redacted] for assistance prior to the [redacted] date. The time of the [redacted] will be automatically extended for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.

(Aug. 30-Sept 6—2w)

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT NO. 4796-3, City of Sisseton

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. 4796-3, City of Sisseton, 513 First Avenue East, Sisseton SD.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the City of Sisseton has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 3) the proposed use will be a beneficial use and 4) in the public interest, and that Permit No. 4796-3 be amended by adding the following qualifications:

1. That Permit No. 4796-3 reserves for future use 3041 acre-feet annually. The diversion rate of 7.0 cfs is deleted from Permit No. 4796-3.

And that maintaining the effectiveness of Future Use Permit No. 4796-3 is subject to payment of the \$82.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sisseton.



JOHN HATCH, Chief Engineer
August 14, 1989

NOTE: The maximum annual acre-feet of full-time pumping represented by 7.0 cubic feet per second (cfs) reserved by No. 4796-3 is 5068 acre-feet. Assuming that the total amount pumped annually would equal 60% of 5068, expected developed pumping of water reserved under Permit No. 4796-3 would be about 3041 acre-feet per year.

estimate



Department of Water & Natural Resources

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

October 16, 1989

NOTICE

TO: Raymond T Pederson, Mayor
City of Sisseton
513 First Avenue East
Sisseton SD 57262

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

SUBJECT: Deferral of Review of Future Use Water Permit No.
4796-3, City of Sisseton

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4796-3 pending submission of additional information. The Board will consider limiting the City of Sisseton to two times the amount of permitted water actually put to beneficial use pursuant to Board Rule 74:02:01:24.01. Therefore, your annual water use records for the past 3 years with an estimated use for 1989 need to be submitted to the Division of Water Rights. The Board will use these records as a basis for determining the amount of water to be held in reserve for future use. For example, if 200 acre-feet of water is used annually under existing permit(s), then the future use permit may be limited to 400 acre-feet annually.

The pumping records need to be submitted to the Division of Water Rights by November 1, 1989 and then a hearing before the Board will be scheduled for December 6 or 7, 1989. Notice of the time and place of hearing will be given.

Please contact Ron Duvall, staff engineer, if you have any questions.

cc: John Haak, Assistant Attorney General
Joan Rice, City Finance Officer



CERTIFICATION

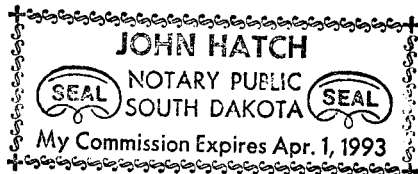
I hereby certify that on October 16, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4796-3 addressed as stated on the notice with a copy of the notice sent to Joan Rice, City Finance Officer at the same address.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of October, 1989.

John Hatch
Notary Public



City Of Sisseton

513 First Avenue East
Sisseton, South Dakota 57262

Area Code 605
Phone 698-3391

October 27, 1989



To: John Hatch, Chief Engineer
Water Rights Division
SD Dept of Water & Natural Resources

From: Joan Rice, City Finance Officer
City of Sisseton
513 First Ave. East
Sisseton, SD 57262

Subject: Future Use Water Permit #4796-3, City of Sisseton

Enclosed are the pumping records for the City of Sisseton for the years 1986, 1987, 1988 and 1989. The total water used is approximately:

1986 - 129,000,000 gallons
1987 - 143,000,000 gallons
1988 - 153,000,000 gallons

We estimate the 1989 water usage to be approximately 155,000,000 gallons. If you need anymore information, please let me know.



Department of Water & Natural Resources

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

November 14, 1989

NOTICE

TO: Raymond T Pederson, Mayor
City of Sisseton
513 First Avenue East
Sisseton SD 57262

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

A handwritten signature in dark ink, appearing to read "John Hatch".

SUBJECT: Reconsideration of Future Use Water Permit No. 4796-3,
City of Sisseton

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4796-3 to review your annual-water use pursuant to Board Rule 74:02:01:24.01. Pumping records for the past 3 years with an estimated use for 1989 have been received by the Division of Water Rights. The Chief Engineer's revised recommendation is enclosed.

The Board will reconsider Future Use Permit No. 4796-3 on December 6, 1989 at 1:30 pm in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 1:30 pm due to prior agenda items. Applicable provisions of the original notice of hearing published on August 30 & September 6, 1989 in the Sisseton Courier will still apply at this hearing.

cc: John Haak, Assistant Attorney General
Joan Rice, City Finance Officer

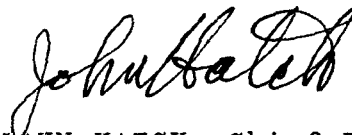
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT NO. 4796-3, City of Sisseton

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 4796-3.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the City of Sisseton has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest, and that Permit No. 4796-3 be amended by adding the following qualifications:

1. That Permit No. 4796-3 reserves for future use 952 acre-feet annually. The diversion rate of 7.0 cfs is deleted from Permit No. 4796-3.

And that maintaining the effectiveness of Future Use Permit No. 4796-3 is subject to payment of the \$37.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sisseton.



JOHN HATCH, Chief Engineer
November 14, 1989

NOTE: The estimated water usage in 1989 by the City of Sisseton is 476 acre-feet (155,000,000 gallons). Doubling this annual use to 952 acre-feet is the recommended amount of water to be reserved by Permit No. 4796-3 pursuant to Board Rule 74:02:01:24.01.

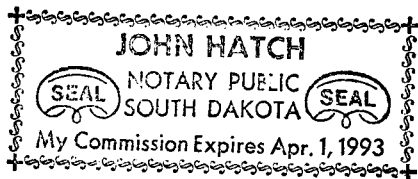
CERTIFICATION

I hereby certify that on November 14, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4796-3 addressed as stated on the notice with a copy of the notice sent to Joan Rice, City Finance Officer at the same address.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of November, 1989.



Johannes
Notary Public



Department of Water & Natural Resources

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

December 12, 1989

NOTICE

Raymond T Pederson, Mayor
City of Sisseton
513 First Avenue
Sisseton SD 57262

Dear Mayor Pederson:

I am writing in response to action taken by the Water Management Board at the hearing on December 7, 1989 to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect and amended Permit No. 4796-3 by adding the qualification on the enclosed "Attachment". The "Attachment" should be placed with the permit. Future Use Permit No. 4796-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$37.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact us if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch", written over a horizontal line.

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

enc.

cc: Joan Rice, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 4796-3

City of Sisseton

Pursuant to the December 7, 1989 Water Management Board hearing, Future Use Permit No. 4796-3 was allowed to remain in effect and amended by adding the following qualification:

- 1) That Permit No. 4796-3 reserves for future use 952 acre-feet annually. The diversion rate of 7.0 cfs is deleted from Permit No. 4796-3.

CERTIFICATION

I hereby certify that on December 12, 1989 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice and Attachment for Future Use Permit No. 4796-3 addressed as stated on the notice with a copy sent to the finance officer at the same address.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of December, 1989.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

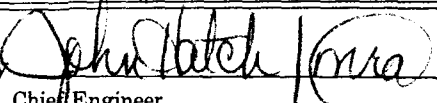
412012

Pierre, January 4, 1990

RECEIVED OF City of Sisseton, 513 1st Ave E. Sisseton, SD 57262

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for Fee for Review of Future Use Permit No. 4796-3	37	50
(Any Other Work Provided by Law)		
Total	37	50

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 1996

City of Sisseton
Joan Rice, Finance Officer
513 Veterans Avenue
Sisseton SD 57262-1491

Dear Ms. Rice:

I am writing in regard to the seven year review of Future Use Water Permit No. ⁴5796-3 from groundwater which is held by City of Sisseton. The permit reserves water for future water supply needs for the city. Currently, our records show that 7.0 cubic feet per second remain in reserve under this future use permit which was issued in 1981.

Please respond in writing by January 20, 1997, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4796-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed is 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 Sisseton

513 Veterans Avenue
Sisseton, South Dakota 57262
Phone: (605) 698-3391



January 17, 1997

Eric Gronlund, Water Rights Specialist
Water Rights Program
SD Dept. of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Future Use Water Permit No. 5796-3
Sisseton, South Dakota
SPN #95-7464

Dear Mr. Gronlund:

This letter is to inform you that the City of Sisseton wishes to retain the above referenced future use water permit. The City believes retention of this right is necessary for future community growth and economic development.

The annual usage from the City's existing wells has increased by more than eleven percent (11%) between 1994 and 1996. Pumping records indicate that the City pumped 129,775,800 gallons in 1994; 133,817,200 gallons in 1995; and 144,393,000 gallons in 1996. If this growth in consumption continues, the City will have to construct additional wells and utilize a portion of the future use permit in the near future.

Thank you for your attention to our request to retain this right. If you need additional information in support of the City's request to retain this future right, please contact me.

Sincerely,

CITY OF SISSETON

James W. Pearson, Mayor



January 23, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James W Pearson, Mayor
City of Sisseton
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Pearson:

Thank you for your letter requesting retention of Future Use Water Permit No. 4796-3 for the City of Sisseton. A copy of the **draft recommendation** for the seven year review of the permit is enclosed for your review.

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

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

If we do not receive comments from you by February 28, 1997, we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the May, 1997 Water Management Board meeting.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

c: Jay Larson, Schmucker Paul Nohr & Associates

DRAFT RECOMMENDATION

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT NO. 4796-3, City of Sisseton

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. 4796-3, City of Sisseton, 513 Veterans Avenue, Sisseton SD 57262.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 886 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

Permit No. 4796-3 reserves for future use a total of 886 acre-feet annually. The diversion rate of 7.0 cubic feet of water per second is deleted from Permit No. 4796-3.

And that maintaining the effectiveness of Future Use Permit No. 4796-3 is subject to payment of the \$37.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sisseton.

JOHN HATCH, Chief Engineer
(date)

NOTE: The maximum annual acre-feet of full-time pumping represented by 7.0 cubic feet of water per second (cfs) reserved by No. 4796-3 is 5,068 acre-feet. Assuming that the total amount pumped annually would equal 60% of 5,068 acre-feet, then expected developed pumping of water reserved under Permit No. 4796-3 would be about 3,041 acre-feet per year.

The maximum annual water usage of record by the City of Sisseton was 443 acre-feet in 1996. Doubling this annual use (886 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 7.0 cfs (3,041 acre-feet under Permit No. 4796-3). Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4796-3 should be allowed to remain in effect for 886 acre-feet as outlined in the above qualification.



March 25, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

James W Pearson, Mayor
City of Sisseton
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Pearson:

Future Use Permit No. 4796-3 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 Sisseton Courier (Phone #698-7642). For your information, a copy of the recommendation of the Chief Engineer is enclosed (same as draft sent to you January 23, 1997). Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Joan Rice, Finance Officer

RECOMMENDATION OF CHIEF ENGINEER
FOR FUTURE USE WATER PERMIT
NO. 4796-3, City of Sisseton

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. 4796-3, City of Sisseton, 513 Veterans Avenue, Sisseton SD 57262.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 886 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

Permit No. 4796-3 reserves for future use a total of 886 acre-feet annually. The diversion rate of 7.0 cubic feet of water per second is deleted from Permit No. 4796-3.

And that maintaining the effectiveness of Future Use Permit No. 4796-3 is subject to payment of the \$37.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sisseton.



JOHN HATCH, Chief Engineer
March 25, 1997

NOTE: The maximum annual acre-feet of full-time pumping represented by 7.0 cubic feet of water per second (cfs) reserved by No. 4796-3 is 5,068 acre-feet. Assuming that the total amount pumped annually would equal 60% of 5,068 acre-feet, then expected developed pumping of water reserved under Permit No. 4796-3 would be about 3,041 acre-feet per year.

The maximum annual water usage of record by the City of Sisseton was 443 acre-feet in 1996. Doubling this annual use (886 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 7.0 cfs (3,041 acre-feet under Permit No. 4796-3). Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4796-3 should be allowed to remain in effect for 886 acre-feet as outlined in the above qualification.

Instruction to Newspaper-Publish first publication of the following Notice on April 2, 1997 with 2nd publication 7 days later. The City of Sisseton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, 513 Veterans Avenue, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved in 1981 to reserve 10.0 cubic feet of water per second (cfs) from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1, Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. Water Permit No. 5006-3 appropriates 3.0 cfs reserved by Permit No. 4796-3, leaving 7.0 cfs in reserve for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 886 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on April 29, 1997 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 21, 1997. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 21, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 21, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



March 25, 1997

Sisseton Courier
Box 169
Sisseton SD 572562-0169

**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 No. 4796-3 to be published twice. Please publish the first notice on April 2, 1997 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sisseton, 513 Veterans Ave, Sisseton SD 57262.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5796-3

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

Date _____

We are in receipt of your letter of March 25, 1997 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5796-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 21, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 21, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.
(April 2-9--2wks)

(Date Signed)

Once cows calve, their nutrition requirements increase. Therefore, cows nursing calves could be separated and fed according to their higher requirements.

Cows rarely gain when lactating, but any increase in high energy feeds will help, said Epperson. This weight gain, but the increase in energy will help the cows maintain themselves from pre-calving to post-calving. Epperson suggests talking with a nutritionist to figure out a significant feeding program for the situation.

Another development this year is larger birth weight calves, Boggess noted. The facts presented at the meeting are that the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 6, 1997

NOTICE

James W. Pearson, Mayor
City of Sisseton
513 Veterans Ave.
Sisseton, SD 57262

Dear Mayor Pearson:

I am writing in response to action taken by the Water Management Board at the hearing on April 29, 1997, to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect and amended Permit No. 4796-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4796-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$37.50 pursuant to SDCL 46-2-13(2). Please remit the fee with 60 days.

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

Very truly Yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 4796-3

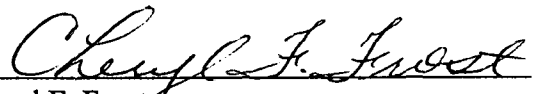
Pursuant to the April 29, 1997 Water Management Board hearing, Future Use Permit No. 4796-3 was allowed to remain in effect and amended by adding the following qualification:

Permit No. 4796-3 reserves for future use a total of 886 acre-feet annually. The diversion rate of 7.0 cubic feet of water per second is deleted from Permit No. 4796-3.

CERTIFICATION

I hereby certify that on May 6, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 6, 1997, regarding Action taken by the Water Management Board at the hearing on April 29, 1997, to review Future Use Permit No. 4796-3, and a copy of the Amendment to Future Use Permit No. 4796-3, addressed as stated below:

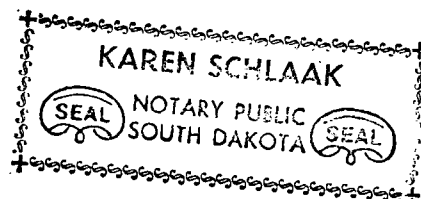
James W. Pearson, Mayor, City of Sisseton, 513 Veterans Ave., Sisseton, SD 57262.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of May, 1997


Notary Public



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

RECEIPT

415414

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 10, 1997

RECEIVED OF City of Sisseton, 513 Veterans Ave., Sisseton, SD 57262-1491

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>4796-3</u> after period of seven years.	37	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	37 50

By John Hatch 
Chief Engineer



**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 23, 2004

City of Sisseton
Joan Rice, Finance Officer
513 Veterans Ave
Sisseton SD 57262

Dear Ms. Rice:

I am writing in regard to the seven year review of Future Use Water Permit No. 4796-3 from groundwater (Veblen Aquifer) which is held by the City of Sisseton. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 1607 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 1997.

Please respond in writing by June 1, 2004, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4796-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

City Of Sisseton

513 Veterans Avenue
Sisseton, South Dakota 57262
Phone: (605) 698-3391

RECEIVED

MAY 28 2004

WATER RIGHTS
PROGRAM

May 26, 2004

Mr. Eric Gronlund
Water Rights Program
SD-DENR
523 East Capitol
Pierre, SD 57501-3182

Re: Future Use Permit No 4796-3
City of Sisseton, SD

Dear Sir:

The City of Sisseton request that Water Management Board retain its Future Use Water Permit No. 4796-3.

As a minimum, for future use the City requests 816 acre-feet remain in reserve for the City.

This future water will enable the City to meet it's water needs for future growth and economic development. The following is our water use for the past seven years.

1997	128,360,100 gals
1998	130,769,200 gals
1999	136,188,700 gals
2000	140,083,600 gals
2001	137,632,000 gals
2002	121,534,000 gals
2003	135,989,000 gals

Seven year average 132,936,657 gals.

If you require additional information please contact Joan Rice, Finance Officer (1-605-698-3391) or Terry Helms, Engineer, Helms and Associates (1-605-225-1212)

Sincerely

City of Sisseton



Frank Karst, Mayor



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 2004

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

Joan Rice, Finance Officer
City of Sisseton
513 Veterans Ave
Sisseton SD 57262

Dear Ms. Rice:

Future Use Permit No. 4796-3 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 Sisseton Courier printed at Sisseton (Phone #605 698-7642). 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**

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

June 1, 2004

Sisseton Courier
PO Box 169
Sisseton SD 57262-0169

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4796-3 to be published twice. Please publish the first notice on June 8, 2004 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 Sisseton, c/o Frank Karst, 513 Veterans Ave, Sisseton SD 57262.

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 June 9, 2004

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

We are in receipt of your letter of June 1, 2004 enclosing Notice of Hearing to Review Future Use Water Permit No. 4796-3 which was first published in our issue of Sisseton Courier. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Sylvia Deutsch

Name

Sisseton Courier

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 8, 2004 with 2nd publication 7 days later. The City of Sisseton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, Frank Karst, Mayor, 513 Veterans Ave, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved in 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S ½ Section 1, Section 12, N ½ Section 13; all in T125N-R51W; SW ¼ Section 31-T126N-R50W and the W ½ Section 6, NW ¼ Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 10:00 AM, July 7, 2004 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4796-3 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 June 28, 2004. 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 June 28, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**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. 4796-3, City of Sisseton 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. 4796-3, City of Sisseton, 513 Veterans Ave, Sisseton SD 57262.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 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. 4796-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
June 1, 2004

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Roberts ss.

Harley E. Deutsch of said county, being first duly sworn, on oath says, that he is publisher of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice of Hearing to Review Permit, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

June 8, 2004; _____;
June 15, 2004; _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 59.27

Harley E Deutsch

Subscribed and sworn to before me this 15th day of

June, A.D., 2004

Sylvia Deutsch
Notary Public, Roberts County, South Dakota
My commission expires February 3, 2010

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, Frank Karst, Mayor, 513 Veterans Ave, Sisseton, SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved in 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1, Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 10:00 AM, July 7, 2004 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

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

with BOTH the permit owner and the Chief Engineer by June 28, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4796-3 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 June 28, 2004. 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 June 28, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(June 8-15--2 wks)

RECEIVED
JUL - 6 2004
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 8, 2004

NOTICE

Frank Karst, Mayor
City of Sisseton
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Karst:

I am writing in response to action taken by the Water Management Board at the hearing on July 7, 2004 to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect for 1,607 acre-feet of water annually. Future Use Permit No. 4796-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$52.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 8, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 8, 2004 regarding Notice of action taken by Water Management Board on Future Use Permit No. 4796-3 addressed as stated below:

Frank Karst Mayor
City of Sisseton
513 Veterans Ave
Sisseton SD 57262



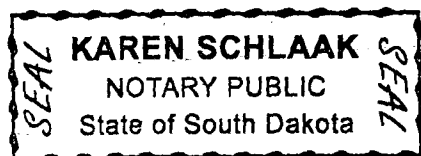
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of July, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 15, 20 04

RECEIVED OF City of Sisseton, 513 Veterans Ave, Sisseton SD 57262

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	52	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4796-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	52.50

No.

001353

By

Darwin White

Chief Engineer

gm

schmucker . paul . nohr & associates

R 51 W

R 50 W

T 126 N

T 125 N

36

31

30

1

6

5

12

7

8

13

PROPOSED FUTURE WATER RIGHTS
CITY OF SISSETON, S. D.

SCHMUCKER, PAUL, NOHR & ASSOCIATES

By

DMU

8/3/81

mtchell, south dakota

SPN
ASSOCIATES

MAP # 4005-3 WIR 4796-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2011

City of Sisseton
Frank Karst, Mayor
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Karst:

I am writing in regard to the seven year review of Future Use Water Permit No. 4796-3 from groundwater (Veblen Aquifer) which is held by the city of Sisseton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,607 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2004.

Please respond in writing by April 1, 2011, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years. The Water Management Board may limit the future use reservation to twice the city's current use.

Permit No. 4796-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,607 acre-feet remain in reserve, the fee will be \$195.00.

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 SISSETON
513 VETERANS AVENUE
SISSETON, SD 57262
PHONE: (605) 698-3391 – FAX (605) 698-3271**

RECEIVED

MAR 30 2011

**WATER RIGHTS
PROGRAM**

March 25, 2011

Mr. Eric Gronlund
Water Rights Program SD-DENR
523 East Capital
Pierre, SD 57501-3182

RE: Future Use Water Permit No 4796-3
City of Sisseton, SD

Dear Mr. Gronlund,

The City of Sisseton requests that Water Management Board retain its Future Use Water Permit No. 4796-3 of 1,607 acre-ft.

The following list shows the City's annual pumping records from the past three years

	2008	2009	2010
Well I	50,643,600	51,589,500	124,694,100
Well V	69,435,000	71,297,800	0 (main power offline repaired fall of 2010)
Total	120,078,600 gal 368.5 acre-ft	122,887,300 gal 377.1 acre-ft	124,694,100 gal 382.6 acre-ft

The future water use reserve recommended by the Water Management board is twice the average annual use which would be a minimum of 752 acre-ft.

City of Sisseton which resides in Roberts County was one of the few counties not to see a decrease in population. Over the past three years there has been a steady increase in water use of approximately 2%. If this trend continues at a similar rate the estimated annual water use for 2018 would be 439.5 acre-ft. requiring 880 acre-ft for reserve. The water use can be highly flexural though, with weather playing a large roll on the summer season water use. New development like the health care facility shows progress and increased future demands that the City will need. When considering the new health care facility and the recent wet summers, the City of Sisseton requests to retain its current Future Water Use Permit in order to meet future demands. The existing permit reserves of 1,607 acre-ft would ensure that all future demands can be met.

Sincerely,
City of Sisseton


Frank Karst, Mayor

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).



**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. 4796-3, City of Sisseton 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. 4796-3, City of Sisseton, 513 Veterans Ave, Sisseton SD 57262.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 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. 4796-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
June 8, 2011



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 8, 2011

Sisseton Courier
PO Box 169
Sisseton SD 57262-0169

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4796-3 to be published twice. Please publish the first notice on June 14, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sisseton, c/o Frank Karst, Mayor, 513 Veterans Ave, Sisseton SD 57262.

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 June 8, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4796-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 8, 2011

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

City of Sisseton
Frank Karst, Mayor
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Karst:

Future Use Permit No. 4796-3 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 Sisseton Courier (Phone 605 698-7642). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on June 14, 2011 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 NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, 513 Veterans Ave, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 currently reserves 1,607 acre feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S $\frac{1}{2}$ Section 1, Section 12, N $\frac{1}{2}$ Section 13; all in T125N-R51W; SW $\frac{1}{4}$ Section 31-T126N-R50W and the W $\frac{1}{2}$ Section 6, NW $\frac{1}{4}$ Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 10:30 am, July 13, 2011 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4796-3 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 July 1, 2011. 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 July 1, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

RECEIVED

JUN 30 2011

Affidavit of Publication

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
County of Roberts

ss.

Harley E. Deutsch of said county, being first duly sworn, on oath says, that he is publisher of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Hearing To Review Future Use Water Permit, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

June 14, 2011; _____;

June 21, 2011; _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 61.33

Harley E. Deutsch

Subscribed and sworn to before me this 21st day of

June, A.D., 2011

Steven M. Pirner

Notary Public, Roberts County, South Dakota
My commission expires February 3, 2016

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, 513 Veterans Ave, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 currently reserves 1,607 acre feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1, Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 10:30 a.m., July 13, 2011 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2011.

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

The hearing to review Future Use Permit No. 4796-3 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 July 1, 2011. 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 July 1, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$61.33.

(Jun. 14-21--2 wks)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 2011

NOTICE

City of Sisseton
Frank Karst, Mayor
513 Veterans Ave
Sisseton SD 57262

Dear Mayor Karst:

I am writing in response to action taken by the Water Management Board at the hearing on July 13, 2011 to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect for 1,607 acre-feet of water annually. Future Use Permit No. 4796-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$195.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

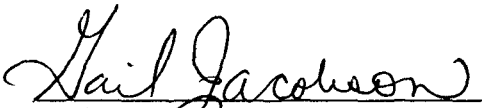
Sincerely,

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

CERTIFICATION

I hereby certify that on July 15, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 15, 2011 regarding Future use Permit No. 4796-3 addressed as stated below:

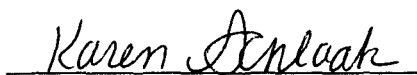
City of Sisseton, Mayor Frank Karst, 513 Veterans Ave., Sisseton SD 57262



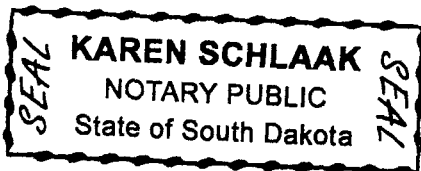
Gail Jacobson
Secretary Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 20 11.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/22, 20 11

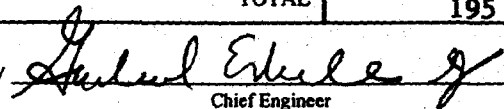
RECEIVED OF City of Sisseton 513 Veterans Ave Sisseton SD 57262

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	195 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4796-3</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. _____	195 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	195 00

No. **05020**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2018

Terry Jaspers, Mayor
City of Sisseton
406 2nd Ave W
Sisseton SD 57262

Dear Mayor Jaspers:

I am writing in regard to the seven year review of Future Use Water Permit No. 4796-3 from the Veblen Aquifer held by the City of Sisseton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,607 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2011.

Please respond in writing by April 12, 2018 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4796-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,607 acre-feet remain in reserve, the fee will be \$195.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

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

CITY OF SISSETON
406 2ND AVE. WEST
SISSETON, SD 57262
PHONE: (605) 698-3391 – FAX (605) 698-3271

RECEIVED
APR 12 2018
WATER RIGHTS
PROGRAM

April 9, 2018

Mr. Eric Gronlund
Water Rights Program SD-DENR
523 East Capital
Pierre, SD 57501-3182

RE: Future Use Water Permit No 4796-3
City of Sisseton, SD

Dear Mr. Gronlund,

The City of Sisseton requests that the Water Management Board retain its Future Use Water Permit No. 4796-3 of 1,607 acre-ft.

The following list shows the City's annual pumping records from the past three years:

	2015	2016	2017
Well I	53,516,343	77,778,233	66,662,762
Well V	55,655,643	34,827,313	50,328,540
Total	109,171,986 gal 335 acre-ft	112,605,546 gal 345.6 acre-ft	116,991,302 gal 359 acre-ft

The future water use reserve recommended by the Water Management board is twice the average annual use which would be a minimum of 718 acre-ft.

Roberts County, in which the City of Sisseton resides, was one of the few counties not to see a decrease in population. Over the past three years there has been a steady increase in water use of approximately 3%. If this trend continues at a similar rate the estimated annual water use for 2024 would be 428.7 acre-ft. requiring 857.4 acre-ft for reserve. The water use can be highly variable though, with weather playing a large roll on the summer season water use. New development by City endeavors and Tribal endeavors shows progress and increased future demands that the City will need to meet. When considering the existing facilities served and potential future development, the City of Sisseton requests to retain its current Future Water Use Permit in order to meet future demands. The existing permit reserves of 1,607 acre-ft would ensure that all future demands can be met.

Sincerely,
City of Sisseton


Terry Jaspers, Mayor



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

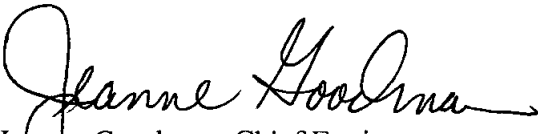
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4796-3, City of Sisseton**

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. 4796-3, City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave W, Sisseton SD 57262.

The Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 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. 4796-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
May 24, 2018

RECEIVED

JUN 13 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SSI, Jackie Wettestadcertify that the attached printed Notice was
takenfrom the Watertown
Public Opinionprinted and published in WatertownCounty of Codington andstate of South Dakota. The notice was
published

in the newspaper on the following date:

June 5, 2018Cost of Printing \$83.57Jackie Wettestad
(Signature)Accounting Clerk
(Title)6/11/18
(Date Signed)

DENR

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 11:30 am on July 12, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the

permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 2, 2018. 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 July 2, 2018. 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 15, 2018. Steven M. Pimer Secretary Department of Environment and Natural Resources. \$83.57
Published once at the approximate cost of \$78.57. (June 5, 2018)

RECEIVED

JUN 07 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Roberts } ss.

Kevin H. Deutsch of said county, being first duly sworn, on oath says, that he is Editor of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Hearing Review Future Use Water Permit printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

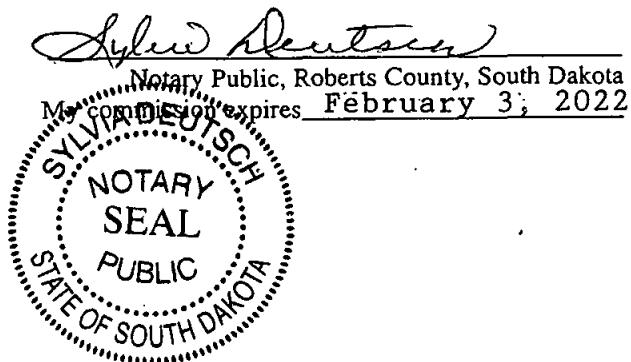
June 5, 2018, _____;
_____, _____;
_____, _____;
_____, _____;
_____, _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 39.13

Kevin H. Deutsch

Subscribed and sworn to before me this 5th day of

June, A.D., 2018



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave W, Sisseton SD 57262, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4, Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4, Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 11:30 am on July 12, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2018. 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 peti-

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

The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 2, 2018. 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 July 2, 2018.

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 15, 2018. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$39.13.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, May 25, 2018 8:39 AM
To: legals@thepublicopinion.com
Subject: 4796-3, City of Sisseton
Attachments: 4796-3notice.doc; FORM8.FRM.doc

Attached is a notice to be published on June 5, 2018.

The City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave W, Sisseton SD 57262 (605 698-3391) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 24, 2018

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

City of Sisseton
c/o Terry Jaspers, Mayor
406 2nd Ave W
Sisseton SD 57262

Dear Mayor Jaspers:

Future Use Permit No. 4796-3 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 the county where water will be diverted or used as well as the nearest daily newspaper. Notice of this review has been sent to the Sisseton Courier (605 698-7642) and the Watertown Public Opinion (605 886-6901). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(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 5, 2018. 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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 at 11:30 am on July 12, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4796-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 2, 2018. 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 July 2, 2018.

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 15, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 16, 2018

NOTICE OF ENTRY OF ORDER

City of Sisseton
c/o Terry Jaspers, Mayor
406 2nd Ave W
Sisseton SD 57262

Dear Mayor Jaspers:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2018 to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect for 1,607 acre-feet of water annually. Future Use Permit No. 4796-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$195.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 16, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 16, 2018 regarding Notice of Entry of Order addressed as stated below:

City of Madison
c/o Rick Nighbert, Water Supt
116 W Center St
Madison SD 57042

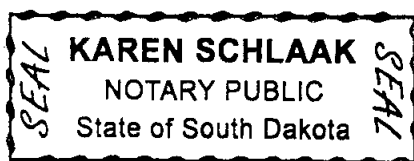
City of Sisseton
c/o Terry Jaspers, Mayor
406 2nd Ave W
Sisseton SD 57262

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 20, 20 18

RECEIVED OF City of Sisseton 406 2nd Ave. West Sisseton SD 57262

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	195	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4796-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	195 00

No. **08746**

By

Jeanne Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2025

City of Sisseton
c/o Joan Rice, Finance Officer
513 Veterans Avenue
Sisseton SD 57262

Dear Ms. Rice,

I am writing in regard to the seven-year review of Future Use Water Permit No. 4796-3 from groundwater (Veblen Aquifer) which is held by the City of Sisseton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,607 acre-feet remain in reserve under this future use permit that was issued in 1981 and last reviewed in 2018.

Please respond in writing by April 4, 2025, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 4796-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,607 acre-feet remain in reserve, the fee will be \$195.00.

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

Sincerely,

Rachel Rodriguez

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

Rodriguez, Rachel

From: Finance Officer <sisseton@venturecomm.net>
Sent: Tuesday, April 1, 2025 1:08 PM
To: Rodriguez, Rachel
Subject: [EXT] City of Sisseton Future Use Water Permit
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Good Afternoon,

Please see attached letter from the City of Sisseton regarding Future Use Water Permit 4796-3. The original letter was mailed to you today. Just wanted to make sure you receive it before Friday in case the mail is delayed.

I noticed on the letter we received from you that our information needs to be updated. If you could please list myself, Amber Kemnitz, as the Finance Officer for the City of Sisseton and update our mailing address to: 406 2nd Ave W Sisseton, SD 57262.

Thank you,

Amber Kemnitz
Finance Officer

City of Sisseton
406 2nd Ave. W.
Sisseton, SD 57262
605-698-3391
605-698-3271 fax
sisseton@venturecomm.net

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status.

(Not all prohibited bases apply to all programs).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call

(800) 795-3272 (voice) or (202) 720-6382 (TDD).

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

From: sisseton@venturecomm.net [mailto:sisseton@venturecomm.net]
Sent: Tuesday, April 01, 2025 11:01 AM
To: sisseton@venturecomm.net
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
Multifunction Printer Name: Xerox AltaLink C8130 (9F:F8:C6)

CITY OF SISSETON
406 2ND AVE. WEST
SISSETON, SD 57262
PHONE: (605) 698-3391 – FAX (605) 698-3271

April 1, 2025

Ms. Rachel Rodriguez
Water Rights Program SD-DANR
523 East Capitol Ave
Pierre, SD 57501-3182

RE: Future Use Water Permit No 4796-3
City of Sisseton, SD

Dear Ms. Rodriguez,

The City of Sisseton requests that the Water Management Board retain its Future Use Water Permit No. 4796-3 of 1,607 acre-ft.

The following list shows the City's annual pumping records from the past three years:

	2022	2023	2024
Well I	102,209,855	52,296,492	53,551,021
Well V	28,606,808	67,047,960	50,408,132
Total	130,816,663 gal 401 acre-ft	119,344,452 gal 366 acre-ft	103,959,153 gal 319 acre-ft

The average acre-ft over the past three years is 362 acre-ft. The future water use reserve recommended by the Water Management board is twice the average annual use which would be a minimum of 724 acre-ft.

The population of the City of Sisseton has remained steady. Over the past three years there has been a decrease in water use of approximately 9% from 2022 to 2023 and 13% from 2023 to 2024. However, I don't expect this trend to continue as there were construction projects taking place that could contribute to the higher use in 2022-2023. The water use can be highly variable though, with weather playing a large roll on the summer season water use. New development by City endeavors and Tribal endeavors shows progress and increased future demands that the City will need to meet. When considering the existing facilities served and potential future development, the City of Sisseton requests to retain its current Future Water Use Permit in order to meet future demands. The existing permit reserves of 1,607 acre-ft would ensure that all future demands can be met.

Sincerely,



Terry Jaspers, Mayor

RECEIVED

APR 04 2025

**OFFICE OF
WATER**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4796-3, City of Sisseton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4796-3, City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Avenue West, Sisseton SD 57262.

The Acting Chief Engineer is recommending that Future Use Permit No. 4796-3 REMAIN in EFFECT for 1,607 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4796-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4796-3, 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. 4796-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
May 16, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 19, 2025

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

City of Sisseton
c/o Terry Jaspers, Manager
406 2nd Avenue West
Sisseton SD 57262

Dear Mr. Jaspers:

Future Use Permit No. 4796-3 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 Sisseton Courier (Ph # 605 698-7642 and the Watertown Public Opinion (see contact information). For your information, a copy of the Acting 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 May 27, 2025. 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
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on May 27, 2025. The City of Sisseton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 on July 9, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, 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 Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4796-3 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by June 6, 2025.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2025.

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

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 6, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting 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

From: Rodriguez, Rachel
Sent: Friday, May 16, 2025 11:37 AM
To: legals@thepublicopinion.com
Subject: 4796-3 City of Sisseton - Public Notice
Attachments: 4796-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 27, 2025.

City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262, 605-698-3391, 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 Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 16, 2025 11:36 AM
To: 'ads@sissetoncourier.com'
Subject: 4796-3 City of Sisseton - Public Notice
Attachments: 4796-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 27, 2025.

City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262, 605-698-3391, 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 Ave, Pierre SD 57501.

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

Thank you,

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





Order Confirmation

Not an Invoice

Account Number:	1533360
Customer Name:	City Of Sisseton
Customer Address:	City Of Sisseton 406 2Nd AVE W Sisseton SD 57262-1302
Contact Name:	Terry Jaspers
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriquez@state.sd.us
PO Number:	

Date:	05/19/2025
Order Number:	11330522
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	260.0000
Height in Inches:	28.4900

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	05/27/2025 - 05/27/2025	Public Notices
WAT thepublicopinion.com	1	05/27/2025 - 05/27/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$80.40
Tax Amount	\$0.00
Service Fee 3.99%	\$3.21
Cash/Check/ACH Discount	-\$3.21
Payment Amount by Cash/Check/ACH	\$80.40
Payment Amount by Credit Card	\$83.61

Order Confirmation Amount	\$80.40
----------------------------------	----------------

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 19, 2025 9:50 AM
To: Rodriguez, Rachel
Subject: [EXT] 11330522 RE: 4796-3 City of Sisseton - Public Notice
Attachments: Order_Confirmation_Liners - 2025-05-19T104819.555.pdf

Hello-
Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Public Opinion on 5/27. The order cost is \$80.40 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email before 8am on Thursday with any changes.

A bill will be sent.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email before the deadline above requesting changes or to cancel.

Thank you!
Kerri Furnace
Public Notice Representative



Office: 844-254-5287

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

*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, May 16, 2025 12:37 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 4796-3 City of Sisseton - Public Notice

Attached is a notice to be published on May 27, 2025.

City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262, 605-698-3391, 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 Ave, Pierre SD 57501.

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

Thank you,

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights
523 E Capitol Ave
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

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

05/27/2025

and that the fees charged are legal.
Sworn to and subscribed before on 05/27/2025



Legal Clerk 

Notary, State of WI, County of Brown


My commission expires

Publication Cost:	\$80.40	
Tax Amount:	\$0.00	
Payment Cost:	\$80.40	
Order No:	11330522	# of Copies:
Customer No:	1533360	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use. Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 on July 9, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, 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 Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4796-3 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by June 6, 2025.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2025.

Notice is given to individuals with disabilities that

the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 6, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published on May 27, 2025 at the total approximate cost of \$80.40 and may be viewed free of charge at www.sdpublicnotices.com

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Roberts

} ss.

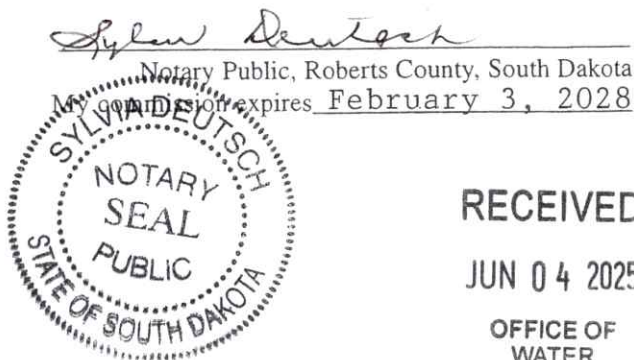
Kevin H. Deutsch of said county, being first duly sworn, on oath says, that he is Editor of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of City Of Sisseton- Notice Of Hearing, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

May 27, 2025; _____;
_____; _____;
_____; _____;
_____; _____;
_____; _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 62.25

Kevin H. Deutsch
Subscribed and sworn to before me this 27th day of

May, A.D., 2025



RECEIVED

JUN 04 2025

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4796-3

Notice is given that the Water Management Board will review Future Use Permit No. 4796-3 held by the City of Sisseton, c/o Terry Jaspers, Mayor, 406 2nd Ave. W, Sisseton SD 57262 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4796-3. This permit was approved 1981 and currently reserves 1,607 acre-feet from groundwater wells less than 200 feet deep (Veblen Aquifer) located in the S 1/2 Section 1; Section 12, N 1/2 Section 13; all in T125N-R51W; SW 1/4 Section 31-T126N-R50W and the W 1/2 Section 6, NW 1/4 Section 7; both in T125N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 4796-3 REMAIN in EFFECT for 1,607 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4796-3 on July 9, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit,

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 Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4796-3 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 Permit. The request for a delay must be filed with the Acting Chief Engineer by June 6, 2025.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2025.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 6, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$62.25 and may be viewed free of charge at www.sdpublicnotices.com.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 10 2025

NOTICE OF ENTRY OF ORDER

City of Sisseton
c/o Terry Jaspers, Manager
406 2nd Avenue West
Sisseton SD 57262

Dear Mr. Jaspers,

I am writing in response to action taken by the Water Management Board at the hearing on July 9, 2025, to review Future Use Permit No. 4796-3. The Board allowed the permit to remain in effect for 1,607 acre-feet of water annually. Future Use Permit No. 4796-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4796-3 is \$195.00 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 at Rachel.Rodriguez@state.sd.us if you have any questions.

Sincerely,

Mark Mayer, PE
Director of Office of Water



**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
Posting 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.: 4796-3

Name of Applicant: City of Sisseton, Terry Jaspers

Date of Posting: 5/27/2025

Date of Removal: 7/10/2025

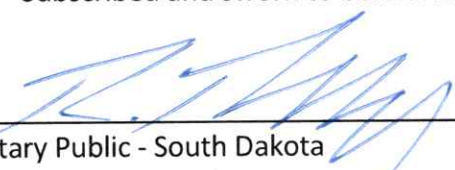


Ron Duvall, Engineer III

7/10/2025

Date

Subscribed and sworn to before me, a notary public, this 7th day of July, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL) Rachel Rodriguez
My Commission Expires
May 18, 2029



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 14th, 2025

RECEIVED OF City of Sisseton 513 Veterans Avenue Sisseton SD 57262

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>4796-3</u> after period of seven years.	<u>\$195.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$195.00</u>

By Mark Mauck
Chief Engineer