

Considered: 4-25-84

AMEND FUTURE USE PERMIT 135-3

WATER PERMIT NO. 5003-3

MAP No. 5003-3

Name of Applicant City of Pierre

Post Office Address POB 1253, Pierre, S.D. 57501

Amount of Water Claimed no additional Total Acres --

Source of Water Supply 50'60' feet deep wells on LaFramboise Island

Water to be used for MUN County Hughes

About miles of City Limits

PROOF OF PUBLICATION: Received 4-2-84 Not Received

APPLICATION: Approved 4-25-84 Subject to

F.F. & C.L. Adopted Not Approved Deferred

PRIORITY Date Received 1/20/84 Fee 50.00 Remarks

 Amend Future Use Permit 135-3 to add LaFramboise Island

Corrected Application Received Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS not applicable

Diversion Point

Sections 34, 35 and 36 T5N R31E

Land to be Irrigated

N/A

Well Log: Driller Licensed YES NO

Depth of Well REMARKS

Type of Map Geo Survey PREPARED BY Kevin Larson Reviewed and the Number

assigned on XXXXXX 1/24/84 By Duty Westlund

No. <u>5003-3</u>	Hydrologic Unit <u>10140101</u>
Map No. <u>5003-3</u>	Basin <u>MI</u>
Newspaper <u>CAPITOL JOURNAL, PIERRE, SD</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☒ Change Use ☐☒ Amend Permit No. 135-3 with old priority date retained (Add land to existing permit) ☐Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant City of Pierre Phone No. 224-7341Post Office Address P. O. Box 1253 - Pierre State S.D. 57501
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) _____

3. Source of water supply Wells at depth of 50 to 60 feet

4. Location of point of diversion _____

County HUGHES5. Counties where water will be used Hughes6. Annual period during which water is to be used daily, annually

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is requesting LaFramboise Island, located in Sections 34, 35, and 36, Township 5 North, Range 31 East, to be added to the Future Water Use Permit No. 135-3.

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

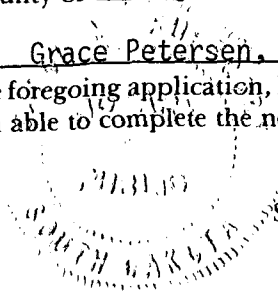
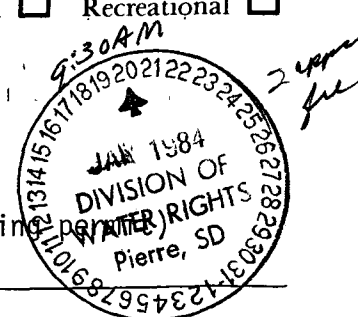
STATE OF SOUTH DAKOTA)
County of Hughes) ss

I, Grace Petersen, Mayor of the City of Pierre, the applicant, certify that I have read the foregoing application, 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 Grace PetersenSubscribed and sworn to before me this 18th day of January 1984

CAROL M. RUFFERT
My Comm. Expires
February 2, 1985

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5003-3
City of Pierre Box 1253 Pierre
(Applicant) (Post Office Address)
South Dakota 57501 With the following qualifications.
(State) (Zip Code)

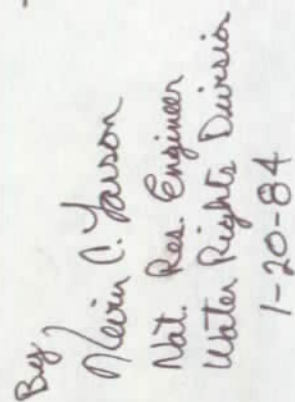
1. That Future Use Permit No. 5003-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific applications for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1
3. This permit is approved for groundwater less than 60 feet deep.

Date of first receipt of application January 20, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved April 25, 1984.

The Water Management Board hereby approves this Water Permit No. 5003-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is November 22, 1955.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before —, 19—.
3. The whole of said work is to be completed on or before —, 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 Add land to Future Use Permit #135-3 for municipal use
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed No add' 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 to which water is actually and beneficially applied for — on or before —, 19—; said water to be used during the following described annual period: January 1st to December 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
May 8, 1984

NW
Q4991

Appl. & Map # 5003-3

RECEIPT

Division of Water Rights

No 4 9505 -

South Dakota Department of Water and Natural Resources

Pierre, January 20, 1984

RECEIVED OF City of Pierre, Box 1253, Pierre, SD 57501

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

Fee for Application for Permit No. 5003-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
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		
(Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatch
JOHN HATCH (ins)

Instruction to Newspaper - Publish first publication of the following Notice on or before March 14, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on ~~Application No. 5003-3~~ ^{Future Use} ~~to Amend Water Permit or Water Rights No. 135-3~~ ^{to Appropriate Water}

Notice is hereby given that City of Pierre whose mailing address is POB 1253, Pierre, South Dakota has made an application for a permit

to amend Future Use Permit No. 135-3 for groundwater 60 feet deep for future Municipal purposes, by adding LaFramboise Island located in Section 34, 35 and 36-T5N-R31E. This application is not for construction of works or to put the water to beneficial use.

Pursuant to SDCL ~~46-2A-2~~ ^{Future Use} the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 5003-3 because 1) ~~unappropriated water is available,~~ 2) ~~will be no unlawful impairment of existing rights,~~ 3) ~~is beneficial use of water and~~ is in the public interest. 2) **proposed use will be a beneficial use and 3) additional future use area will be needed by the City of Pierre.**

This application will be considered by the Water Management Board at Foss Building
523 E. Capitol, Pierre, South Dakota, April 25, 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application 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 ~~1-26~~, must file a written petition with BOTH the Applicant and the Chief Engineer by April 13, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) ~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, Peggy Simonson hereby

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

Water was taken from the Daily Capital Journal

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 Pierre

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

March 13, 1984

March 20, 1984

Peggy Simonson
(Signature)

Bope
(Title)

March 30, 1984
(Date Signed)



Cost of Printing: 42.62 to be paid
by the City of Pierre

No. 7224 2tdly 3-13, 3-20
NOTICE OF HEARING
ON FUTURE USE
APPLICATION NO. 5003-3
to Amend Future Use
Water Permit No. 135-3

Notice is hereby given that
City of Pierre whose mailing
address is POB 1253, Pierre,
South Dakota has made an ap-
plication for a permit to amend
Future Use Permit No. 135-3 for
groundwater 60 feet deep for
future Municipal purposes, by
adding LaFramboise Island
located in Secion 34, 35 and 36-
T5N-R31E. This application is
not for construction of works or
to put the water to beneficial
use.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
Approval of Future Use Appli-
cation No. 5003-3 because 1) is in
the public interest 2) proposed
use will be a beneficial use and
3) additional future use area
will be needed by the City of
Pierre.

This application will be
considered by the Water
Management Board at Foss
Building, 532 E. Capitol, Pierre
South Dakota, April 25, 1984, 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 make
a determination on this ap-
plication 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
Applicant and the Chief En-
gineer by April 13, 1984. The
petition may be informal, but it
must include a statement de-
scribing the petitioners interest
in the application, the reason
for the petitioner's opposition to
or support of the application,
and the signature and mailing
address of the petitioner or his
legal counsel if legal counsel is
obtained. The applicant need
not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 through 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 through 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 through 46-5-40; and Board Rules ARSD 74:02:01:01 through 74:02:01:15; (future use) 74:02:01:24 through 74:02:01:25.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre S.D. (605 773-3352) for assistance prior to hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.

REPORT ON WATER PERMIT APPLICATION NO. 5003-3

CITY OF PIERRE

February 28, 1984

Water Permit Application No. 5003-3 proposes to add LaFramboise Island to the City of Pierre Future Use Permit No. 135-3. The City currently withdraws water from two wells on LaFramboise Island under Water Rights 4189-3 and 4190-3. Future Use Permit No. 135-3 reserved 12.83 cubic feet per second. There is currently 10.16 cubic feet per second remaining.

Conclusions

1. The city has developed two wells on LaFramboise Island.
2. Water is available on the island.
3. This application merely adds additional land to Future Use Permit No. 135-3.

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT APPL.

NO. 5003-3, City of Pierre

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 Water Permit Application No. 5003-3, City of Pierre, PO Box 1253, Pierre, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5003-3 because 1) in the public interest 2) the proposed use will be a beneficial use and 3) the additional future use area will be needed by the City of Pierre with the following qualifications:

1. That Future Use Permit No. 5003-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific applications for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater less than 60 feet deep.

See attached report for additional information.



-JOHN HATCH, Chief Engineer
March 7, 1984

Water Rights Division
605 773-3352

June 8, 1984

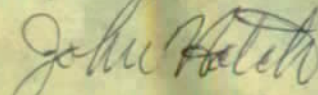
Carol Ruffcorn, Finance Officer
City of Pierre
PO Box 1253
Pierre SD 57501

Dear Ms. Ruffcorn:

Enclosed is your Future Use Withdrawal Permit No. 5003-3 as approved by the Water Management Board.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

encl.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1997

Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

I am writing in regard to the seven year review of Future Use Water Permit No. 135-3 from the Missouri Aquifer which is held by the City of Pierre. The permit reserves water for future water supply needs for the city. Currently, our records show that 4,414 acre-feet remain in reserve under this future use permit which was issued in 1956.

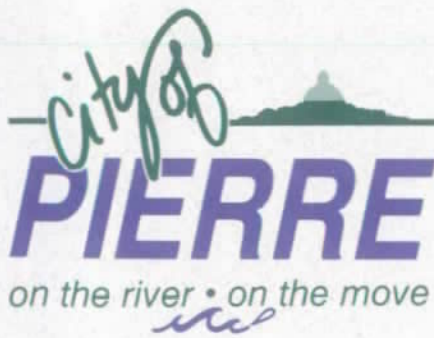
Please respond in writing by January 1, 1998, regarding the City's intention for the future use permit. If the City plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 135-1 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



December 11, 1997

Karen Schlaak
SD DENR
Water Rights Program
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501

Dear Ms. Schlaak:

In regard to your letter of November 21, 1997, the City of Pierre does intend to request that the Future Use Water Permit No. 135-3 remain in effect for the City of Pierre for 4,414 acre-feet of water to remain in reserve for future use.

Enclosed is a water usage chart done in July 1996 by Banner and Associates and yearly pumping records for 1994, 1995, 1996 and 1997.

Please feel free to contact the Engineering staff at (606) 773-7341 for any additional information you may need.

Thank you.

Sincerely,

Bruce Pier
Public Works Director

BP/smm

cc: Mayor Gary L. Drewes
Geoff Simon, City Commissioner
Fred Snoderly, Water Superintendent



Future water use has been projected based on population projections and the calculated per capita use. The projected population for the year 2020 is 16,900 people. Monthly pumping records indicate a high water demand during the summer months which is due to sprinkling demands. In the event major water supply improvements are implemented, the mandated increases in water rates may result in a reduction of the demands attributed to lawn sprinkling and other irrigation uses, simply because of economic impact to the users. Therefore, projected water usage based upon the current per capita rate may be somewhat higher than that which may actually occur. However, current per capita usage is used in conjunction with projected population values to predict future water requirements and the resulting figures are summarized in Table 2-4 Water Usage - Present and Future Requirements.

TABLE 2-4
WATER USAGE - PRESENT AND FUTURE WATER REQUIREMENTS

Year	Projected Population	* Average Day Demand, MGD	** Peak Month Demand, MGD	*** Peak Day Demand, MGD
1989	12,813	3.38	6.61	9.25 ²
1995	13,600	2.92	5.48	7.55
2000	14,300	2.96	5.92	8.88
2005	15,000	3.11	6.21	9.32
2010	15,600	3.23	6.46	9.69
2015	16,300	3.37	6.75	10.12
2020	16,900	3.50	7.00	10.49
2025	17,600	3.64	7.29	10.93
2030	18,200	3.77	7.53	11.30
2035	18,900	3.91	7.82	11.74
2040	19,500	4.04	8.07	12.11
2045	20,200	4.18	8.36	12.54
2050	20,900	4.33	8.65	12.98

* Values for years after 1995 were calculated as projected population multiplied by average per capita demand (207 gpcd) as calculated during years 1989-1995.

** Peak month demand after year 1995 was estimated as 2.0 x average day demand. This multiplier was determined by analyzing records from the years 1989-1995.

*** Peak day demand after year 1995 was estimated as 3.0 x average day demand. This multiplier is higher than the average multiplier for the years of record evaluated but lower than the highest value for that period.

² 9.25 MGD is the second highest flow on record, the previous day flow was 8.19 MGD, the average of these days was 8.72 MGD. A flow of 9.83 MGD is the highest flow on record however, the previous day had a flow of 5.27 MGD, an average of these two days is 7.55 MGD. The 9.25 MGD flow was selected as the "worst case condition" for water demand.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
#1 - GALLONS PUMPED	7,127,000	6,579,000	6,684,000	6,560,000	6,641,000	11,885,000	17,931,000	5,081,000	2,913,000	5,484,000	1,419,000		78,304,000
#1 - KWH'S USED	4,577	4,223	4,378	4,261	4,213	11,119	24,600	9,583	6,070	3,791	1,448		78,263
#1 - GALS./KWH	1,558	1,558	1,527	1,557	1,576	1,069	729	530	480	1,447	980	#DIV/0!	1,001
#2 - GALLONS PUMPED	7,639,000	7,057,000	6,165,000	6,177,000	8,277,000	12,799,000	19,940,000	12,629,000	14,499,000	10,645,000	0		105,827,000
#2 - KWH'S USED	11,141	10,389	9,494	9,451	11,916	19,224	70,114	17,956	11,051	15,913	0		186,649
#2 - GALS./KWH	686	679	649	654	695	666	284	703	1,312	669	#DIV/0!	#DIV/0!	567
#3 - GALLONS PUMPED	6,442,000	6,347,000	5,855,000	4,768,000	5,938,000	17,611,000	20,544,000	10,426,000	16,081,000	10,471,000	7,009,000		111,492,000
#3 - KWH'S USED	10,650	10,652	10,073	8,282	11,673	16,551	34,380	17,016	26,002	17,135	11,890		174,304
#3 - GALS./KWH	605	596	581	576	509	1,064	598	613	618	611	589	#DIV/0!	640
#4 - GALLONS PUMPED	4,186,000	4,128,000	3,159,000	3,294,000	4,709,000	5,256,000	7,969,000	8,244,000	6,524,000	4,626,000	2,577,000		54,672,000
#4 - KWH'S USED	7,940	7,842	6,696	6,841	8,282	10,369	16,143	14,135	11,510	8,836	4,792		103,386
#4 - GALS./KWH	527	526	472	482	569	507	494	583	567	524	538	#DIV/0!	529
#5 - GALLONS PUMPED	4,712,000	4,601,000	4,045,000	3,666,000	4,625,000	13,394,000	14,716,000	7,852,000	11,727,000	8,640,000	5,349,000		83,327,000
#5 - KWH'S USED	5,733	5,745	5,162	4,661	5,412	16,051	17,993	9,342	13,864	10,327	6,370		100,660
#5 - GALS./KWH	822	801	784	787	855	834	818	841	846	837	840	#DIV/0!	828
#6 - GALLONS PUMPED	4,748,400	4,176,000	4,218,000	4,065,600	7,618,800	7,929,600	8,515,800	10,119,600	9,215,400	5,886,000	7,720,000		74,213,200
#6 - KWH'S USED	8,537	7,513	7,533	7,383	14,221	14,160	15,561	17,935	16,488	10,771	8,602		128,704
#6 - GALS./KWH	556	556	560	551	536	560	547	564	559	546	897	#DIV/0!	577
#7 - GALLONS PUMPED	5,480,000	4,847,000	4,579,000	4,613,000	8,770,000	8,580,000	9,576,000	11,286,000	11,011,000	7,102,000	4,603,000		80,447,000
#7 - KWH'S USED	8,277	7,387	7,131	7,099	12,801	12,905	14,845	16,775	16,289	10,893	7,069		121,471
#7 - GALS./KWH	662	656	642	650	685	665	645	673	676	652	651	#DIV/0!	662
#8 - GALLONS PUMPED	6,510,000	6,459,000	6,514,000	6,551,000	6,892,000	8,794,000	13,501,000	12,619,000	10,571,000	8,152,000	6,149,000		92,712,000
#8 - KWH'S USED	14,705	13,452	13,167	10,976	11,907	13,733	21,209	19,315	16,202	13,228	12,146		160,040
#8 - GALS./KWH	443	480	495	597	579	640	637	653	652	616	506	#DIV/0!	579
#9 - GALLONS PUMPED			3,632,000	4,463,000	5,274,000	6,486,000	9,973,000	8,333,000	5,299,000	6,010,000	5,663,000		55,133,000
#9 - KWH'S USED			7,954	7,866	8,765	11,130	17,202	13,717	8,823	10,265	11,187		96,909
#9 - GALS./KWH			457	567	602	583	580	607	601	585	506	#DIV/0!	569
#10 - GALLONS PUMPED			3,302,000	4,987,000	7,019,000	8,729,000	13,456,000	10,254,000	6,976,000	8,113,000	7,700,000		70,536,000
#10 - KWH'S USED			7,525	8,932	11,722	14,921	23,006	18,534	11,657	14,028	14,447		124,772
#10 - GALS./KWH			439	558	599	585	585	553	598	578	533	#DIV/0!	565
#11 - GALLONS PUMPED	8,002,000	6,488,000	6,389,000	5,272,000	17,800,000	13,246,000	12,457,000	11,551,000	6,888,000	6,197,000	2,918,000		97,208,000
#11 - KWH'S USED	15,801	13,977	11,324	10,503	14,737	17,786	16,645	15,916	9,524	8,935	6,540		141,688
#11 - GALS./KWH	506	464	564	502	1,208	745	748	726	723	694	446	#DIV/0!	686
TOTAL - GALLONS PUMPED	54,846,400	50,682,000	54,542,000	54,416,600	83,563,800	114,709,600	148,578,800	108,394,600	101,704,400	81,326,000	51,107,000		903,871,200
TOTAL - KWH'S USED	87,361	81,180	90,437	86,255	115,649	157,949	271,698	170,224	147,480	124,122	84,491		1,316,846
TOTAL - GALS./KWH	628	624	603	631	723	726	547	637	690	655	605	#DIV/0!	638



1996

WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
#1 - GALLONS PUMPED				3,667,000	6,280,000	14,738,000	11,690,000	19,461,000	12,116,000	8,087,000	7,051,000	14,307,000	97,397,000
#1 - KWH'S USED				2,846	3,896	9,326	7,925	13,268	8,141	5,246	4,367	8,123	63,138
#1 - GALS/KWH				1,288	1,612	1,580	1,475	1,467	1,488	1,542	1,615	1,761	1,543
#2 - GALLONS PUMPED	7,758,000	7,437,000	6,529,000	9,258,000	3,279,000	12,882,000	21,503,000	21,091,000	12,472,000	7,098,000	6,447,000	14,268,000	130,022,000
#2 - KWH'S USED	11,088	10,750	9,518	13,204	4,960	19,250	31,502	31,516	18,433	10,612	9,667	21,048	191,548
#2 - GALS/KWH	700	692	686	701	661	669	683	669	677	669	667	678	679
#3 - GALLONS PUMPED	6,283,000	7,247,000	5,382,000	8,070,000	2,245,000	10,144,000	18,519,000	17,875,000	8,946,000	5,288,000	4,517,000	11,055,000	105,571,000
#3 - KWH'S USED	10,018	11,778	8,884	13,512	3,909	17,515	31,468	31,066	15,404	9,101	8,167	19,141	179,983
#3 - GALS/KWH	627	615	606	597	574	579	589	575	581	581	553	578	587
#4 - GALLONS PUMPED	3,555,000	3,397,000	4,745,000	3,528,000	3,823,000	8,075,000	11,564,000	10,215,000	6,999,000	5,653,000	4,547,000	9,002,000	75,098,000
#4 - KWH'S USED	6,850	6,828	9,018	7,410	7,772	16,364	24,247	22,725	14,370	10,535	8,401	16,768	151,288
#4 - GALS/KWH	519	497	526	476	492	493	477	450	487	537	541	537	496
#5 - GALLONS PUMPED	3,907,000	4,485,000	3,304,000	5,400,000	1,426,000	6,234,000	12,257,000	11,858,000	6,038,000	3,662,000	3,666,000	8,223,000	70,461,000
#5 - KWH'S USED	4,956	5,768	4,324	6,829	1,923	8,476	15,942	15,782	7,906	4,704	4,562	10,214	91,416
#5 - GALS/KWH	788	778	764	791	730	735	769	751	764	778	804	805	771
#6 - GALLONS PUMPED	5,068,800	4,071,600	5,113,200	3,930,000	6,654,000	12,249,600	8,988,000	14,789,400	10,124,400	473,400		3,048,600	74,511,000
#6 - KWH'S USED	8,764	7,213	8,955	8,020	11,715	21,670	26,761	26,700	17,845	709		5,406	143,758
#6 - GALS/KWH	578	564	571	490	568	565	336	554	567	668	#DIV/0!	564	518
#7 - GALLONS PUMPED				3,909,000	7,712,000	13,791,000	1,624,000	16,463,000	7,510,000	6,684,000	4,872,000	10,054,000	72,624,000
#7 - KWH'S USED				5,644	10,921	19,903	24,860	24,077	10,995	14,209	7,259	14,095	131,963
#7 - GALS/KWH				693	706	693	65	684	683	470	672	713	550
#8 - GALLONS PUMPED	6,785,000	4,881,000	6,281,000	6,410,000	7,848,000	15,125,000	18,594,000	18,344,000	12,213,000	751,000		4,539,000	101,751,000
#8 - KWH'S USED	14,427	11,477	12,638	11,768	12,458	26,382	32,530	32,167	21,001	1,260		11,389	187,497
#8 - GALS/KWH	470	424	497	545	630	573	572	570	582	596	#DIV/0!	399	543
#9 - GALLONS PUMPED	13,170	12,546	12,616	2,117,000	6,741,000	13,424,000	17,180,000	17,180,000	9,298,000	7,429,000	4,675,000	6,372,000	84,416,000
#9 - KWH'S USED				8,395	11,480	25,105	31,962	32,314	17,261	14,209	11,487	15,525	206,070
#9 - GALS/KWH				252	587	535	538	532	539	523	407	410	410
#10 - GALLONS PUMPED	8,251,000	8,602,000	8,743,000	6,330,000	9,957,000	19,798,000	25,305,000	25,434,000	13,101,000	10,067,000	6,845,000	9,521,000	151,954,000
#10 - KWH'S USED	17,133	16,877	16,842	11,589	17,192	34,416	43,858	44,365	22,709	17,950	4,413	20,139	267,483
#10 - GALS/KWH	482	510	519	546	579	575	577	573	577	561	1,551	473	568
#11 - GALLONS PUMPED	9,980,000	7,592,000	7,298,000	4,794,000	11,460,000	21,605,000	25,463,000	23,928,000	15,798,000	10,607,000	7,047,000	15,632,000	161,204,000
#11 - KWH'S USED	17,653	13,198	12,363	7,447	16,293	30,216	35,511	33,228	22,060	15,603	13,334	29,739	246,645
#11 - GALS/KWH	565	575	590	644	703	715	717	720	716	680	528	526	654
TOTAL - GALLONS PUMPED	51,587,800	47,688,600	47,295,200	57,413,000	67,425,000	148,065,600	172,687,000	196,638,400	114,615,400	65,799,400	49,672,000	106,021,600	1,125,009,000
TOTAL - KWH'S USED	104,059	96,435	95,158	96,064	102,349	228,023	306,566	307,228	176,125	104,138	71,657	171,587	1,860,789
TOTAL - GALS/KWH	496	495	498	594	657	648	563	640	651	632	693	618	605

1995 WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1 - GALLONS PUMPED	6,037,000	6,379,000	7,174,000	8,375,000	10,658,000	13,003,000	18,906,000	18,695,000	14,255,000	7,580,000	3,179,000		114,241,000
2 - KWH'S USED	8,970	8,305	9,148	8,445	9,508	17,074	18,126	25,180	19,070	8,510	2,178		134,514
3 - GALS./KWH	673	768	784	992	1,121	762	1,043	742	748	891	1,460	ERR	849
4 - GALLONS PUMPED	6,951,000	7,174,000	7,875,000	7,953,000	7,411,000	14,260,000	20,410,000	19,125,000	13,428,000	8,898,000	5,504,000	6,065,000	125,165,000
5 - KWH'S USED	9,965	10,116	11,039	9,993	10,941	79,307	29,989	28,266	19,868	13,274	9,292	8,815	240,865
6 - GALS./KWH	698	709	713	707	677	180	681	677	676	670	700	688	520
7 - GALLONS PUMPED	2,558,000	6,320,000	6,225,000	5,802,000	11,545,000	17,818,000	18,630,000	18,630,000	1,402,000	10,434,000	7,106,000	6,896,000	94,736,000
8 - KWH'S USED	4,327	10,367	10,351	10,138	19,603	28,605	30,277	23,053	16,481	11,102	10,804	10,804	175,108
9 - GALS./KWH	ERR	591	610	601	572	589	623	615	61	633	640	638	541
10 - GALLONS PUMPED	3,689,000	3,528,000	3,290,000	3,515,000	4,073,000	5,194,000	8,164,000	8,821,000	5,568,000	2,865,000	3,547,000	4,209,000	56,463,000
11 - KWH'S USED	7,310	6,777	6,395	6,913	8,452	11,568	18,126	19,330	12,470	6,912	6,935	11,854	123,242
12 - GALS./KWH	505	521	523	508	482	449	450	449	447	414	511	355	458
13 - GALLONS PUMPED	3,514,000	2,223,000		2,192,000	6,985,000	10,755,000				6,001,000	4,220,000	3,225,000	39,115,000
14 - KWH'S USED	4,925	3,043		3,102	9,513	14,524				7,822	5,358	4,174	52,461
15 - GALS./KWH	714	731	ERR	ERR	707	734	740	ERR	ERR	767	788	772	746
16 - GALLONS PUMPED	4,006,800	4,165,200	4,017,600	4,330,800	1,768,800	11,937,600	10,546,800	11,808,000	8,386,200	2,698,200	3,933,000	4,576,200	72,175,200
17 - KWH'S USED	11,000	3,240	6,959	7,490	3,178	10,518	18,993	21,292	15,205	5,041	6,884	7,998	117,798
18 - GALS./KWH	364	1,286	577	578	557	1,135	555	555	552	555	571	572	513
19 - GALLONS PUMPED	4,493,000	3,673,000	4,692,000	4,279,000	6,076,000	9,281,000	12,516,000	12,137,000	8,345,000	3,840,000			69,352,000
20 - KWH'S USED	6,322	5,388	7,024	6,484	9,134	14,231	19,345	18,877	23,080	6,099	ERR	ERR	116,864
21 - GALS./KWH	659	637	668	660	665	632	647	643	362	633			594
22 - GALLONS PUMPED	4,352,000	5,146,000	4,407,000	4,121,000	7,317,000	11,179,000	14,984,000	15,937,000	11,070,000	5,019,000	5,488,000	5,855,000	94,375,000
23 - KWH'S USED	12,497	12,248	10,427	7,447	12,623	80,762	26,402	26,294	19,355	9,797	12,257	11,854	241,763
24 - GALS./KWH	388	420	423	553	580	138	568	568	572	512	448	494	390
25 - GALLONS PUMPED	4,547,000	5,268,700	3,541,800	2,465,200	5,854,200	8,149,200	14,234,200	13,132,100	8,740,300	6,250,700	3,913,400	5,655,400	79,763,500
26 - KWH'S USED	12,611	8,818	8,399	5,884	11,445	16,255	28,178	26,091	17,355	12,700	9,353	12,783	169,872
27 - GALS./KWH	361	371	422	419	510	501	505	503	504	495	418	442	470
28 - GALLONS PUMPED	7,160,000	5,209,000	5,598,000	3,912,000	9,192,000	12,891,000	22,397,000	20,717,000	13,736,000	9,874,000	5,977,000	8,760,000	125,423,000
29 - KWH'S USED	15,768	11,409	11,448	7,687	15,730	77,623	38,630	35,761	23,763	15,372	11,598	16,388	281,769
30 - GALS./KWH	454	457	489	509	584	166	580	579	578	642	511	519	445
31 - GALLONS PUMPED	5,698,000	5,768,000	5,260,000	3,757,000	8,892,000	10,877,000	19,294,000	18,645,000	10,880,000	3,895,000	5,680,000	7,435,000	104,951,000
32 - KWH'S USED	12,872	11,865	10,769	5,668	11,699	15,440	17,140	23,639	15,045	5,741	9,961	13,323	151,667
33 - GALS./KWH	445	486	488	663	760	704	1,126	713	710	678	570	559	580
34 - TOTAL - GALLONS PUMPED	50,947,800	49,091,900	52,175,400	48,043,000	69,216,000	115,302,500	170,025,600	154,846,100	95,610,500	67,404,900	49,547,400	52,684,800	974,697,700
35 - TOTAL - KWH'S USED	102,740	85,736	91,875	76,562	105,950	351,894	258,058	255,207	188,264	107,749	85,018	98,490	1,507,443
36 - TOTAL - GALS./KWH	496	573	568	629	653	328	659	607	508	626	583	555	539

1994 WATER PUMPING REPORT - CITY OF PIERRE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
#1 - GALLONS PUMPED	6,837,000	4,620,000	6,087,000	6,853,000	12,681,000	14,944,000	14,993,000	14,940,000	13,260,000	7,319,000	6,492,000	7,641,000	116,887,000
#1 - KWH'S USED	11,229	8,619	7,421	8,171	16,524	19,178	19,362	17,060	9,660	5,939	8,282	9,752	141,217
#1 - GALS./KWH	609	536	820	839	767	780	774	875	1,373	1,232	784	784	826
#2 - GALLONS PUMPED	5,044,000	5,494,000	7,410,000	7,351,000	12,551,000	16,368,000	17,014,000	15,423,000	14,069,000	8,945,000	6,587,000	8,048,000	125,304,000
#2 - KWH'S USED	8,780	8,117	10,588	10,665	18,669	23,729	24,277	22,473	19,744	12,624	9,285	11,444	180,395
#2 - GALS./KWH	688	677	700	689	672	690	701	686	713	709	709	703	695
#3 - GALLONS PUMPED	5,726,000	5,165,000	6,533,000	7,040,000	10,823,000	11,898,000	11,704,000	10,904,000	10,416,000	3,098,000			116,430,000
#3 - KWH'S USED	9,548	9,543	11,791	12,501	20,145	21,513	21,347	23,737	19,146	5,632			154,903
#3 - GALS./KWH	600	542	55	563	537	553	548	2,187	544	550	ERR	ERR	765
#4 - GALLONS PUMPED	1,956,000	1,985,000	2,288,000	2,663,000	5,354,000	7,464,000	6,497,000	7,806,000	6,222,000	3,209,000	2,747,000	3,769,000	51,960,000
#4 - KWH'S USED	5,472	5,513	6,155	6,857	12,547	13,884	13,630	17,395	13,257	6,315	7,060	7,445	115,530
#4 - GALS./KWH	357	360	372	388	427	538	477	449	469	508	389	506	450
#5 - GALLONS PUMPED	3,802,000	3,905,000	4,309,000	4,779,000	7,662,000	9,108,000	7,962,000	7,455,000	6,920,000	4,827,000	2,094,000	4,911,000	67,734,000
#5 - KWH'S USED	5,434	5,505	6,649	6,780	11,442	13,281	11,709	13,016	10,190	6,663	3,220	6,719	100,608
#5 - GALS./KWH	700	709	648	705	670	686	680	573	679	724	650	731	673
#6 - GALLONS PUMPED	3,970,200	4,151,400	3,634,200	3,305,800	8,893,800	11,380,800	11,665,200	12,134,400	10,251,600	5,653,800	3,296,400	3,913,200	84,280,800
#6 - KWH'S USED	10,760	3,160	6,440	9,160	15,800	19,720	20,200	21,160	18,760	9,840	10,800	6,840	152,640
#6 - GALS./KWH	369	1,314	564	579	563	577	577	573	546	578	305	572	552
#7 - GALLONS PUMPED	4,377,000	4,291,000	3,834,000	6,275,000	9,549,000	12,870,000	13,040,000	13,220,000	10,060,000	6,126,000	4,393,000	4,592,000	92,627,000
#7 - KWH'S USED	6,763	6,998	5,893	9,359	15,524	18,575	19,655	20,245	15,379	9,190	6,612	6,974	140,977
#7 - GALS./KWH	647	650	651	656	615	693	663	653	654	667	664	658	657
#8 - GALLONS PUMPED	4,387,000	4,120,000	3,507,000	6,384,000	10,245,000	12,662,000	13,490,000	14,039,000	11,848,000	5,811,000	5,583,000	4,855,000	96,931,000
#8 - KWH'S USED	12,349	11,066	8,814	11,183	18,258	22,217	23,531	24,551	20,686	10,055	10,721	12,502	185,933
#8 - GALS./KWH	355	372	398	571	561	570	573	572	573	578	521	388	521
#9 - GALLONS PUMPED	3,644,700	2,849,800	3,899,500	3,936,100	9,377,600	10,510,500	10,255,700	9,716,900	8,519,700	4,671,900	4,012,700	4,244,300	75,659,400
#9 - KWH'S USED	11,286	9,355	9,474	8,266	18,914	20,776	20,226	19,373	17,033	9,070	9,268	11,421	164,462
#9 - GALS./KWH	325	305	412	476	496	506	507	502	500	515	433	372	420
#10 - GALLONS PUMPED	5,889,000	4,580,000	6,215,000	6,282,000	15,020,000	16,470,000	16,240,000	15,459,000	13,580,000	7,360,000	6,347,000	6,743,000	120,185,000
#10 - KWH'S USED	13,895	7,332	11,835	10,831	25,986	28,094	26,672	27,525	23,307	12,386	12,187	14,470	214,520
#10 - GALS./KWH	424	625	525	580	578	586	609	562	583	594	521	466	560
#11 - GALLONS PUMPED	6,161,000	5,523,000	5,550,000	7,170,000	15,312,000	17,893,000	18,848,000	16,667,000	14,023,000	6,213,000	5,544,000	5,949,000	124,853,000
#11 - KWH'S USED	13,985	12,175	8,368	10,224	21,520	25,167	26,517	23,395	19,820	8,891	8,823	12,434	191,319
#11 - GALS./KWH	441	454	663	701	712	711	711	712	708	699	628	478	653
TOTAL - GALLONS PUMPED	52,813,900	46,687,200	47,386,700	64,038,900	117,468,400	141,588,300	141,708,900	128,764,300	119,169,300	63,263,700	47,098,100	54,665,500	1,079,451,700
TOTAL - KWH'S USED	109,501	86,983	93,428	104,197	195,329	226,134	227,136	229,950	186,982	96,605	86,258	100,001	1,742,504
TOTAL - GALS./KWH	482	537	507	615	601	626	624	637	637	655	546	547	617

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 AND 5003-3, City of Pierre

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501-1253.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 4,414 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 135-3 and 5003-3, 2) the City of Pierre has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos 135-3 and 5003-3 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Pierre.



JOHN HATCH, Chief Engineer
January 20, 1998

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Peggy Warner

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre
County of Hughes and
state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 28, 1998

February 4, 1998

Cost of Printing \$60.50

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

February 5, 1998
(Date Signed)

No. 1425 2tdly 1/28, 2/4

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 & 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3. Permit No. 135-3 was approved March 5, 1956, to reserve 12.83 cubic feet of water per second (cfs) from the Missouri Aquifer located between a point near the NW corner Section 29-T11N-R79W and a point near the SE corner Section 12-T11N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 34, 35, and 36; all in T5N-R31E. A review of the Water Permits/Rights indicates 4,414 acre-feet remain in reserve by Permit Nos. 135-3 and 5003-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 135-3 and 5003-3 REMAIN in EFFECT for 4,414 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998, at 10:00 am.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. 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 Nos. 135-3 and 5003-3 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by February 16, 1998.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 16, 1998.

Nettie H. Myers, Secretary,
Department of Environment and
Natural Resources.

Instruction to Newspaper-Publish first publication of the following Notice on January 28, 1998 with 2nd publication 7 days later. The City of Pierre is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 & 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3. Permit No. 135-3 was approved March 5, 1956 to reserve 12.83 cubic feet of water per second (cfs) from the Missouri Aquifer located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 34, 35, and 36; all in T5N-R31E. A review of the Water Permits/Rights indicates 4,414 acre-feet remain in reserve by Permit Nos. 135-3 and 5003-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 135-3 and 5003-3 REMAIN in EFFECT for 4,414 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. 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 Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

(continued)

Notice of Hearing
Page 2

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 16, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

Capital Journal
PO Box 878
Pierre SD 57501-0870

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit to be published twice. Please publish the first notice on January 28, 1998 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 Pierre, Bruce Pier, Public Works Director, PO Box 1253, Pierre SD 57501-1253.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 135-3 & 5003-3

TO:

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

Date _____

We are in receipt of your letter of January 20, 1998 enclosing Notice of Hearing to Review Future Use Permit Nos. 135-2 and 5003-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

RECOMMEND

Pursuant to SDCL 46-2
Program, Department of
Nos. 135-3 and 5003-3

The Chief Engineer is in
EFFECT for 4,414 ac
development of the water
demonstrated a reasonable
proposed use will be a

Maintaining the effective
\$110.00 fee pursuant to



January 20, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

Future Use Permit Nos. 135-3 and 5003-3 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 Capital Journal (Phone 224-7301). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

Bruce Pier, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Pier:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 4,414 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$110.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

I hereby certify that on February 27, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 1998, regarding Action taken by the Water management Board at the hearing on February 25, 1998, to review the following Future Use Permits, addressed as stated below:

135-3, 5003-3: Bruce Pier, Public Works Director, City of Pierre, P.O. Box 1253, Pierre, SD 57501-1253.

192-3, 3427-3: Robin Bobzien, City Engineer, City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420.

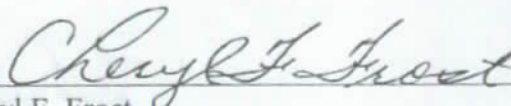
217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.

549-3: Denise Peschong, Finance Officer, City of Milbank, P.O. Box 472, Milbank, SD 57252-0472.

1218-3, 2107-3: Harlan Hoy, Water Superintendent, Municipal Utilities Department, 901 4th Ave. SW, Watertown, SD 57201-4107.

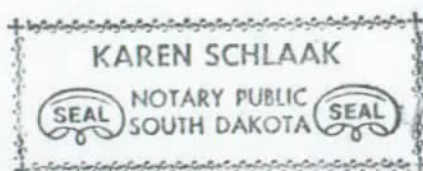
A copy of the Amendment to the Future Use Permit was sent with the following Notice:

1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 1998




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

File No. 5003-3
4189-3, 4190-3

Water Rights Program - File Documentation

NAME: City of Pierre

DATE: 3-18-2002 **COUNTY:** Hughes

RE: Clarification of Legal Descriptions

COMMENTS:

The Notice of Application No. 6289-3 to Develop Reserved Water for the City of Pierre published March 1 & 8, 2002, also served to clarify the legal description of the wells authorized by Future Use No. 5003-3, Water Right Nos. 4189-3 and 4190-3.

Attached is a copy of the public notice.



Karen Schlaak
Environmental Scientist

No. 4491 2 tdlly 3/1, 3/8
NOTICE OF APPLICATION
NO. 6289-3 to
Develop Reserved Water

Notice is given that the City of Pierre, PO Box 1253, Pierre SD 57501 has filed an application for a water permit to construct and place to beneficial use 4.46 cubic feet of water per second (1,600 acre-feet annually) from two wells (Missouri: Pierre Aquifer) 60 feet deep located on LaFramboise Island. The legal description of the wells is the SE 1/4 SW 1/4 Section 27, T5N, R31E from the Stanley County survey (Black Hills Meridian). The original plat survey conducted in the 1890's surveyed LaFramboise Island from the west side of the Missouri River. The wells may also be referenced from the Hughes County survey (5th Principal Meridian) as being in the NE 1/4 SW 1/4 Section 5, T110N, R79W. This water was, appropriated and reserved by future use Permit No. 5003-3. The water will be used to supply the City of Pierre.

This notice also serves to clarify the legal description of the city's Future Use Permit No. 5003-3 and two existing wells located on LaFramboise Island which are authorized by established water rights.

Future Use Permit No. 5003-3 added LaFramboise Island to the area reserving water from the Missouri Aquifer for future development. This application was originally public noticed in 1998 to include LaFramboise Island and was public noticed as being Sections 34, 35 and 36, all in T5N, R31E. This notice serves to include Section 27, T5N, R31E because a portion of the Island is also located in Section 27.

Water Right Nos. 4189-3 and 4190-3 appropriates 2.00 cfs and 1.56 cfs from two wells on LaFramboise Island located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 5, T110N, R79W based on the Hughes County Survey (5th Principal Meridian). This notice serves to provide the legal descriptions of wells based on the original plat survey (Black Hills Meridian) from the west side of the Missouri River. These existing wells are located in the SW 1/4 SE 1/4 Section 27, T5N, R31E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6289-3 because 1) existing rights will not be lawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applicant or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

5003-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2004

Rod Liesinger, Public Works Director
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Liesinger:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) which are held by the City of Pierre. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 2,814 acre-feet remain in reserve under these future use permits which were last reviewed in 1998.

Please respond in writing by January 15, 2005, 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.

Permit Nos. 135-3 and 5003-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

Water Rights Program - File Documentation

NAME: Steve Deitz

ADDRESS: City of Pierre

DATE: 1-6-05 COUNTY: HU TELEPHONE:

RE: Water Use for 2004

COMMENTS:

Steve Deitz indicated that the City of Pierre used 1,072,562,000 gallons of water in 2004.

Karen Schlaak

Karen Schlaak
Environmental Scientist

3,292 AF



11 January 2005

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RECEIVED

JAN 12 2005

WATER RIGHTS
PROGRAM

Re: Future Water Use Permits

Dear Ms. Schlaak

This letter is to inform you that the City of Pierre would like to retain Future Use Water Permits No. 135-3 and 5003-3 for groundwater from the Missouri: Pierre Aquifer. Needs for the permits include future residential and commercial usage for the City of Pierre. Based on current use and potential future growth in Pierre, we anticipate an annual need of 1.5 billion gallons.

If you have any questions or require additional information, please call me.

Regards,

Bradley E. Palmer
Construction & Operations Manager





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 and 5003-3, City of Pierre**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 3005-3 is subject to payment of the \$75.00 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 18, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Hughes)

I, Marylinn Baker

certify that the attached printed Notice was
 taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
 published

in the newspaper on the following two dates:

January 26, 2005

February 2, 2005

Cost of Printing \$66.78

Marylinn Baker
 (Signature)

Bookkeeping
 (Title)

2-4-05

(Date Signed)

SNAXLP
 No. 6623
 2tdly 1/26, 2/2

**NOTICE OF HEARING TO
 REVIEW FUTURE USE WATER
 PERMIT NOS. 135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, P.O. Box 1253, Pierre, SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 135-3 was approved in 1956 and currently reserves 2,814 acre-feet from ground-water (Missouri-Pierre Aquifer) located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36 all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at 10:00 am, March 2, 2005 at Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

PROGRAM

The hearing to review Future Use Permit Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped, or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by February 18, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 18,

2005 Steven M. Pirner, Secretary,
 Department of Environment and
 Natural Resources.

Instruction to Newspaper-Publish first publication of the following Notice on January 26, 2005 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 135-3 was approved in 1956 and currently reserves 2,814 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Sections 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at 10:00 am, March 2, 2005 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 18, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



5003-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2005

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

Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Palmer:

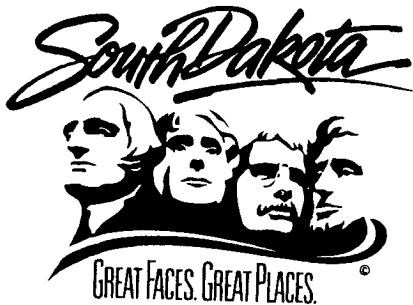
Future Use Permit Nos. 135-3 and 5003-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Capitol Journal (Phone #605 224-7301). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2006

Capital Journal
PO Box 878
Pierre SD 57501-0878

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 to be published twice. Please publish the first notice on January 26, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 Pierre, c/o Bradley Palmer, PO Box 1253, Pierre SD 57501-1253.

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 18, 2005 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 135-3 and 5003-3, City of Pierre**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 2,814 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 3005-3 is subject to payment of the \$75.00 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 18, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2005

NOTICE

Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501-1253

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 2,814 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$75.00 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 3, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2005 regarding Notice of Review Future Use Permit Nos. 4927-3, 1780-2, 192-3 & 3427A-3, 135-3 & 5003-3, 217-3 & 1598-3, 448-3 & 2042-3, 524-3, 549-3, 1218-3 & 2107-3 addressed as stated below:

1218-3 & 2107-3
Jeff DeVille Water Superintendent
Watertown Municipal Utilities Dept
901 4th Ave SW
Watertown SD 57201

549-3
Denise Peschong Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

524-3
Gary Wolkow Mayor
City of DeSmet
PO Drawer 70
DeSmet SD 57231-0070

448-3 & 2042-3
Randy Janssen Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

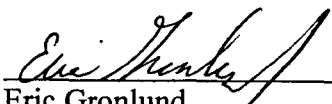
217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilites
PO Box 588
Brookings SD 57006

135-3 & 5003-3
Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501

192-3 & 3427A-3
Robin Bobzien City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

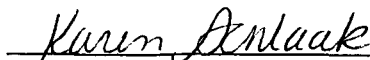
1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

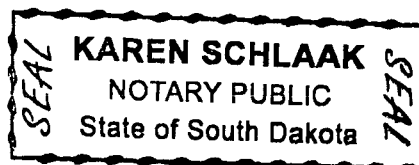
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 23, 20 05

RECEIVED OF City of Pierre, PO Box 1253, Pierre SD 57501

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	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>135-3, 5003-3</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. _____	75.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

001311

By

Darland Erbele

Chief Engineer

gpm



5003-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2011

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer

I am writing in regard to the seven year review of Future Use Water Permit No. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) which are held by the City of Pierre. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits that were last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 135-3 and 5003-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,374 acre-feet remain in reserve, the fee will be \$345.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

RECEIVED

JAN 11 2012

WATER RIGHTS
PROGRAM



29 December 2012

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Future Water Use Permits

Dear Ms. Schlaak

This letter is to inform you that the City of Pierre would like to retain Future Use Water Permits No. 135-3 and 5003-3 for groundwater from the Missouri: Pierre Aquifer. Needs for the permits include future residential and commercial usage for the City of Pierre. Based on current use and potential future growth in Pierre, we anticipate an annual need of 1.5 billion gallons.

If you have any questions or require additional information, please call me.

Regards,

Bradley E. Palmer
Utilities Director





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 135-3 and 5003-3, City of Pierre 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. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$345.00 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 19, 2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2012

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

City of Pierre
Bradley E Palmer, Utilities Director
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

Future Use Permit Nos. 135-3 and 5003-3 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 Capital Journal (Phone #605 224-7301). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE 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
denr.sd.gov

January 20, 2012

Capital Journal
PO Box 878
Pierre SD 57501

Dear Sir:

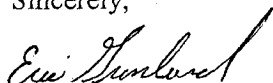
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Pierre, Bradley E Palmer, Utilities Director, PO Box 1253, Pierre SD 57501.

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-----

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

Date _____

We are in receipt of your letter of January 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 135-3 and 5003-3 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 February 1, 2012 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, c/o Bradley E Palmer, Utilities Manager, PO Box 1253, Pierre SD 57501 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit No. 135-3 was approved in 1956 and currently reserves 3,374 acre-feet from groundwater (Missouri: Pierre Aquifer) located between a point near the NW corner Section 29-T111N-R79W and a point near the SE corner Section 12-T110N-R79W. Permit No. 5003-3 expanded the future use area to include LaFramboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at 10:00 am on March 7, 2012 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 135-3 and 5003-3 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 these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 27, 2012. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 29, 2012

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

The City of Pierre holds Future Use Permit Nos. 135-1 and 5003-3 reserving water for future development. These permits are scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permits remaining in effect have been received.

This letter is to inform you that the Water Management Board will conduct its March 7, 2012 meeting by telephone conference call. The agenda for the March 7th meeting is attached.

Being this matter is not contested, DENR does not foresee questions or concerns that necessitate you traveling to Pierre on March 7th. There are a limited number of conference call lines available if you have testimony regarding the future use permit to provide to the Board. Please let me know if you want to participate and DENR will try to accommodate everyone up to the number of conference call lines available.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

FEB 23 2012

Form 8

WATER RIGHTS PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS
I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 1, 2012

February 8, 2012

Cost of Printing \$90.62

Maya Baker
(Signature)

Bookkeeper
(Title)

2-21-12

(Date Signed)

5DAY, FEBRUARY 8, 2012

800 Public Notice 800 Public Notice

reserves 3,374 acre-feet from groundwater (Missouri Dept. of Conservation). The boundary between the point near the NW corner of Section 36 and SE corner Section 32, T-4N-R-5W and a point near the SE corner Section 32, T-4N-R-5W was not filed as a Permit No. 5003-3 expanded the future area to include Lafayette Township located in Section 36 and 5003-3 will be 27, 34, 35 and 38; all conducted pursuant to Missouri Department of Conservation Permit No. 5003-3.

Pursuant to SDCI PLD 46-1-14, 46-2A-2 the Chief 46-2-5, 46-2-8, Engineer of the Wab. 46-2-5, 46-2-8, 46-2-9, 46-2-10, 46-2-11, 46-2-12, 46-2-13, 46-2-14, 46-2-15, 46-2-16, 46-2-17, 46-2-18, 46-2-19, 46-2-20, 46-2-21, 46-2-22, 46-2-23, 46-2-24, 46-2-25, 46-2-26, 46-2-27, 46-2-28, 46-2-29, 46-2-30, 46-2-31, 46-2-32, 46-2-33, 46-2-34, 46-2-35, 46-2-36, 46-2-37, 46-2-38, 46-2-39, 46-2-40, 46-2-41, 46-2-42, 46-2-43, 46-2-44, 46-2-45, 46-2-46, 46-2-47, 46-2-48, 46-2-49, 46-2-50, 46-2-51, 46-2-52, 46-2-53, 46-2-54, 46-2-55, 46-2-56, 46-2-57, 46-2-58, 46-2-59, 46-2-60, 46-2-61, 46-2-62, 46-2-63, 46-2-64, 46-2-65, 46-2-66, 46-2-67, 46-2-68, 46-2-69, 46-2-70, 46-2-71, 46-2-72, 46-2-73, 46-2-74, 46-2-75, 46-2-76, 46-2-77, 46-2-78, 46-2-79, 46-2-80, 46-2-81, 46-2-82, 46-2-83, 46-2-84, 46-2-85, 46-2-86, 46-2-87, 46-2-88, 46-2-89, 46-2-90, 46-2-91, 46-2-92, 46-2-93, 46-2-94, 46-2-95, 46-2-96, 46-2-97, 46-2-98, 46-2-99, 46-3-1, 46-3-2, 46-3-3, 46-3-4, 46-3-5, 46-3-6, 46-3-7, 46-3-8, 46-3-9, 46-3-10, 46-3-11, 46-3-12, 46-3-13, 46-3-14, 46-3-15, 46-3-16, 46-3-17, 46-3-18, 46-3-19, 46-3-20, 46-3-21, 46-3-22, 46-3-23, 46-3-24, 46-3-25, 46-3-26, 46-3-27, 46-3-28, 46-3-29, 46-3-30, 46-3-31, 46-3-32, 46-3-33, 46-3-34, 46-3-35, 46-3-36, 46-3-37, 46-3-38, 46-3-39, 46-3-40, 46-3-41, 46-3-42, 46-3-43, 46-3-44, 46-3-45, 46-3-46, 46-3-47, 46-3-48, 46-3-49, 46-3-50, 46-3-51, 46-3-52, 46-3-53, 46-3-54, 46-3-55, 46-3-56, 46-3-57, 46-3-58, 46-3-59, 46-3-60, 46-3-61, 46-3-62, 46-3-63, 46-3-64, 46-3-65, 46-3-66, 46-3-67, 46-3-68, 46-3-69, 46-3-70, 46-3-71, 46-3-72, 46-3-73, 46-3-74, 46-3-75, 46-3-76, 46-3-77, 46-3-78, 46-3-79, 46-3-80, 46-3-81, 46-3-82, 46-3-83, 46-3-84, 46-3-85, 46-3-86, 46-3-87, 46-3-88, 46-3-89, 46-3-90, 46-3-91, 46-3-92, 46-3-93, 46-3-94, 46-3-95, 46-3-96, 46-3-97, 46-3-98, 46-3-99, 46-4-1, 46-4-2, 46-4-3, 46-4-4, 46-4-5, 46-4-6, 46-4-7, 46-4-8, 46-4-9, 46-4-10, 46-4-11, 46-4-12, 46-4-13, 46-4-14, 46-4-15, 46-4-16, 46-4-17, 46-4-18, 46-4-19, 46-4-20, 46-4-21, 46-4-22, 46-4-23, 46-4-24, 46-4-25, 46-4-26, 46-4-27, 46-4-28, 46-4-29, 46-4-30, 46-4-31, 46-4-32, 46-4-33, 46-4-34, 46-4-35, 46-4-36, 46-4-37, 46-4-38, 46-4-39, 46-4-40, 46-4-41, 46-4-42, 46-4-43, 46-4-44, 46-4-45, 46-4-46, 46-4-47, 46-4-48, 46-4-49, 46-4-50, 46-4-51, 46-4-52, 46-4-53, 46-4-54, 46-4-55, 46-4-56, 46-4-57, 46-4-58, 46-4-59, 46-4-60, 46-4-61, 46-4-62, 46-4-63, 46-4-64, 46-4-65, 46-4-66, 46-4-67, 46-4-68, 46-4-69, 46-4-70, 46-4-71, 46-4-72, 46-4-73, 46-4-74, 46-4-75, 46-4-76, 46-4-77, 46-4-78, 46-4-79, 46-4-80, 46-4-81, 46-4-82, 46-4-83, 46-4-84, 46-4-85, 46-4-86, 46-4-87, 46-4-88, 46-4-89, 46-4-90, 46-4-91, 46-4-92, 46-4-93, 46-4-94, 46-4-95, 46-4-96, 46-4-97, 46-4-98, 46-4-99, 46-5-1, 46-5-2, 46-5-3, 46-5-4, 46-5-5, 46-5-6, 46-5-7, 46-5-8, 46-5-9, 46-5-10, 46-5-11, 46-5-12, 46-5-13, 46-5-14, 46-5-15, 46-5-16, 46-5-17, 46-5-18, 46-5-19, 46-5-20, 46-5-21, 46-5-22, 46-5-23, 46-5-24, 46-5-25, 46-5-26, 46-5-27, 46-5-28, 46-5-29, 46-5-30, 46-5-31, 46-5-32, 46-5-33, 46-5-34, 46-5-35, 46-5-36, 46-5-37, 46-5-38, 46-5-39, 46-5-40, 46-5-41, 46-5-42, 46-5-43, 46-5-44, 46-5-45, 46-5-46, 46-5-47, 46-5-48, 46-5-49, 46-5-50, 46-5-51, 46-5-52, 46-5-53, 46-5-54, 46-5-55, 46-5-56, 46-5-57, 46-5-58, 46-5-59, 46-5-60, 46-5-61, 46-5-62, 46-5-63, 46-5-64, 46-5-65, 46-5-66, 46-5-67, 46-5-68, 46-5-69, 46-5-70, 46-5-71, 46-5-72, 46-5-73, 46-5-74, 46-5-75, 46-5-76, 46-5-77, 46-5-78, 46-5-79, 46-5-80, 46-5-81, 46-5-82, 46-5-83, 46-5-84, 46-5-85, 46-5-86, 46-5-87, 46-5-88, 46-5-89, 46-5-90, 46-5-91, 46-5-92, 46-5-93, 46-5-94, 46-5-95, 46-5-96, 46-5-97, 46-5-98, 46-5-99, 46-6-1, 46-6-2, 46-6-3, 46-6-4, 46-6-5, 46-6-6, 46-6-7, 46-6-8, 46-6-9, 46-6-10, 46-6-11, 46-6-12, 46-6-13, 46-6-14, 46-6-15, 46-6-16, 46-6-17, 46-6-18, 46-6-19, 46-6-20, 46-6-21, 46-6-22, 46-6-23, 46-6-24, 46-6-25, 46-6-26, 46-6-27, 46-6-28, 46-6-29, 46-6-30, 46-6-31, 46-6-32, 46-6-33, 46-6-34, 46-6-35, 46-6-36, 46-6-37, 46-6-38, 46-6-39, 46-6-40, 46-6-41, 46-6-42, 46-6-43, 46-6-44, 46-6-45, 46-6-46, 46-6-

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 War Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 at 10:00 am on March 7, 2012 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) al-

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits, to assure access to the hearing by the handicapped or obtain an

low the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) interpret for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 27, 2012. The time of the hearing will be automatic.

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 in-

tends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-2-26, must file a written petition with BOTH the permit

owner and the Chief Engineer by February 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501

(805 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the

future use permits,
in the reasons for peti-
tioning.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2012

NOTICE

City of Pierre
Bradley E Palmer, Utilities Director
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 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 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, S Meyer, PO Box 588, Brookings SD 57006
City of Aberdeen, J Ellingson, 123 S Lincoln, Aberdeen SD 57401
City of New Underwood, J Bale, PO Box 278, New Underwood SD 57761
City of Pierre, Brad Palmer, PO Box 1253, Pierre SD 57501



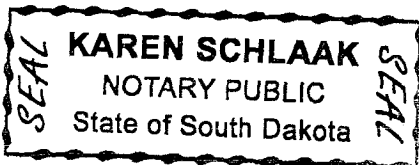
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/21, 20 12

RECEIVED OF City of Pierre PO Box 1253 Pierre SD 57501

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	345 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>135-3 & 5003-3</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	345 00

No. 05440

By

[Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri: Pierre Aquifer) held by the City of Pierre. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,374 acre-feet remain in reserve, the fee will be \$345.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2019

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

On December 7, 2018, we notified you that Future Use Water Permit Nos. 135-3 and 5003-3 held by the City of Pierre were to be scheduled for review by the Water Management Board. To date, we have not received a response.

The future use permits were obtained by the city in 1956 and 1984 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the December 7th letter. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The Water Management Board will not schedule Permit Nos. 135-3 and 5003-3 for review until the above information has been submitted.

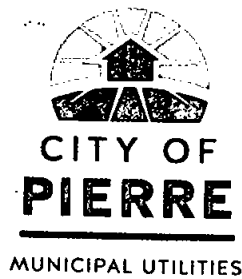
Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

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

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



RECEIVED

MAY 06 2019

WATER RIGHTS
PROGRAM

May 2, 2019

Ms. Karen Schlaak
SD-DENR, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

**Re: Future Use Water Permits 135-3 and 5003-3
Pierre, SD**

Dear Ms. Schlaak:

I'm writing in response to your letter dated December 7, 2018 referencing the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 from groundwater (Missouri Aquifer) held by the City of Pierre. The City of Pierre is in the process of the design of a new surface water ultrafiltration (UF) membrane Water Treatment Plant (WTP), which is scheduled for commissioning and start-up in late 2021. We are requesting that the Water Management Board allow the City to retain their current future water use permits at least through the process of commissioning and start-up of the new WTP.

The City is currently supplied by multiple ground water wells that draw from the Missouri Aquifer. Data for the City's existing water rights and well data is provided in the table below. Under the permits listed in the table below, the City may withdraw 5,475 million gallons (MG), or 16,800 acre-feet, per year from the Missouri Aquifer for municipal use at a withdrawal rate not to exceed 14.5 million gallons per day (MGD). A well peak yield study was conducted in 2007 by the City which showed the amount of ground water that could actually be withdrawn was much less, closer to 11.3 MGD. Additionally, since this testing was conducted, Well No. 4 has been abandoned. As such, the amount able to be withdrawn from the Missouri Aquifer with our existing permits is likely less than the 11.3 MGD.

222 E. Dakota Ave., Pierre, SD 57501
Phone: 773.7407 • Fax: 773.7406

CITYOFPIERRE.ORG

City of Pierre Existing Water Rights and Well Data

Well No.	Permit Number	Rate (gpm)	Type	Priority Date	Size and Depth	Date Constructed
1	135-3	900	Vested	1927	20"x22'	1927
2	135-3	850	Vested	1930	18"x25'	1930
3	135-3	800	Vested	1935	20"x22'	1935
4	135-3	500	Abandoned/Decommissioned	1948	20"x10'	1948
5	135-3	450	Vested	1954	20"x10'	1954
6	135-3	600	Appropriate	11/22/1955	16"x10'	1957
7	745-3	720	Appropriate	11/22/1955	?	1961
8	1486-3	650	Appropriate	11/22/1955	20"x14'	1972
9	4189-3	740	Appropriate	11/22/1955	24"x15'	1977
10	4190-3	750	Appropriate	11/22/1955	24"x15'	1977
11	5212-3	1,000	Appropriate	11/22/1955	24"x15'	1990
12	6289-3	600	Appropriate	11/22/1955	24"x17'	2003
13	6289-3	600	Appropriate	11/22/1955	24"x17'	2003

As you identified in your letter, the City of Pierre also has future water rights for an additional 3,374 acre-feet at a withdrawal rate from the Missouri aquifer. Although the long-term water level data from the City of Pierre wells indicate no trend in declining water levels in the aquifer, it is the City position that the future use permits be retained and remain in reserve. As the City of Pierre continues to grow and progress, we may have a need for these future water rights to supplement additional water demands from domestic, industrial, or agricultural uses.

As such, the City of Pierre requests that the Water Management Board approve retention of the future use permits (135-3 and 5003-3) for groundwater held by the City of Pierre. We feel that it is prudent and in the best interest of the City to reserve these future use permits at least through commissioning and start-up of the new surface water UF WTP. Beyond this date, the City will be re-evaluating the need for these future use permits.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration to our request.

Sincerely,


Brad Palmer
Utilities Director



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
NOS. 135-3 and 5003-3, City of Pierre

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, PO Box 1253, Pierre SD 57501.

The Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
June 13, 2019



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 2019

NOTICE OF ENTRY OF ORDER

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

I am writing in response to action taken by the Water Management Board at the hearing on July 17, 2019 to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit No. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" and last name "Goodman" clearly distinguishable.

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

CERTIFICATION

I hereby certify that on July 18, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 18, 2019, regarding Notice of 1407-2, 135-3, 5003-3, 524-3, 558A-3 and 5358-3 addressed as stated below:

City of Custer, Corbin Herman, Mayor, 622 Crook St., Custer, SD 57730

City of Pierre, Brad Palmer, Utilities Manager, PO Box 1253, Pierre, SD 57501

City of DeSmet, Gary Wolkow, Mayor, PO Box 70, DeSmet, SD 57231

City of Castlewood, Sheila Gerhold, Finance Officer, PO Box 17, Castlewood, SD 57223

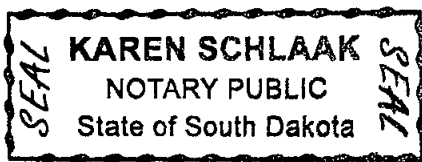
TM Rural Water District, Jay Jorgensen, Manager, PO Box 445, Parker, SD 57053

Vickie Maberry
Water Rights

[illegible]

Sworn to, before me, this 18th day of July, 2019.

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 20, 2019

135-3
5003-3

City of Pierre
Brad Palmer, Utilities Manager
PO Box 1253
Pierre SD 57501

Dear Mr. Palmer:

On July 18, 2019 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3. To date, we have not received this payment.

Please submit the \$345.00 fee as soon as possible to avoid violating the regulation regarding the City's future use permits. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF City of Pierre PO Box 1253 Pierre SD 57501 Date October 15, 2019

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	345	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ ~~135-3/5000-3~~ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____	345	99
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	

No. 09217

By Jeanne Goodman
Chief Engineer *em*



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 2, 2025

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre SD 57501

Dear Mr. Harding,

I am writing regarding the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 from (Missouri: Pierre Aquifer) held by the City of Pierre. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,374 acre-feet remain in reserve under these future use permits last reviewed in 2018.

Please respond in writing by January 15, 2026, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,374 acre-feet remain in reserve, the fee will be \$345.00.

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

Sincerely,

Rachel Rodriguez

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

Rodriguez, Rachel

From: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Sent: Tuesday, January 13, 2026 4:17 PM
To: Rodriguez, Rachel
Cc: Duvall, Ron
Subject: RE: [EXT] Future Use Water Permit Renewal
Attachments: Request to Retain Future Use Water Permit Nos. 135-3 and 5003-3 - signed.pdf

Thank you, Rachel,

The signed is attached.

Nick

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, January 13, 2026 4:08 PM
To: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: Future Use Water Permit Renewal

CAUTION: This email originated from outside of the organization.

Hello Nick,

Your letter is sufficient.

Thank you,

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



From: Nick Waters <Nick.Waters@ci.pierre.sd.us>
Sent: Tuesday, January 13, 2026 4:00 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: [EXT] Future Use Water Permit Renewal

Rachel,

I am attaching the documentation regarding the City's intention for the future use permits. If additional information is needed, please let me know. Otherwise, I will sign and submit prior to January 15, 2026 as requested in the notification the City received.

Thank you,
Nick

Nick Waters, P.E.

City Engineer/Planning Director

City of Pierre

2301 Patron Parkway

Pierre, SD 57501

Phone: 605.773.3066





Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Dear Ms. Rodriguez,

I am writing in response to your letter dated December 2, 2025, referencing the seven-year review of Future Use Water Permit Nos. 135-3 and 5003-3 held by the City of Pierre.

For the 2025 calendar year, the City of Pierre's average daily use was 2.06 million gallons with a peak day draw of 4.55 million gallons. Further, a facilities study was completed in 2024 by HDR, Inc. that includes future water use needs as outlined in the table below.

Table 6 Projected Water Demand

Year	Population	Per Capita Demand (gpcd)	Metered ADD (MGD)	Unaccounted -for Water (MGD)	Total Average Day Demand (MGD)	Peaking Factor	Peak Day Offset (MGD)	Total Peak Day Demand (MGD)
2010	13,646	139	1.89	0.33	2.22	2.79	0	6.20
2015	14,002	142	1.99	0.38	2.37	2.64	0	6.27
2020	14,091	136	1.91	0.45	2.36	1.99	0	4.70
2025	14,700	141	2.07	0.46	2.53	3.00	0.88	8.48
2030	15,000	141	2.11	0.47	2.58	3.00	0.88	8.63
2035	15,400	141	2.17	0.48	2.65	3.00	0.88	8.83
2040	15,700	141	2.21	0.49	2.70	3.00	0.88	8.99
2045	16,100	141	2.26	0.50	2.77	3.00	0.88	9.19
2050	16,400	141	2.31	0.51	2.82	3.00	0.88	9.34

As you identified in your letter, the City of Pierre has future water right for an additional 3,374 acre-feet at a withdrawal rate from the Missouri aquifer. The City position is that the future use

permits be retained and remain in reserve. As the City of Pierre continues to grow and progress, we may have a need for these future water rights to supplement additional water demands from domestic, industrial, recreational, or agricultural uses.

The 3,374 acre-feet currently in reserve are contributable to the future projected need. As such, the City of Pierre requests that the Water Management Board approve retention of the future use permits (135-3 and 5003-3) for groundwater held by the City of Pierre. We feel that it is prudent and in the best interest of the City to reserve these future use permits.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration to our request.

Sincerely,



Nick Waters, P.E.
City Engineer



**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
NOS. 135-3 and 5003-3, City of Pierre**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Nos. 135-3 and 5003-3, City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501.

The Acting Chief Engineer is recommending that Future Use Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 135-3 and 5003-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 135-3 and 5003-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is subject to payment of the \$ 345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
March 9, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2026

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

City of Pierre
c/o Nick Waters
2301 Patron Parkway, Suite 1
Pierre SD 5750

Dear Mr. Waters,

Future Use Permit Nos. 135-3 and 5003-3 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 Capital Journal in Pierre (see Column email) and the American News in Aberdeen (see contact information enclosed). For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on March 19, 2026. 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 19, 2026. The City of Pierre is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 135-3 and 5003-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 30, 2026.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Renniel Pasia <legals@wickpublicnotice.com>
Sent: Monday, March 9, 2026 4:54 PM
To: Rodriguez, Rachel; nick.waters@ci.pierre.sd.us
Subject: Re: [EXT] 135-3&5003-3 City of Pierre - Public Notice

Hi there,

Your notice is scheduled to be published in the Capital Journal on March 19, 2026. Your Notice ID is: [3il1rM0U26mO1BuvF1oN](#)

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use [column.us](#) to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—
// Renniel



On March 9, 2026 at 3:03 PM EDT rachel.rodriquez@state.sd.us wrote:

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, March 9, 2026 4:54 PM
To: Rodriguez, Rachel
Cc: nick.waters@ci.pierre.sd.us
Subject: RE: [EXT] 12158001 135-3&5003-3 City of Pierre - Public Notice
Attachments: 12158001.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on March 19. The order cost is \$87.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

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.

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287
National voice. Local strength. Subscribe TODAY.
#TeamUSATODAY
Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, March 9, 2026 1:53 PM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12158001 135-3&5003-3 City of Pierre - Public Notice

Attached is a notice to be published on March 19, 2026.

City of Pierre, c/o Nick Waters, 2301 Patron Parkway, Suite 1, Pierre SD 57501, 605-773-7407,
nick.waters@ci.pierre.sd.us has been notified to contact you to authorize publication and arrange for payment.



Order Confirmation

Not an Invoice

Account Number:	1588472
Customer Name:	City Of Pierre
Customer Address:	City Of Pierre 2301 Patron PKWY # 1 Pierre SD 57501-6349
Contact Name:	Nick Waters
Contact Phone:	
Contact Email:	nick.waters@ci.pierre.sd.us
PO Number:	

Date:	03/09/2026
Order Number:	12158001
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	274.0000
Height in Inches:	30.2400

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/19/2026 - 03/19/2026	Public Notices
ABD aberdeennews.com	1	03/19/2026 - 03/19/2026	Public Notices

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

Total Cash Order Confirmation Amount Due	\$87.20
Tax Amount	\$0.00
Service Fee 3.99%	\$3.48
Cash/Check/ACH Discount	-\$3.48
Payment Amount by Cash/Check/ACH	\$87.20
Payment Amount by Credit Card	\$90.68

Order Confirmation Amount	\$87.20
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 10, 2026 9:11 AM
To: Nick.Waters@ci.pierre.sd.us
Subject: 135-3&5003-3 City of Pierre - Public Notice
Attachments: 135-3 & 5003-3 Rec.pdf; 135-3 & 5003-3 Ltr.pdf; 135-3 & 5003-3 PubNotice.pdf; CapJournal Info.pdf; AmericanNews Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation and information regarding the public notice for Future Use Permit Nos. 135-3 and 5003-3. 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 confirm receipt of this email.

Thank you,

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



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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MAR 26 2026

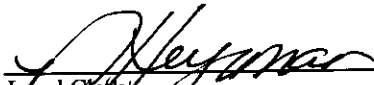
**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

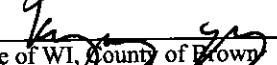
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers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

03/19/2026

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 03/19/2026



Legal Clerk



Notary, State of WI, County of Brown

9-3-28

My commission expires

Publication Cost:	\$87.20	
Tax Amount:	\$0.00	
Payment Cost:	\$87.20	
Order No:	12158001	# of Copies:
Customer No:	1588472	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

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WATER**

in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

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

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WATER

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Published once at the total approximate cost of \$87.20 and may be viewed free of charge at www.sdpublicnotices.com.

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OFFICE OF
WATER

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed 135-3&5003-3 City of Pierre - Public Notice a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Mar. 19, 2026

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever; that the fees charged for the publication thereof are: 93.37

Anjana Bhadoriya

(Signed) _____

VERIFICATION

State of Florida
County of Broward



SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

Subscribed in my presence and sworn to before me on this: 03/20/2026

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

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Program**

authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both.

Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer.

A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave. Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 30, 2026.

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

for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 30, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate

format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is March 30, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published at the total approximate cost of \$93.37 and may be viewed for free of charge at www.sdpublicnotices.com (Mar. 19, 2026)

RECEIVED

MAR 23 2026

**Water Rights
Program**

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed 135-3&5003-3 City of Pierre - Public Notice a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

Mar. 19, 2026

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever; that the fees charged for the publication thereof are: 93.37

Anjana Bhadoriya

(Signed) _____

VERIFICATION

State of Florida
County of Broward



SHERI SMITH
Notary Public - State of Florida

Commission # HH269383
Expires on May 31, 2026

Subscribed in my presence and sworn to before me on this: 03/20/2026

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
135-3 and 5003-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 135-3 and 5003-3 held by the City of Pierre, 2301 Patron Parkway, Suite 1, Pierre SD 57501 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by Permit Nos. 135-3 and 5003-3.

Permit No. 135-3 was approved 1956 and currently reserves 3,374 acre-feet from the Missouri: Pierre Aquifer located between a point near the NW corner of Section 29-T111N-R79W and a point near the SE corner of Section 12-T110N-R79W for municipal use. Permit No. 5003-3 expanded the future use area to include La Framboise Island located in Section 27, 34, 35 and 36; all in T5N-R31E. Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 135-3 and 5003-3 REMAIN in EFFECT for 3,374 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 135-3 and 5003-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD. The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is

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MAR 20 2026

**Water Rights
Program**

authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer.

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for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 135-3 and 5003-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

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**Water Rights
Program**



**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 7, 2026

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre SD 57501

Dear Mr. Harding,

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2026, to review Future Use Permit Nos. 135-3 and 5003-3. The Board allowed the permits to remain in effect for 3,374 acre-feet of water annually. Future Use Permit Nos. 135-3 and 5003-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 135-3 and 5003-3 is \$345.00 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,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 07, 2026, 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 07, 2026 involving action taken by the Water Management Board hearing on May 07, 2026:

Water Right No. 135-3 and 5003-3

City of Pierre
c/o Steve Harding
PO Box 1253
Pierre, SD 57501

Water Right No. 217.3

Brooking Municipal Utilities
Attn: Steve Meyer, General Manager
525 Western Avenue
Brookings SD 57006

Water Right No. 549-3

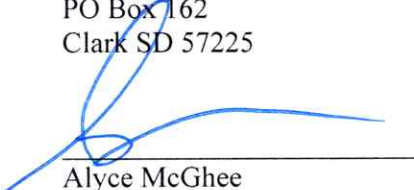
City of Milbank
c/o Cynthia Schumacher
1001 E 4th Avenue
Milbank SD 57252

Water Right No. 1780-2

City of New Underwood
c/o Kristie Pritzkau
PO Box 278
New Underwood SD 57761

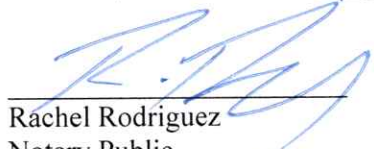
Water Right No. 4927-3

Clark Rural Water System
c/o Terry Kaufmann
PO Box 162
Clark SD 57225


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of May, 20 26.


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.: 5003-3

Name of Applicant: City of Pierre, c/o Nick Waters

Date of Posting: 3/16/2026

Date of Removal: 5/7/2026

Amanda Dewell, Permitting Administrator

5/7/2026

Date

Subscribed and sworn to before me, a notary public, this 7th day of May, 2026.

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 31, 2026

RECEIVED OF City of Pierre 2301 Patron Parkway, Suite 1 Pierre SD 57501

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>135-3 and 5003-3</u> after period of seven years.	<u>\$345.00</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>\$345.00</u>

By  Chief Engineer