

FUTURE USE

1. Considered: February 3, 19 82

Water Right No. 4860-3

2. Name of Applicant City of Hoven

3. Post Office Address Hoven 57450

4. Amount of Water Claimed 3.00 maximum acre feet

5. Source of Water Supply Ground water 50'-200'

6. Water to be used for Municipal F/U acres to be irrigated

7. County Potter/Walworth about about miles of

8. PROOF OF PUBLICATION: Record Selby Received 3-15-82 Not Received

APPLICATION: Approved Subject to

Not Approved. Action Deferred

*Advised in Potter & Walworth Co. have to be re-advertised for April Mtg -  
(over expense)*  
Dated Received 1/13/82 Application complete-yes no FEE na

Remarks

Corrected Application received continuously Period of Annual Use

Received yes no APPROVED/CONDITIONAL (Circle one)

W1-1 Description same as application-yes no Remarks

Disapproved N/A Returned

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Diversion Point WALWORTH Co.

Sections 25,26,27,28,33,34,35 & 36 T121N

R74W and Sections 1,2,3 & 4, T120N-R74W  
(POTTER Co.)

Land to be irrigated

WELL LOG

Driller Unknown at the present Licensed - yes no

Depth

Remarks Unknown at the present

MAP Map No. 4065-3 Map located in Water Right XX Map file \_\_\_\_\_  
Type of Map drawn Prepared by P.E. Gale Selken  
Hydro WMB

+++++

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:  
1/15/82

Betty Westlund wes  
(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. 4860-3

received 1-13-1982

Map No. 4065-3 Water Division No. 3 Missouri River 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 X \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion \_\_\_\_\_

Change in Acreage \_\_\_\_\_ Additional Acreage \_\_\_\_\_

1. Name of Applicant City of Hoven Phone No. \_\_\_\_\_Post Office Address \_\_\_\_\_ Hoven \_\_\_\_\_ State South Dakota 57450  
(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) contract3. Name of diversion work City of Hoven Future Use4. Amount of water claimed (cubic feet per second) 3.05. Source of water supply groundwater6. Location of point of diversion Sections 25, 26, 27, 28, 33, 34, 35, 36, T121N, R74W  
and Section 1, 2, 3 & 4, T120N, R74WCounty Potter & Walworth7. Annual period or periods during which water is to be used continuous8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal

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 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 HOVEN REVIEW

12. Principal Features of the Proposed Water Supply System.

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

well

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

transmission line to city distribution system

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
(see instructions concerning preparation.)STATE OF SOUTH DAKOTA )  
                                          )ss.  
County of Potter )I, Jim Hageman, 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 Jim HagemanSubscribed and sworn to before me this 4th day of January, 19 82s/ David Von Wald

Notary Public (or other qualified officer)

SEAL

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4860-3

City of Hoven

Hoven

(Applicant)

(Post Office Address)

South Dakota 57450

(State)

With the following qualifications

This Future Use Permit No. 4860-3 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.

7

Date of first receipt of application January 13, 1982

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

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_

Approved April 7, 1982, Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

WATER RIGHT PERMIT NO. 4860-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4860-3 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 January 13, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before \_\_\_\_\_, 19\_\_\_\_ withdrawal for future use items
3. The whole of said work is to be completed on or before 2, 3 & 4 not applicable, 19\_\_\_\_
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is \_\_\_\_\_, 19\_\_\_\_
5. The water appropriated shall be used for the purpose of municipal - future 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 3.0 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~~

~~for irrigation on or before \_\_\_\_\_, 19\_\_\_\_~~; said water to be used during the following described

annual period: continuous

Witness my hand this 12th day of April, 1982

THE WATER MANAGEMENT BOARD

By:



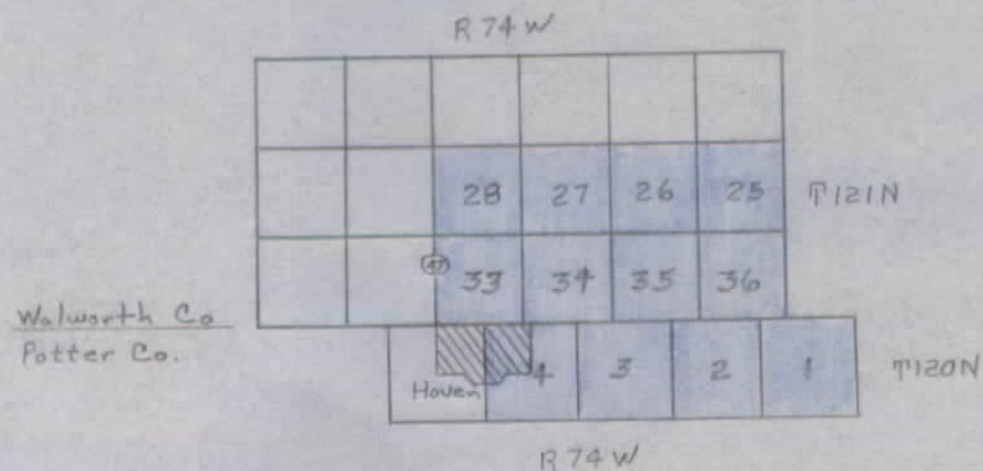
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

# Future Use Area for City of Hoven



Future use area = All of sections 25, 26, 27, 28, 33, 34, 35, 36 T121N, R74W  
1, 2, 3, 4 T120N, R74W

Dale M. Selken  
Dept. Water and Natural Resources  
Water Rights Division  
15 Jan 1982

Publish first publication, on or before March 11, 1982

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1982

Notice is hereby given the City of Hoven whose post office

address is Hoven, South Dakota, has made an appli-  
cation in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru  
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,  
46-5-25, 46-5-41 (XXXXXX) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14,  
(XXXXXX) 46-5-38; (XXXXXX) 46-5-30 thru 46-5-35 and Board Rules ARSD  
74:02:01:01 thru 74:02:01:15, (XXXXXX) 74:02:01:23 thru 74:02:01:26 (10,000 AFA)  
74:02:01:01 thru 74:02:01:03 for a <sup>FUTURE USE</sup> permit to appropriate for beneficial use

3.00 cubic feet of water per second of time from groundwater  
through the City of Hoven Future Use area, the ~~point(s)~~ of diversion ~~which~~  
~~is (are)~~ to be located in the ~~XXXXXX~~ Sections 25, 26, 27, 28, 33, 34, 35 and 36, T121N,  
R74W, Walworth County and Section 1, 2, 3, and 4

\_\_\_\_\_ Potter County  
~~\_\_\_\_\_~~, Twp. 120N, Range 74W/. Said water to be used for purpose of  
providing irrigation on portions of the following described land  
\_\_\_\_\_ water supplies for future municipal use

This Application No. 4860-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

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 prior 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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Walworth ) ss.

NOTICE OF HEARING  
ON APPLICATION  
TO APPROPRIATE WATER

Pierre, South Dakota 57501  
March 1, 1982

I, Bruce Clement hereby

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

Water was taken from the Selby Record

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 Selby

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

March 11, 1982

March 18, 1982

Bruce Clement  
(Signature)

Editor - Bus. mgr.  
(Title)

March 18, 1982

(Date Signed)

Cost of Printing: 8 pt 11 Em

73 lines at .3114 per line \$22.73

Notice is hereby given the City of Hoven, whose post office address is Hoven, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41, 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-5-38; Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:23 thru 74:02:01:26 for a future use permit to appropriate for beneficial use 3.00 cubic feet of water per second of time from groundwater through the City of Hoven Future Use, the area of diversion to be located in Sections 25, 26, 27, 28, 33, 34, 35 and 36, T121N, R74W, Walworth County and Section 1,2,3, and 4, Twp. 120N, Range 74W, Potter County. Said water to be used for purpose of water supplies for future municipal use.

This Application, No. 4860-3 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Building, Church & Illinois, Pierre, S. D., upon the 7th day of April, 1982 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 prior 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water  
Management Board,  
Betty Westlund,  
Water Rights Specialist



# Department of Water & Natural Resources

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

August 3, 1989

James Hageman, Mayor  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Mayor Hageman:

I am writing in regard to Future Use Water Permit No. 4860-3 held by the City of Hoven. A copy of Permit No. 4860-3 is enclosed for your files.

Future Use Permit No. 4860-3 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 \$65.00.

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,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enc.



City of Hoven  
Box 157  
Hoven, S. Dak.

August 9, 1989



Ron Duvall  
Natural Resources Engineer  
Pierre, S. D. 57501  
Dear Sir:

In response to your letter on the Future Use Water  
Permit No. 4860-3 held by the City of Hoven.

This is the only means of Water the City of Hoven has, so  
our need to retain the permit is a must for the City of  
Hoven.

Sincerely,

*Mildred Ortmeier*  
Mildred Ortmeier

Finance Officer for City of Hoven

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 4860-3, City of Hoven

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. 4860-3, City of Hoven, P.O. Box 157, Hoven, SD

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the City of Hoven has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 3) the proposed use is a beneficial use and 4) in the public interest and that Permit No. 4860-3 be amended by adding the following qualifications:

1. This permit is approved for groundwater between 50 and 200 feet deep.
2. That Permit No. 4860-3 reserves for future use 1300 acre-feet annually. The diversion rate of 3.0 cfs is deleted from Permit No. 4860-3.

And, that maintaining the effectiveness of Future Use Permit No. 4860-3 is subject to payment of the \$45.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Hoven.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
August 15, 1989

NOTE: The maximum annual acre-feet of full-time pumping represented by 3.0 cubic feet per second (cfs) reserved by No. 4860-3 is 2172 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2172, expected developed pumping of water reserved under Permit No. 4860-3 would be about 130 acre-feet per year.



# Department of Water & Natural Resources

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

August 23, 1989

Mildred Ortmeier, Finance Officer  
City of Hoven  
Box 157  
Hoven SD 57450

Dear Ms. Ortmeier:

Enclosed is a revised recommendation with a correction in the NOTE at the bottom of the recommendation. The amount of water reserved in Permit No. 4860-3 would be about 1300 acre-feet rather than 130 acre-feet.

My letter dated August 3, 1989, indicated the fee to be assessed would be \$65.00. This fee has been reduced to \$45.00 based on the amount of water reserved being approximately 60% of the 3.00 cfs appropriation.

Please contact me if you have any questions.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enc.



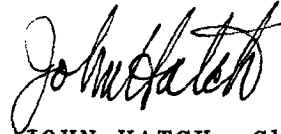
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 4860-3, City of Hoven

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. 4860-3, City of Hoven, P.O. Box 157, Hoven, SD

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the City of Hoven has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 3) the proposed use is a beneficial use and 4) in the public interest and that Permit No. 4860-3 be amended by adding the following qualifications:

1. This permit is approved for groundwater between 50 and 200 feet deep.
2. That Permit No. 4860-3 reserves for future use 1300 acre-feet annually. The diversion rate of 3.0 cfs is deleted from Permit No. 4860-3.

And, that maintaining the effectiveness of Future Use Permit No. 4860-3 is subject to payment of the \$45.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Hoven.



JOHN HATCH, Chief Engineer  
August 23, 1989

NOTE: The maximum annual acre-feet of full-time pumping represented by 3.0 cubic feet per second (cfs) reserved by No. 4860-3 is 2172 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2172, expected developed pumping of water reserved under Permit No. 4860-3 would be about 1300 acre-feet per year.



**Department of  
Water & Natural Resources**

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

August 17, 1989

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

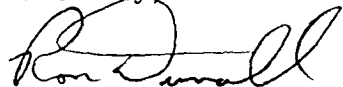
Mildred Ortmeier, Finance Officer  
City of Hoven  
Box 157  
Hoven SD 57450

Dear Ms. Ortmeier:

Future Use Permit No. 4860-3 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 Hoven Review printed at Hoven and the Selby Record printed at Selby. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,



RON DUVAL  
Natural Resources Engineer  
605 773-3352

enclosures





# Department of Water & Natural Resources

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

August 17, 1989

Hoven Review  
Box 37  
Hoven SD 57450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on or before August 24, 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 Hoven, Mildred Ortmeier, Finance Officer, Box 157, Hoven SD 57450.

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 17, 1989

Selby Record  
Box U  
Selby SD 57472

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on or before August 24, 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 Hoven, Mildred Ortmeier, Finance Officer, Box 157, Hoven SD 57450.

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





**NOTICE OF HEARING  
TO REVIEW FUTURE USE WATER  
PERMIT NO. 4860-3**

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved April 7, 1982 to reserve 3.00 cubic feet of water per second (2,172 acre feet annually) of ground water, from 50 to 200 feet deep, for diversion from sections 25 thru 28, 33 thru 36, T121N, R74W; sections 1 thru 4, T120N, R74W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4860-3 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. 4860-3 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 must include a statement describing the petitions

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. 4860-3 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, DWR, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.

202A RTG-44111 1005 2000000000 11-1

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

ss:

I, Louella M. Aman, being first duly sworn under oath say: the Selby Record is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published by Allan and Leah Burke in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper, I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice Of Hearing To Review Future  
Use Water Permit No. 4860-3

A printed copy of which is hereto attached, was printed and published in said newspaper for TWO successive weeks upon the

following dates, to wit:

August 24, 19 89 ..... 19.....  
August 31, 19 89 ..... 19.....  
..... 19 ..... 19.....  
..... 19 ..... 19.....  
..... 19 ..... 19.....

That the full amount of the fees charged for publishing the same

to wit: the sum of... \$41.76.....

inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Louella M Aman

subscribed and sworn to before me this

19 day of Sept, 19 89

[Signature]  
My Commission Expires 20 July 1997

## PROOF OF PUBLICAT

STATE OF SOUTH DAKOTA )  
 County Patterson ) ss.

Leona Wagner

certify that the attached printed Notice was  
 from the Hoven Recorder

A newspaper which during the whole time of publica  
 said notice herein after stated, has been and is print  
 published in the City of Hoven

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

8-24 & 8-31

Leona Wagner  
 (Signature)

Owner  
 (Title)

8-24-89  
 (Date Signed)

Cost of Printing: \_\_\_\_\_

NOTICE OF HEARING TO REVIEW  
FUTURE USE

## WATER PERMIT NO. 4860-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved April 7, 1982 to reserve 3.00 cubic feet of water per second (2,172 acre feet annually) of ground water, from 50 to 200 feet deep, for diversion from sections 25 thru 28, 33 thru 36, T121N, R74W; sections 1 thru 4, T120N, R74W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4860-3 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. 4860-3 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 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. 4860-3 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 recommendations, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, 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.

27-28c



Instruction to Newspaper-Publish first publication of the following Notice on or before August 24, 1989 with 2nd publication 1 week later. The permit owner is responsible for payment.

---

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved April 7, 1982 to reserve 3.00 cubic feet of water per second (2,172 acre feet annually) of ground water, from 50 to 200 feet deep, for diversion from sections 25 thru 28, 33 thru 36, T121N, R74W; sections 1 thru 4, T120N, R74W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4860-3 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. 4860-3 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. 4860-3 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.

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

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

October 16, 1989

**NOTICE**

TO: James Hageman, Mayor  
City of Hoven  
PO Box 157  
Hoven SD 57450

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



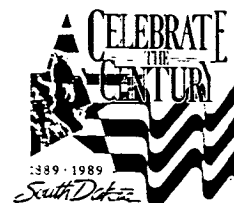
SUBJECT: Deferral of Review of Future Use Water Permit No.  
4860-3, City of Hoven

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4860-3 pending submission of additional information. The Board will consider limiting the City of Hoven 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  
Mildred Ortmeier, City Finance Officer



CERTIFICATION

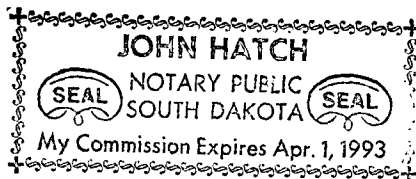
I hereby certify that on October 16, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4860-3 addressed as stated on the notice with a copy of the notice sent to Mildred Ortmeier, City Finance Officer at the same address.

*Karen Schlaak*

KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 17<sup>th</sup> day of October, 1989.



*John Hatch*  
Notary Public

City of Hoven  
Hoven, S. Dak.

10-19-89

Dept. of Water & Natural Resources  
523 East Capitol  
Pierre, S. D.



To: John Hatch, Chief Engineer

Subject : Water Permit No. 4860-3 City of Hoven

I am sending you the annual water use for the  
past three years.

1987----54,374,500

1988----55,819,750

1989----66,948,100

*Mildred Ortmeier*  
Mildred Ortmeier

City Finance Officer



# Department of Water & Natural Resources

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

November 14, 1989

## NOTICE

TO: James Hageman, Mayor  
City of Hoven  
PO Box 157  
Hoven SD 57450

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

A handwritten signature in cursive script, appearing to read "John Hatch".

SUBJECT: Reconsideration of Future Use Water Permit No. 4860-3,  
City of Hoven

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4860-3 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. 4860-3 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 24 & 31, 1989 in the Selby Record and Hoven Review will still apply at this hearing.

cc: John Haak, Assistant Attorney General  
Mildred Ortmeier, City Finance Officer

CERTIFICATION

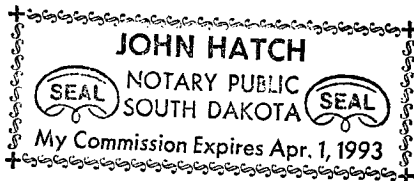
I hereby certify that on November 14, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4860-3 addressed as stated on the notice with a copy of the notice sent to Mildred Ortmeier, City Finance Officer at the same address.

*Karen Schlaak*

KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 15<sup>th</sup> day of November, 1989.



*John Hatch*  
Notary Public

SECOND REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE  
WATER PERMIT NO. 4860-3, City of Hoven

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. 4860-3.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the City of Hoven has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest, and that Permit No. 4860-3 be amended by adding the following qualifications:

1. This permit is approved for groundwater between 50 and 200 feet deep.
2. That Permit No. 4860-3 reserves for future use 410 acre-feet annually. The diversion rate of 3.0 cfs is deleted from Permit No. 4860-3.

And that maintaining the effectiveness of Future Use Permit No. 4860-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Hoven.

  
JOHN HATCH, Chief Engineer  
November 14, 1989

NOTE: The estimated water usage in 1989 by the City of Hoven is 205 acre-feet (66,948,000 gallons). Doubling this annual use to 410 acre-feet is the recommended amount of water to be reserved by Permit No. 4860-3 pursuant to Board Rule 74:02:01:24.01.



# Water & Natural Resources

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

December 12, 1989

## NOTICE

James Hageman, Mayor  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Mayor Hageman:

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. 4860-3. The Board allowed the permit to remain in effect and amended Permit No. 4860-3 by adding the qualifications on the enclosed "Attachment". The "Attachment" should be placed with the permit. Future Use Permit No. 4860-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$27.50 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 dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enc.

cc: Mildred Ortmeier, Finance Officer

**AMENDMENT TO FUTURE USE PERMIT NO. 4860-3**

**City of Hoven**

Pursuant to the December 7, 1989 Water Management Board hearing, Future Use Permit No. 4860-3 was allowed to remain in effect and amended by adding the following qualifications:

- 1) This permit is approved for groundwater between 50 and 200 feet deep.
- 2) That Permit No. 4860-3 reserves for future use 410 acre-feet annually. The diversion rate of 3.0 cfs is deleted from Permit No. 4860-3.

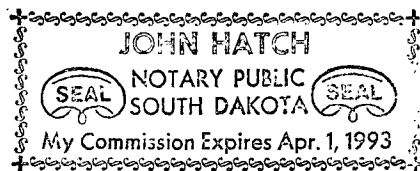
**CERTIFICATION**

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. 4860-3 addressed as stated on the notice with a copy sent to the finance officer at the same address.

**KAREN SCHLAAK**  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 14<sup>th</sup> day of December, 1989.



*John Hatch*  
Notary Public

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411998

Pierre, December 15, 1989

RECEIVED OF City of Hoven, Box 157, Hoven, SD 57450

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 <u>Review of Future Use Permit No. 4000-3</u>                                                                      | 27 | 50 |
| (Any Other Work Provided by Law)                                                                                           |    |    |
| <b>Total</b>                                                                                                               | 27 | 50 |

By

Chief Engineer

John D. Hovell  
John D. Hovell



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 16, 1996

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

I am writing in regard to the seven year review of Future Use Water Permit No. 4860-3 from groundwater (wells between 50 and 200 feet deep) which is held by the City of Hoven. Currently, our records show that 410 acre-feet remain in reserve under this future use permit which was issued in 1982.

Please respond in writing by October 15, 1996, 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.

Permit No. 4860-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

City of Hoven  
Hoven, S. Dak.



October 9, 1996

Karen Schlaak, Environmental Scientist  
Dept. of Environment & Natural Resources  
Joe Foss Building, 523 East Capitol  
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

The City of Hoven would like to retain the Future Use Water Permit No 4860-3 from groundwater.

With a major factory in Hoven, which depends on a adequate amount of water 18 hrs. a day. We also have two or three Building permits every month. The City of Hoven with this growth rate will need this 410 acre-feet water reserve in the further.

Sincerely,

Patti K. Arbach  
Finance Officer  
City Of Hoven

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4860-3, City of Hoven**

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. 4860-3, City of Hoven, PO Box 157, Hoven SD 57450-0157.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3 , 2) the City of Hoven has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 4860-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Hoven.

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

JOHN HATCH, Chief Engineer  
October 28, 1996



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 28, 1996

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

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

Future Use Permit No. 4860-3 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 Hoven Review printed at Hoven SD (Phone #948-2110). 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/ks*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 28, 1996

Hoven Review  
Box 37  
Hoven SD 57450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on November 7, 1996 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 Hoven, Box 157, Hoven SD 57450-0157.

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

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

Sincerely,

*Eric Gronlund /ks*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE  
No. 4860-3

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

Date \_\_\_\_\_

We are in receipt of your letter of October 28, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 4860-3 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 1, 1996

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

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

Pursuant to my phone call this morning enclosed is the Notice of Hearing to Review Future Use Water Permit No. 4860-3 for the City of Hoven, which has been sent to the Publisher of the Selby Record printed at Selby SD (Phone #649-7866).

**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,

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

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 1, 1996

Selby Record,  
Box 421  
Selby SD 57472-0421

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on November 7, 1996 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 Hoven, Box 157, Hoven SD 57450-0157.

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

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

Sincerely,

*Eric Gronlund / KS*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE  
No. 4860-3

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

Date \_\_\_\_\_

We are in receipt of your letter of November 1, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 4860-3 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 7, 1996 with 2nd publication 7 days later. The City of Hoven is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven SD 57450-0157 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. 4860-3. This permit was approved April 7, 1982, and reserves 410 acre-feet from groundwater (between 50 and 200 feet deep) located in Sections 25 thru 28, 33 thru 36; T121N-R74W and Sections 1 thru 4; T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at the Floyd Matthew Training Center, 523 E Capitol, Pierre SD on December 4, 1996 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 November 25, 1996. 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. 4860-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 25, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

**NOTICE OF HEARING TO REVIEW FUTURE USE  
WATER PERMIT NO. 4860-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven, SD 57450-0157 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. 4860-3. This permit was approved April 7, 1982, and reserves 410 acre-feet from groundwater (between 50 and 200 feet deep) located in Sections 25 thru 28, 33 thru 36, T12N-R74W and Sections 1 thru 4, T12N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 **REMAIN in EFFECT** for 410 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. 4860-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD on December 4, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1996. 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 petitioners 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. 4860-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-11, 46-2-9, 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 presented or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by November 25, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1996. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

*(Published in the Selby Record Nov. 7 & 14, 1996)*

# Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

**SS:**

Leona Wager, being first duly sworn under oath say: the Selby Record is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published to Leona Wager in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper, I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

City of Haven

1 printed copy of which is hereto attached, was printed and published  
1 said newspaper for.....successive weeks upon the

Following dates, to wit:

11-7, 1996 11-14, 1996

....., 19..... 19.....

....., 19 ..... 19.....

....., 19..... 19.....

....., 19..... 19.....

that the full amount of the fees charged for publishing the same

to wit: the sum of \$96.00

tures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Jane Wagon

subscribed and sworn to before me this

29 day of November, 1906

Yves McLaurie

June 1, 2004



# **NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven, SD 57450-0157 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. 4860-3. This permit was approved April 7, 1982, and reserves 410 acre-feet from ground-water (between 50 and 200 feet deep) located in Sections 25 thru 28, 33 thru 36,; T121N-R74W and Sections 1 thru 4; T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD on December 4, 1996 at 10:00 a.m.

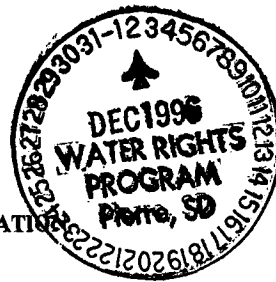
The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1996. 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 petitioners 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. 4860-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-11, 46-2-9, 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 presented or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by November 25, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1996. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Published in the Hoven Review Nov. 7 & 14, 1996)



## **AFFIDAVIT OF PUBLICATION**

**STATE OF SOUTH DAKOTA  
COUNTY OF POTTER—ss.**

LEONA C. WAGER, of said county being first duly sworn, on oath says that he is publisher of The Hoven Review, a weekly newspaper printed and published in Hoven, Potter County of Potter and has full and personal knowledge of the facts herein stated; that said newspaper is a legal paper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or part in an office maintained at said place of publication: that the

*City of Hoven*

...ed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of said Affidavit, was published in said newspaper at least

...in each week for 2 successive weeks, on the day

...th week on which newspaper was regularly published,

*Water Rights  
11-7-14, 1996*

...the full amount of the fees for the publication of the

...ed notice is \$ 83.20

*Leona Wager*  
\_\_\_\_\_  
Leona C. Wager  
Publisher

...ed and sworn to before me this 26<sup>th</sup>

November, 19 96

*Lickie McQuinn*  
\_\_\_\_\_

Notary Public  
Potter County, South Dakota

My commission expires June 1, 2004



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 5, 1996

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

I am writing in response to action taken by the Water Management Board at the hearing on to review Future Use Permit No. 4860-3. The Board allowed the permit to remain in effect. Future Use Permit No. 4860-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

# RECEIPT

415204

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 13, 1996

RECEIVED OF The City of Hoven, Box 157, Hoven, SD 57450-0157

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. 4860-3 after period of seven years.                                              | 27    | 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 | 27 50 |

By John Hatch  
Chief Engineer

4860-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 4, 2003

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

I am writing in regard to the seven year review of Future Use Water Permit No. 4860-3 from groundwater (wells between 50 and 200 feet deep) which is held by the City of Hoven. 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 410 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 1996.

Please respond in writing by October 15, 2003, 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. 4860-3 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

September 26, 2003

RECEIVED

OCT - 6 2003

WATER RIGHTS  
PROGRAM

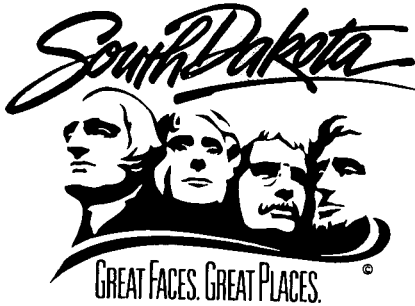
Karen Schlaak  
Environmental Scientist  
Water Rights Program  
523 East Capitol  
Pierre, SD 57501-3182

The City of Hoven plans on retaining the Future Use Water Permit No. 4860-3. We now have a contract with Mid-Dakota water for 74 gallon per minute, but are pumping an additional 112,000 gallons per day from the Cities wells in order to meet the demand in the summer. From July 1, 2000 to July 1, 2003 the City has pumped 34,855,100 gallons of water from their wells. The council is looking into adding more water storage, which could help if we could pull that 74 gallons per minute 24 hours a day. The council would like to have this water reserved for the cities future needs.

Sincerely,



Patti K. Arbach  
Finance Officer  
City of Hoven  
PO Box 157  
Hoven, SD 57450



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4860-3, City of Hoven 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. 4860-3, City of Hoven, PO Box 157, Hoven SD 57450-0157.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 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. 4860-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer  
October 27, 2003



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 27, 2003

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

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

Future Use Permit No. 4860-3 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 Hoven Review (Phone #605 948-2110). 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](http://www.state.sd.us/denr)

October 27, 2003

Hoven Review  
PO Box 37  
Hoven SD 57450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on (thurs) 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 Hoven, c/o Patti Arbach, Finance Officer, PO Box 157, Hoven SD 57450.

**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 October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 4860-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 6, 2003 with 2nd publication 7 days later. The permit owner is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven SD 57450 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. 4860-3. This permit was approved in 1982 currently reserves 410 acre feet from groundwater (wells between 50 and 200 feet deep) located in Sections 25 thru 28, 33 thru 36, T121N-R74W and Section 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am, December 3, 2003 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 November 21, 2003. 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. 4860-3 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 November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

NOV 13 2003

WATER RIGHTS  
PROGRAM

AFFIDAVIT OF PUBLICATION  
STATE OF SOUTH DAKOTA  
COUNTY OF POTTER

# PUBLIC NOTICE

## Notice of Hearing to Review Future Use Water Permit No. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven, SD 57450 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. 4860-3. This permit was approved in 1982 currently reserves 410 acre feet from groundwater (wells between 50 and 200 feet deep) located in Sections 25 thru 28, 33 thru 36, T121N-R74W and Section 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am, December 3, 2003 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 November 21, 2003.

November 21, 2003. 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. 4860-3 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 November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

Steven M. Priner  
Secretary  
Department of Environment and  
Natural Resources

(Published in The Hoven Review,  
November 6 & 13, 2003.)

TWILA GRIESE, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF THE HOVEN REVIEW, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATED: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED. AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the *Water Rights Program*

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least one week, on the day of each week on which the newspaper was regularly published, to-wit:

*2 WEEKS*  
*214 lines x 0.30044 =*

That the full amount of the fee for the publication of the annex notice is

*864.29*

*Twila Griese*

Subscribed and sworn to for me this  
12<sup>th</sup> day of *Nov*, 2003

*Connie C Forgy*

Notary Public  
Potter County, South Dakota  
My commission expires

CONNIE C. FORGEY  
Notary Public, POTTER COUNTY, S. DAK  
My Commission Expires JAN. 18, 2004





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 5, 2003

**NOTICE**

Patti Arbach, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

Dear Ms. Arbach:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2003 to review Future Use Permit No. 4860-3. The Board allowed the permit to remain in effect for 410 acre-feet of water annually. Future Use Permit No. 4860-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$27.50 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 December 5, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 2003 regarding Water Right No. 549-1, 1159-2, 386B-3, 429-3, 809-3, 1141-3, 2388-3, 4545-3, 1045-3, 1962-3, 1105-3A, 1143-3A, 1146-3, 1154-3, 1170-3, 4146-3, 4147-3, 4546-3, 1225-3, Water Permit No. 1714-1, 914-2 & 1006-2, 1271-2, Future Use Permit No. 4860-3, 4798-3, 4839A-3, 2086-2, 4817-3, 3574-3. addressed as stated below:

549-1  
Douglas & Martina Ham  
905 2<sup>nd</sup> Ave W  
Lemmon SD 57638

809-3, 1141-3, 2388-3, 4545-3  
Victor & Peggy Kleinsasser  
40008 198<sup>th</sup> St  
Huron SD 57350

1225-3  
James Esser  
39063 170<sup>th</sup> St  
Redfield SD 57469

1714-1

Larry Burditt  
1409 Junction Ave  
Sturgis SD 57785

1045-3, 1962-3  
Mrs. Alvin Gutormson  
2187 21<sup>st</sup> Street SE  
Huron SD 57350

4860-3

Patti Arbach Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450-0157

914-2, 1006-2  
Charles & Janet Vander May  
HC 66 Box 81  
Kadoka SD 57543

1105-3A  
James Osborn  
720 E 2<sup>nd</sup> St  
Huron SD 57350

4798-3  
Jeanne Duchscher Finance Officer  
City of Parker  
PO Box 265  
Parker SD 57053-0265

1159-2  
Judy Knecht  
HC 77 Box 22  
Tuthill SD 57574

1143-3A  
George & Virginia Cluts  
39397 US Hwy 212  
Frankfort SD 57440

4839A-3  
Peg Patterson Finance Officer  
City of Tyndall  
PO Box 29  
Tyndall SD 57066-0029

1271-2  
Vergil Kjerstad  
12780 Black Forest Road  
Rapid City SD 57702

1146-3  
George or Marjorie Wiese  
23233 420<sup>th</sup> Ave  
Fedora SD 57337-6824

2086-2  
Ted Vore Acting Public Works Director  
City of Rapid City  
300 6<sup>th</sup> St  
Rapid City SD 57701

386B-3  
Harold Booze  
18004 373<sup>rd</sup> Ave  
Redfield SD 57469

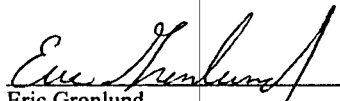
1154-3  
Jesse Barton  
1452 Utah Ave  
Huron SD 57350

4817-3  
John Sievers Manager  
South Lincoln Rural Water System  
PO Box 155  
Canton SD 57013

429-3  
Rowan Doorn  
46471 279<sup>th</sup> St  
Lennox SD 57039

1170-3, 4146-3, 4147-3, 4546-3  
Reed Hutchinson Attorney  
Fosheim Haberstick & Hutchinson  
Centre Plaza  
Huron SD 57350

3574-3  
Jay P Gilbertson Manager/Treasurer  
East Dakota Water Development Dist  
132B Airport Drive  
Brookings SD 57006

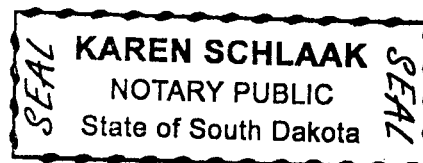
  
Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA )

COUNTY OF HUGHES )

Sworn to, before me, this 8<sup>th</sup> day of December, 2003.

  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 8, 20 04

RECEIVED OF City of Hoven, PO Box 157, Hoven SD 57450

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 | 27 50 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |
| Fee to retain Future Use Permit No. <u>4860-3</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. _____                                         | 27.50 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL |

No.

001056

By

Darland Erbe  
Chief Engineer *gm*



4860-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 21, 2010

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

I am writing in regard to the seven year review of Future Use Water Permit No. 4860-3 from groundwater which is held by the city. 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 410 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2003.

Please respond in writing by November 1, 2010, 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. 4860-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 16, 2010

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

On September 21, 2010, we notified you that Future Use Water Permit No. 4860-3 held by the City of Hoven was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the city in 1982 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the September 21<sup>st</sup> letter. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and nays pumping records for the past three years.

The Water Management Board will not schedule Permit No. 4860-3 for review until the above information has been submitted.

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

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 5, 2011

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

On September 21 and November 16, 2010, the City of Hoven was notified of the pending review of Future Use Water Permit No. 4860-3. Water Permit No. 4860-3 currently has 410 acre-feet of groundwater remaining in reserve for future development use by the city. The permit issued in 1982 and was last reviewed in December, 2003. By law, all future use permits are to be reviewed by the Water Management Board every seven years. This review is to determine whether a reasonable need exists for the reserved water. To use as a guide, enclosed is the letter submitted by the city's finance officer in 2003 to retain 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. Please submit this response by January 21, 2011.

Water Permit No. 4860-3 will be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. The next board hearing is scheduled for March 9 & 10, 2011. 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 allows to remain in reserve.

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

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

enclosure

RECEIVED  
JAN 21 2011  
WATER RIGHTS  
PROGRAM

January 20, 2011

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

The City of Hoven plans on retaining the Future Use Water permit Number 4860-3. We now have a contract with Mid-Dakota for 74 gallons per minute. Mid Dakota can provide approximately 106,560 gallons of water per day for three days or approximately 319,680 gallons. The maximum summer average daily use is 146,096 gallons per day or a total of 438,288 gallons for three days. The use of the City wells is mandatory in the summer. The Council is looking at adding more water storage in the form of an above ground storage tank. The council would like to have this water reserved for the Cities future needs.

Sincerely,

Wendy Rausch  
Finance Officer  
City Of Hoven  
PO Box 157  
Hoven, SD 57450



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4860-3, City of Hoven 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. 4860-3, City of Hoven, PO Box 157, Hoven SD.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 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. 4860-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer  
January 24, 2011

Instruction to Newspaper-Publish first publication of the following Notice on February 3, 2011 with 2nd publication 7 days later. The City of Hoven 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. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven SD 57450 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. 4860-3. This permit was approved in 1982 currently reserves 410 acre feet from the Bowdle Aquifer (wells between 50 and 200 feet deep) located in the Sections 25 thru 28, 33 thru 36, T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am, on March 9, 2011, 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 February 28, 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. 4860-3 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 February 28, 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 February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \_\_\_\_\_.

AFFIDAVIT OF PUBLICATION  
STATE OF SOUTH DAKOTA  
COUNTY OF POTTER

**PUBLIC NOTICE**

**NOTICE OF HEARING TO  
REVIEW FUTURE USE WATER  
PERMIT NO. 4860-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven, PO Box 157, Hoven SD 57450 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. 4860-3. This permit was approved in 1982 currently reserves 410 acre feet from the Bowdle Aquifer (wells between 50 and 200 feet deep) located in the Sections 25 thru 28, 33 thru 36, T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am. on March 9, 2011, 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 February 28, 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. 4860-3 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 February 28, 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

TWILA GRIESE, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF *THE HOVEN REVIEW*, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATE: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED, AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the *City of Hoven -*

*Notice of Hearing To Review Future  
Use Water Permit No. 4860-3*

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least once a week, on the day of each week on which the newspaper was regularly published, to wit: *2 weeks - February 3 + 10, 2011*

*210 Lines x 6.391 =*

That the full amount of the fee for the publication of the annex notice is

*\$82.11*

*Twila Griese*

Subscribed and sworn to for me this  
*9* day of *February*, 20 *11*.

*Steve Kain*

Notary Public

Edmunds County, South Dakota

My commission expires *08-19-15*.

continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$82.11.

**RECEIVED**

**FEB 14 2011**

**WATER RIGHTS  
PROGRAM**



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 24, 2011

Hoven Review  
PO Box 37  
Hoven SD 57450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4860-3 to be published twice. Please publish the first notice on February 3, 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](mailto: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 Hoven, c/o Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450.

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

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

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

We are in receipt of your letter of January 24, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4860-3 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](http://www.state.sd.us/denr)

January 24, 2011

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

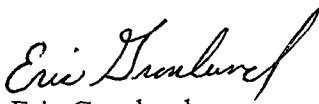
City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

Future Use Permit No. 4860-3 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 Hoven Review (Phone #605 948-2110). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 10, 2011

**NOTICE**

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

I am writing in response to action taken by the Water Management Board at the hearing on March 9, 2011 to review Future Use Permit No. 4860-3. The Board allowed the permit to remain in effect for 410 acre-feet of water annually. Future Use Permit No. 4860-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$95.00 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.

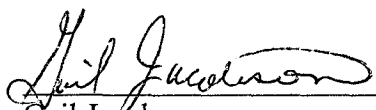
Sincerely,

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

CERTIFICATION

I hereby certify that on March 10, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10 2011 regarding future use permits addressed as stated below:

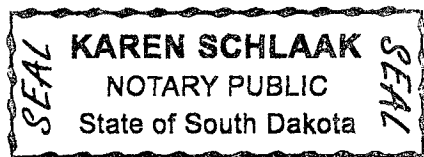
South Lincoln RWS, T Rausch, PO Box 15, Canton SD 57013 4817-3  
Clay RWS, G Merrigan, 30376 Hwy 19, Wakonda SD 57073 3574A-3  
City of Hoven, W Rausch, PO Box 157, Hoven SD 57450 4860-3  
East Dakota WDS, 132 B Airport Dr., Brookings SD 57006 3574-3  
City of Parker, J Duchscher, PO Box 265, Parker SD 57053 4798-3

  
Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 10<sup>th</sup> day of March, 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 4/8, 20 11

RECEIVED OF City of Hoven PO Box 157 Hoven SD 57450

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 | 95    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. <u>4860-3</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 | 95 00 |

No. **04963**

By *Richard Erbe*  
Chief Engineer



4860-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

December 6, 2017

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

I am writing in regard to the seven year review of Future Use Water Permit No. 4860-3 from the Bowdle Aquifer held by the City of Hoven. 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 410 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2011.

Please respond in writing by January 6, 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. 4860-3 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 410 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

## Schlaak, Karen

---

**From:** Wendy Stethem <w\_stethem@yahoo.com>  
**Sent:** Wednesday, January 03, 2018 11:43 AM  
**To:** Schlaak, Karen  
**Subject:** Re: [EXT] Bowdle aquifer

Okay, yes I understand it now. We would like to retain this permit.

**Wendy Rausch, City Of Hoven Finance Officer**  
**605-948-2257**

---

**From:** "Schlaak, Karen" <[Karen.Schlaak@state.sd.us](mailto:Karen.Schlaak@state.sd.us)>  
**To:** 'Wendy Stethem' <[w\\_stethem@yahoo.com](mailto:w_stethem@yahoo.com)>  
**Sent:** Wednesday, December 27, 2017 2:43 PM  
**Subject:** RE: Bowdle aquifer

Wendy Rausch,

After receiving your response regarding the 7 year review of Future Use Permit No. 4860-3, DENR wants to make sure the city fully understands that the future use permit reserves water for future development and is not for the current wells.

Currently, the city of Hoven holds Water Right No. 2855B-3 authorizing the city's use of water from 5 wells. Your email indicates that the north well is used. I am assuming that Mid Dakota supplies the city also. It is perfectly acceptable for the city to use this well and maintain the existing wells for standby purposes as long as they are maintained in working condition for immediate use upon demand. Based on your email the wells or at least the north well is maintained in working condition.

The future use permit reserves water for future development in the event the city wants to increase their diversion from the Bowdle Aquifer. An example would be if the city wants to drill an additional well, they would apply to construct and place to use water reserved by the future use permit. This could occur due to an increase in population or to supply a new business or industry that locates to the area.

Future Use Permit No. 4860-3 reserves 410 acre feet of water annually from groundwater (Bowdle Aquifer). Does the city desire to retain the future use permit for future needs?

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

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



---

**From:** Wendy Stethem [[mailto:w\\_stethem@yahoo.com](mailto:w_stethem@yahoo.com)]  
**Sent:** Wednesday, December 27, 2017 11:14 AM  
**To:** Schlaak, Karen  
**Subject:** [EXT] Bowdle aquifer

Hello this is Wendy Rausch the Finance Officer with the City of Hoven. We would like to retain the use of this aquifer. The meter broke this last summer so I don't have actual gallons used but the North Well as we call it is very vital to our City. In dry summers like this last one it runs almost daily to help supply the City with water. Even though we put restrictions on the water tower can not keep up with the City demands. Also it is our back up for Fire prevention. A couple of years ago when our school burnt down this well was activated to try to help fight the fire. Our water tower was completely drained. It is also is used when the Fire men are filling trucks to go fight Fires. As I said before this well is vital to keeping our community safe and is very vital to our water needs throughout the summer.

Wendy Rausch, City Of Hoven Finance Officer  
605-948-2257



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. 4860-3, City of Hoven

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. 4860-3, City of Hoven, c/o Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 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. 4860-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

  
Jeanne Goodman, Chief Engineer  
January 17, 2018



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 17, 2018

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

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

Future Use Permit No. 4860-3 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 and the nearest daily paper. Notice of this review has been sent to the Hoven Review (948-2110) and the Aberdeen American News (225-4100). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE 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 January 25, 2018. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Gronlund'.

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Thursday, January 18, 2018 9:41 AM  
**To:** Nancy Zantow (nzantow@aberdeennews.com)  
**Subject:** 4860-3, City of Hoven  
**Attachments:** 4860-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

The City of Hoven, Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450 (605 948-2257) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Thursday, January 18, 2018 9:40 AM  
**To:** hoven@venturecomm.net  
**Subject:** 4860-3, City of Hoven  
**Attachments:** 4860-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

The City of Hoven, Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450 (605 948-2257) 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



Instruction to Newspaper - Publish the following Notice on January 25, 2018. The City of Hoven is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by City of Hoven, Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450 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. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36, T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 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. 4860-3 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 February 26, 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 February 26, 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 February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \_\_\_\_\_.

RECEIVED

FEB 01 2018

WATER RIGHTS  
PROGRAM

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Edmunds ) SS

Paulette Maursetter

certify that the attached printed Notice was taken  
from the Hoven Review

printed and published in Potter

County of Hoven and

state of South Dakota. The notice was published

in the newspaper on the following date:

January 25, 2018

Cost of Printing \$46.92

Paulette Maursetter  
(Signature)

Business Manager  
(Title)

1/25/18

(Date Signed)

## PUBLIC NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by City of Hoven, Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450 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. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36, T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 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. 4860-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 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. 4860-3 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 February 26, 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 February 26, 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 February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$46.92. (January 25, 2018).

Form 8

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Brown ) SS

I, Mary Bastian

certify that the attached printed Notice was taken  
from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following date:

Jan 25, 2018

Cost of Printing 72.13

Mary Bastian  
(Signature)

Adv. Billy Speer  
(Title)

RECEIVED  
JAN 29 2018  
WATER RIGHTS  
PROGRAM

(No. 404782)  
(January 25, 2018 - 1T)

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by City of Hoven, Wendy Rausch, Finance Officer, PO Box 157, Hoven SD 57450 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. 4860-3. The permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36, T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN IN EFFECT for 410 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. 4860-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 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. 4860-3 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 February 26, 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 February 26, 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 February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$72.13.





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 8, 2018

**NOTICE OF ENTRY OF ORDER**

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

I am writing in response to action taken by the Water Management Board at the hearing on March 8, 2018 to review Future Use Permit No. 4860-3. The Board allowed the permit to remain in effect for 410 acre-feet of water annually. Future Use Permit No. 4860-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$95.00 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 March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 8, 2018 addressed as stated below:

Jay Gilbertson  
East Dakota Water Development District  
132B Airport Dr.  
Brookings SD 57006

Clay Rural Water System  
c/o Greg Merrigan, Manager  
30376 SD Hwy 19  
Wakonda SD 57073

City of Parker  
Adam Jans, Finance Officer  
PO Box 265  
Parker SD 57053

South Lincoln Rural Water System Inc  
c/o Tom Rausch, Manager  
28647 472<sup>nd</sup> Ave  
Beresford SD 57004

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

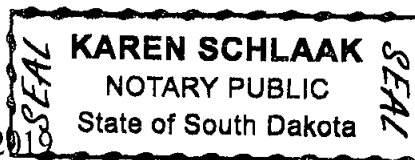
Lewis & Clark Regional Water System  
Jim Auen, Operations Manager  
46986 Monty St  
Tea SD 57064

Vickie Maberry  
Vickie Maberry  
Carmichael, CA 95608

[illegible]

Sworn to, before me, this 8<sup>th</sup> day of March, 2018

Karen Schlaak  
Karen Schlaak  
Notary Public  
My Commission expires A





4860-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

May 8, 2018

Wendy Rausch, Finance Officer  
City of Hoven  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

On March 8, 2018 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4860-3. To date, we have not received this payment.

Please submit the \$95.00 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact Eric Gronlund or me.

Sincerely,

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 17, 20 18

RECEIVED OF City of Hoven PO Box 157 Hoven, SD 57450

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 | 95    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. <u>4860-3</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 | 95 00 |

No. **08684**

By

Jeanne Goodman  
Chief Engineer

*JM*



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 14, 2025

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD57450

Dear Ms. Rausch,

I am writing in regard to the seven year review of Future Use Water Permit No. 4860-3 from the Bowdle Aquifer held by the City of Hoven. 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 410 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2018.

Please respond in writing by January 31, 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. 4860-3 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 410 acre-feet remain in reserve, the fee will be \$95.00.

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](mailto:rachel.rodriquez@state.sd.us)



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

February 12, 2025

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch,

On January 14, 2025, we notified you that Future Use Water Permit No. 4860-3 held by the City of Hoven was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the city in 1982 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the January 14, 2025, letter. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

The Water Management Board will not schedule Permit No. 4860-3 for review until the above information has been submitted.

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](mailto:rachel.rodriquez@state.sd.us)

enclosure

## Rodriguez, Rachel

---

**From:** hovencity@venturecomm.net  
**Sent:** Wednesday, February 19, 2025 10:36 AM  
**To:** Rodriguez, Rachel  
**Subject:** Fwd: [EXT] permit # 4860-3

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

**Subject:** permit # 4860-3  
**Date:** 2025-02-19 10:34  
**From:** hovencity@venturecomm.net  
**To:** rachel.rodriguez@stae.sd.us

Good morning. The City of Hoven would like to retain this permit for future use. We would utilize this water in the summer when we run low on water, for fire suppression, and in cases such as now when our water tower is froze up. We had our high school burn down a couple of years ago and it showed the need for extra water in case of an emergency. We live in a very rural area and fires can come up at any time and the next closest department is 23 miles. Water is always in demand for the safety of our residents.

Wendy Rausch



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 4860-3, City of Hoven**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4860-3, City of Hoven, PO Box 157, Hoven SD 57450.

The Chief Engineer is recommending that Future Use Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4860-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 4860-3, 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. 4860-3 is subject to payment of the \$ 95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer  
March 7, 2025



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

March 7, 2025

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

City of Hoven  
c/o Wendy Rausch  
PO Box 157  
Hoven SD 57450

Dear Ms. Rausch:

Future Use Permit No. 4860-3 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 Hoven Review (605-948-2110) and the Aberdeen American News (see attachment). 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 March 20, 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 March 20, 2025. The City of Hoven is responsible for payment.

---

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36; all in T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's 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. 4860-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's 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 March 31, 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. 4860-3 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 Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 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](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 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 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, March 7, 2025 11:01 AM  
**To:** hoven@venturecomm.net  
**Subject:** 4860-3 City of Hoven FU Review - Public Notice  
**Attachments:** 4860-3 FU REVIEWpubnotice\_final.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the Hoven Review.

City of Hoven, c/o Wendy Rausch, PO Box 157, Hoven SD 57450, 605-948-2257, 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, so I know that I was received.

Thank you,

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



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Friday, March 7, 2025 12:33 PM  
**To:** Gannett Legals Public Notices 4  
**Subject:** RE: [EXT] 4860-3 City of Hoven FU Review - Public Notice

Yes, sorry about that. Please publish in the Aberdeen American News.

Thank you,

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



---

**From:** Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>  
**Sent:** Friday, March 7, 2025 11:28 AM  
**To:** Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>  
**Subject:** RE: [EXT] 4860-3 City of Hoven FU Review - Public Notice

To clarify, is this notice to be published in the Aberdeen American?

Thank you!

Kerri Furnace  
Public Notice Representative



Office: 844-254-5287

---

**From:** Rodriguez, Rachel <[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)>  
**Sent:** Friday, March 7, 2025 12:03 PM  
**To:** SD-Aberdeen Legals <[aan-legals@aberdeennews.com](mailto:aan-legals@aberdeennews.com)>  
**Subject:** 4860-3 City of Hoven FU Review - Public Notice

Attached is a notice to be published on March 20, 2025, in the Hoven Review.

City of Hoven, c/o Wendy Rausch, PO Box 157, Hoven SD 57450, 605-948-2257, 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, so I know that I was received.

## Rodriguez, Rachel

---

**From:** Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>  
**Sent:** Friday, March 7, 2025 12:50 PM  
**To:** Rodriguez, Rachel  
**Subject:** [EXT] 11114552 RE: 4860-3 City of Hoven FU Review - Public Notice  
**Attachments:** Order\_Confirmation\_Liners - 2025-03-07T134908.396.pdf

Hello!

Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Aberdeen American on 3/20. The order cost is \$77.79 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 3/18 with any changes.

A bill will be sent. If prepayment is preferred, please call the number below my signature before the deadline above and reference order # 11114552. Anyone who answers can help you.

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

\*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, March 7, 2025 12:03 PM  
**To:** SD-Aberdeen Legals <aan-legals@aberdeennews.com>  
**Subject:** 4860-3 City of Hoven FU Review - Public Notice

Attached is a notice to be published on March 20, 2025, in the Hoven Review.

City of Hoven, c/o Wendy Rausch, PO Box 157, Hoven SD 57450, 605-948-2257, 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, so I know that I was received.

Thank you,

## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Friday, March 7, 2025 1:03 PM  
**To:** hovencity@venturecomm.net  
**Subject:** 4860-3 City of Hoven FU Review - Public Notice  
**Attachments:** Future\_ Use\_4860-3.pdf

Good afternoon,

Attached is a copy of the chief engineer's recommendation, and information regarding the public notice for Future Use Review 4860-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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



## PUBLIC NOTICE

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4860-3

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36; all in T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's 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. 4860-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

filed by either an interested person or the permit owner must be filed by March 31, 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. 4860-3 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 Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://dar.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 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](mailto: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

## AFFIDAVIT OF PUBLICATION STATE OF SOUTH DAKOTA COUNTY OF POTTER

SARA JOHNSON, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF *THE HOVEN REVIEW*, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATE: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED, AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the *City of Hoven*

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least once a week, on the day of each week on which the newspaper was regularly published, to wit: *1 week - March 19, 2025*

*175 lines x 0.391:*

That the full amount of the fee for the publication of the annex notice is: *\$68.43*

*Sara Johnson*

Subscribed and sworn to for me this  
*26<sup>th</sup>* day of *March*, 20 *25*.

*Paulette J. Maursetter*

Notary Public

Edmunds County, South Dakota

My commission expires *June 12, 2025*



(Title)

26-2085

(Date Signed)

Ad-Display1

Ad-legal

1 W

1 Wee

1 Week

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

comment does not make the commentor a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 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](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 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 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 \$68.43 (March 19, 2025).

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## **AFFIDAVIT OF PUBLICATION**

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

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

03/20/2025

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.  
Sworn to and subscribed before on 03/20/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$77.79

Tax Amount: \$0.00

Payment Cost: \$77.79

Order No: 11114552

Customer No: 559562

PO #:

# of Copies:

1

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KEEGAN MORAN  
Notary Public  
State of Wisconsin

**NOTICE OF HEARING  
TO REVIEW FUTURE  
USE WATER PERMIT  
NO. 4860-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4860-3 held by the City of Hoven 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. 4860-3. This permit was approved 1982 and currently reserves 410 acre-feet from the Bowdle Aquifer located in Sections 25 thru 28, 33 thru 36; all in T121N-R74W and Sections 1 thru 4, T120N-R74W for municipal use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4860-3 REMAIN in EFFECT for 410 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's 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. 4860-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 Chief Engineer. A petition

opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at

<https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's 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 March 31, 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. 4860-3 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 Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 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](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 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 Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published on March 20, 2025 at the total approximate cost of \$77.79 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**NOTICE OF ENTRY OF ORDER**

MAY 13 2025

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD57450

Dear Ms. Rausch,

I am writing in response to action taken by the Water Management Board at the hearing on May 7, 2025, to review Future Use Permit No. 4860-3. The Board allowed the permit to remain in effect for 410 acre-feet of water annually. Future Use Permit No. 4860-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4860-3 is \$95.00 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 if you have any questions.

Sincerely,

Mark Mayer, PE  
Director of Office of Water

CERTIFICATION

I hereby certify that on May 13th, 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 13th, 2025 involving action taken by the Water Management Board hearing on March 7th, 2025:

City of Parker, C/O Adam Jans, PO Box 265, Parker SD 57053

South Lincoln Rural Water System, C/O John Stearns, 28647 472<sup>nd</sup> Avenue, Beresford SD

City of Hoven, Wend Rausch, Finance Officer, PO Box 157, Hoven SD 57450

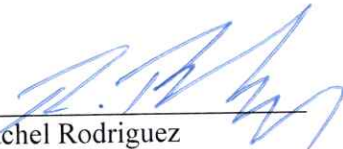
Clay Rural Water System, C/O Steven Muilenburg, 30376 SD Hwy 19, Wakonda SD 57073

City of Madison, C/O Rick Nighbert Water Supt, 503 S Highland Avenue, Madison SD 57042

  
Shannon Konst  
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA            )  
                                                  ) SS  
COUNTY OF HUGHES                )

Sworn to, before me, this 13<sup>th</sup> day of May, 20 25.

  
Rachel Rodriguez  
Notary Public  
My Commission expires May 16, 2029





**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.:** 4860-3

**Name of Applicant:** City of Hoven, Wendy Rausch

**Date of Posting:** 3/17/2025

**Date of Removal:** 5/13/2025

  
\_\_\_\_\_  
Ron Duvall, Engineer III

5/13/2025  
\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 13<sup>th</sup> day of May, 20 25.

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

(SEAL)





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

July 16, 2025

City of Hoven  
Wendy Rausch, Finance Officer  
PO Box 157  
Hoven SD57450

On May 13, 2025 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4860-3. To date, we have not received this payment.

Please submit the \$95.00 fee as soon as possible to avoid violating the regulation regarding the City of Hoven's future use permit. If you have any questions, please contact me.

Sincerely,

*Rachel Rodriguez*

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

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 11th, 2025

RECEIVED OF City of Hoven Wendy Rausch, Finance Officer PO Box 157 Hoven SD 57450

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>4860-3</u> after period of seven years.                                 | <u>\$95.00</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>\$95.00</u> |

By Mark May  
Chief Engineer