

Considered: _____ Future Use WATER PERMIT NO. 5219-3

MAP No. same 987-2881

Name of Applicant City of Canton

Post Office Address 123 S. Main, Canton SD 57013

Amount of Water Claimed 5.72 (4141 ac-ft annually) Total Acres _____

Source of Water Supply Dakota Sandstone - Future Use

Water to be used for municipal use County Lincoln

About _____ miles _____ of around Canton area.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/7/88 Subject to _____

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

PRIORITY _____ Date Received Aug 25, 1988 Fee 105⁰⁰ Remarks _____

12/5/88

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point sections 10, 11, 12, 13, 14, 15, 22, 23, 24,

N¹/₂ 27, N¹/₂ 26, N¹/₂ 25 all in T98N-R49W; sections 7, 8, 9,

17, 18, 16, 19, 20 all in T98N-R48W

Land to be Irrigated NA

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map _____ PREPARED BY _____ Reviewed and the Number

assigned on _____ By _____

Mail to: Water Rights Div.
DWNRR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5219-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux
Newspaper Canton Sioux Valley News, Box 255 (Thurs)

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. _____ with old priority date retained

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 Canton Phone No. 987-2881

Post Office Address 123 S. Main Canton State SD 57013
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 5.72 4141 acre feet annually

3. Source of water supply well, Dakota Sandstone Aquifer

4. Location of point of diversion Sections 10, 11, 12, 13, 14, 15, 22, 23, 24,
N 1/2 27, N 1/2 26, N 1/2 25 all in 98N, 49W and Sections 7, 8, 9,
18, 17, 16, 19, 20 all in 98N, 48W County Lincoln

5. Counties where water will be used Lincoln

6. Annual period during which water is to be used Year around January 1 - December 31

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 requests a future use in the amount stated in an area including and adjacent to the City of Canton.

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 Lincoln)^{ss}

I, John Anderson, Mayor of Canton the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed X John D. Anderson

Subscribed and sworn to before me this 24th day of August 1988

Jan M. Boockman
Notary Public
My Commission Expires May 1993

**SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5219-3**

Date of first receipt of application August 25, 1988

Date of return to applicant for correction, amendments or changes required September 1, 1988

Date of receipt of corrected application December 5, 1988

The Water Management Board approved Future Use Water Permit Application No. 5219-3
on December 7, 1988 for the City of Canton (Applicant)
123 S. Main Canton SD 57013
(Street, RR or Box) (City) (State) (Zip Code)

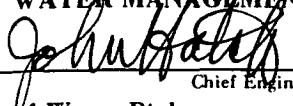
subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5219-3 appropriates, for future use, 1175 acre-feet of water annually from the Dakota Sandstone Formation. Future wells will be approximately 600 feet deep and will be located in Sections 10 thru 15, 22, 23, 24, N $\frac{1}{2}$ Sections 25 thru 27, all in T98N-R49W; and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W.
2. The water reserved for future use is for future municipal use by the City of Canton
3. The water reserved for future use may not exceed 1175 acre-feet annually.
4. The date from which applicant may claim the right is December 5, 1988

QUALIFICATIONS

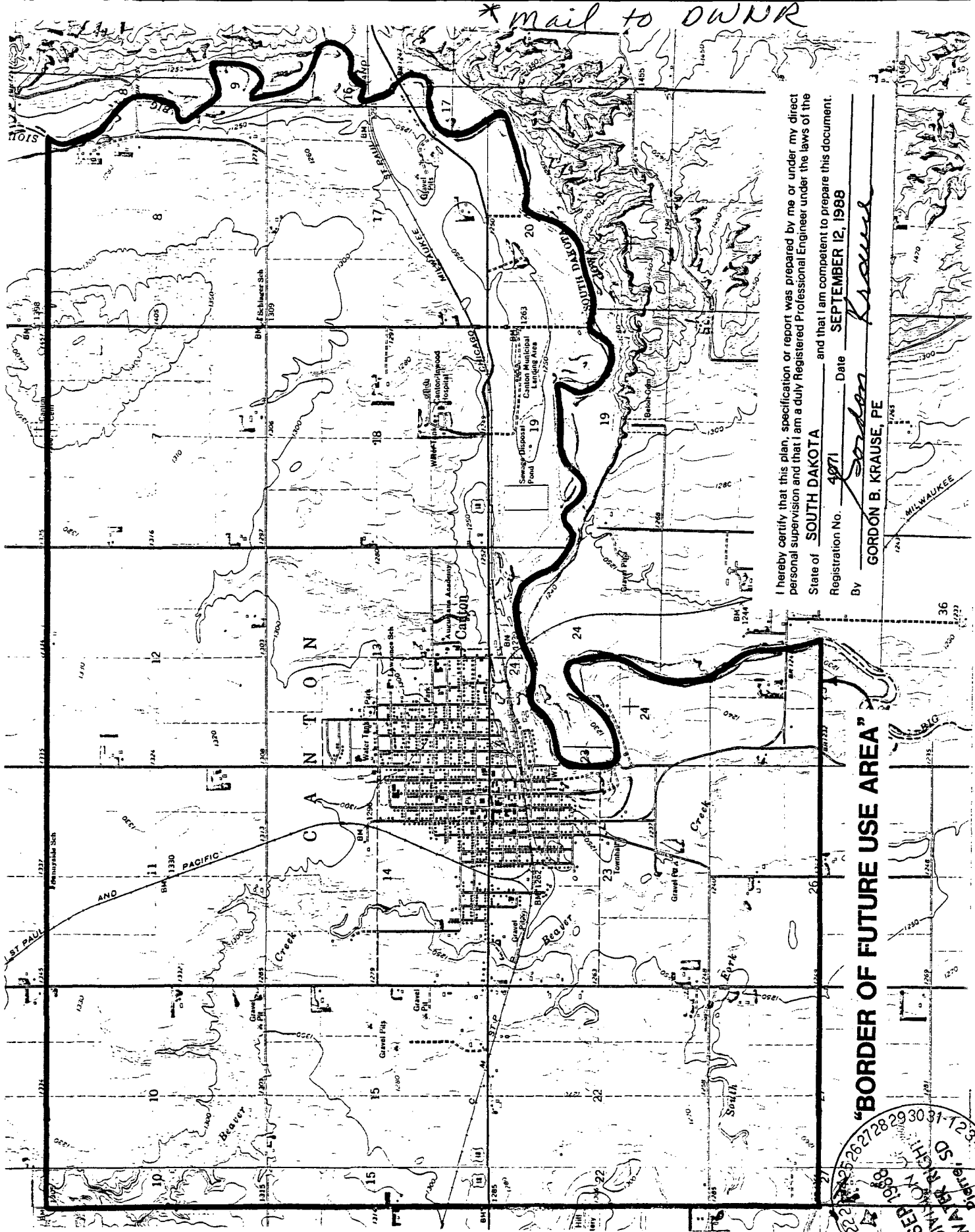
1. That Future Use Permit No. 5219-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific applications for all and 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 from the Dakota Formation. Wells will be approximately 600 feet deep.
4. Approval of this permit reserves 1175 acre-feet annually.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAR 10 1989



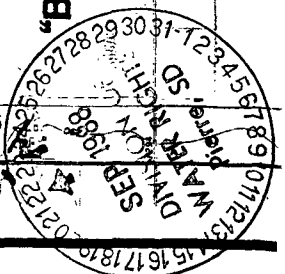
I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of the State of **SOUTH DAKOTA** and that I am competent to prepare this document.

Registration No. **4071** Date **SEPTEMBER 12, 1988**

By **Gordon Krause**

GORDON B. KRAUSE, PE

"BORDER OF FUTURE USE AREA"



DeWild Grant Reckert & Associates Co.

Architecture Engineering and Planning

315 First Avenue
Rock Rapids, Iowa 51246
(712) 472-2531

August 18, 1988

State of South Dakota
Water Rights Division
DWRN, Foss Building
Pierre, SD 57501



Attn: John Hatch

Re: Canton, South Dakota Well Project
File No. 36199

Dear John:

This is to document actions recently taken by the City of Canton to replace two existing wells within the City Limits. It is our understanding that because the new well replaces two existing wells with existing water use permits from the Dakota Aquifer, the City can utilize this new diversion point immediately at a rate equal to the combined permitted diversions from the two wells being replaced. The new well is known as Well No. 9 and has a potential capacity of 300 gallons per minute (.67 cfs). Well No. 2 has an approximate capacity of 67 gpm (.15 cfs), and Well No. 5 has an approximate capacity of 76 gpm (.17 cfs). The City, therefore, intends to operate Well No. 9 at the rate of 143 gallons per minute (.32 cfs) and file an appropriation permit to increase the rate of withdrawal from 143 gpm up to 300 gpm. It is our intent to file this permit application before September 1 so that it can be included in the next scheduled Hearing.

The City is also conducting further ground water exploration work in an area on the west edge of the City. It is anticipated that two additional wells of approximate capacity of 300 gpm each, will be located in this new area. It is anticipated that the City will be filing a permit application for two new diversion points in this area and because it is outside the old City Limits which defined the present Future Use Permit held by the City, the new diversions will constitute a completely new water right.

To help secure the City's future water needs it is anticipated that the City will be filing a Future Use Permit application which modifies the geographical area to include an area surrounding the City Limits and increases the quantity corresponding to their anticipated future needs.

Mr. Hatch
August 18, 1988
Page Two

This letter is being written at the request of the City as their Engineer. Questions can be directed either to DGR or the City of Canton.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY

A handwritten signature in cursive script, reading "Gordon Krause".

Gordon B. Krause, P.E.
Project Engineer

GBK:jkv

cc: Palmer Erickson
Jan Boeckmann
Kelly Nelson

DeWild Grant Reckert & Associates Co.

Architecture Engineering and Planning

315 First Avenue
Rock Rapids, Iowa 51246
(712) 472-2531

August 23, 1988

State of South Dakota
Water Rights Division
DWRN, Foss Building
Pierre, SD 57501

Attn: John Hatch

Re: Canton, South Dakota Well Project
File No. 36199

Dear John:

As we mentioned in our letter of August 18 and discussed by telephone, we are enclosing four (4) separate permit applications for the City of Canton. We also enclose a map of the City showing the location of their present wells and the wells they propose to construct. A table summarizing their current well capacity information is also included to assist you in revising their Water Appropriation Permits.

The four (4) permit applications are as follows:

1. An application to increase the appropriation amount for Well No. 9. Well No. 9 was just recently constructed and replaces Well No. 2. Well No. 2 was constructed in 1937 and had a capacity of 70 gpm (0.15 cfs). Well No. 9 has a capacity of 300 gpm (0.67 cfs). The desired effect of the application is to increase the appropriation at this location by 230 gpm (0.52 cfs).
2. An application to add two new wells outside the old City limits on the west side of the City. These wells have not yet been constructed, but test holes have been drilled by the South Dakota Geological Survey and an anticipated yield of 300 gpm (0.67 cfs) is anticipated from each of these wells.
3. An application to increase the appropriation amount for a new well to be constructed near existing Well No. 5. Well No. 5 was constructed in 1946 and has a capacity of 80 gpm (0.18 cfs). Because of the capacity has deteriorated a new well at the same site is planned. Because the new well will more fully penetrate the aquifer, it is anticipated that it will have a capacity of 300 gpm (0.67 cfs). The desired effect of the application is to increase the appropriation at this location by 220 gpm (0.49 cfs).



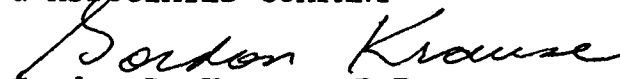
August 23, 1988
Mr. John Hatch
Page Two

4. An application for future needs which includes not only the present Canton City Limits but also an area adjacent to the City Limits. The quantity of future needs was calculated by doubling the amount appropriated by Canton by previous and the present applications.

If additional information is required, please contact me.
We very much appreciate your attention to this matter.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Gordon B. Krause, P.E.

GBK:gbk

cc: Palmer Erickson
Jan Boeckmann
Kelly Nelson

SUMMARY OF WELL CAPACITY INFORMATION

CITY OF CANTON, SD

AUGUST 23, 1988

WELL NUMBER	YEAR CONSTRUCTED	CONDITION	AQUIFER	CAPACITY (gpm)	CAPACITY (cfs)
1.	1936	In Service	Dakota	100.0	0.22
2.	1937	Abandoned	Dakota	70.0	0.16
3.	1965	Out of Service	Dakota	100.0	0.22
4.	1950	In Service	Dakota	12.0	0.03
5.	1946	Abandoned	Dakota	80.0	0.18
6.	1965	In Service	Dakota	90.0	0.20
7.	1918	In Service	Shallow	100.0	0.22
8.	1977	In Service	Dakota	140.0	0.31
9.	1988	In Service	Dakota	300.0	0.67
10.	--	Proposed	Dakota	300.0	0.67
11.	--	Proposed	Dakota	300.0	0.67
12.	--	Proposed	Dakota	300.0	0.67

SOUTH Dakota Department of
Water & Natural Resources

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

November 17, 1988

John Anderson, Mayor
City of Canton
123 S Main
Canton SD 57013

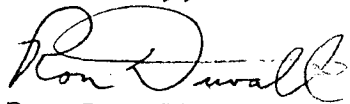
Dear Mayor Anderson:

I am writing in response to Water Permit Application No. 5219-3, City of Canton, which is to be considered by the Water Management Board at the December 7, 1988 Board meeting. The fee for Application No. 5219-3 needs to be submitted prior to the application being considered by the Board.

Enclosed is a copy of a letter dated September 1, 1988. The fee for Application No. 5219-3 was delayed due to potential changes in the water appropriation specified on the application. Application No. 5219-3 now specifies an appropriation of 5.72 cfs (4141 acre-feet) for future use. The application fee for this appropriation is \$105.00. Please remit the fee prior to the December 7, 1988 Board meeting.

Contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Department of Water & Natural Resources

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

November 29, 1988

John Anderson, Mayor
City of Canton
123 S. Main
Canton, SD 57013

Dear Mayor Anderson:

This is in response to the enclosed check for \$1030 received from you on November 28, 1988 for Water Permit Application No. 5219-3.

I am enclosing a copy of a November 17, 1988 letter sent to you concerning this fee. The correct amount for this application fee is \$105.

Please submit the application fee in the correct amount of \$105.

Feel free to call if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division

enclosure



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411529

Pierre, December 5, 1988, 19

RECEIVED OF John Anderson, Mayor, City of Canton, 123 S Main, Canton, SD 57013

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. <u>5219-3</u> to Appropriate Water for Future Use _____	105	00
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	105 00

By John Hatch
Chief Engineer JOHN HATCH (MS)



Department of Water & Natural Resources

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

December 5, 1988

John Anderson, Mayor
City of Canton
123 S. Main
Canton, SD 57013

Dear Mayor Anderson:

This is in response to the water permit application fee received from you on December 5, 1988 in the amount of \$925.

Application fees have been paid in full for the following permit applications:

5216-3	(\$275	rec'd	9/23/88)
5217-3	(\$250	rec'd	9/23/88)
5218-3	(\$400	rec'd	9/23/88)
5219-3	(\$105	rec'd	12/5/88)

I am returning your check for \$925.

If you have any questions, feel free to call us.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division

enclosure





Department of Water & Natural Resources

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

September 1, 1988

John Anderson, Mayor
City of Canton
123 S Main
Canton SD 57013

Dear Mayor Anderson:

This letter is in response to the water permit applications received from the City of Canton on August 25, 1988. The following information is needed to complete the applications:

- 1) Application fees of \$275.00, \$250.00 and \$400.00 are needed for Application Nos. 5216-3, 5217-3 and 5218-3. The application fee for Future Use Permit Application No. 5219-3 is subject to change based on the amount of water that is specified on the application. The fee for Application No. 5219-3 will be requested after the amount of the appropriation is determined.
- 2) The enclosed map needs to be signed by either a South Dakota registered land surveyor, a South Dakota registered professional engineer or a government employee that normally prepares maps as part of his or her duties. A map is also needed outlining the proposed future use area and the map needs to be signed as specified above.

Application Nos. 5216-3, 5217-3 and 5218-3 can not be considered by the Water Management Board until the fees and the maps are received. Please remit the fees and return the maps as soon as possible. Contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



REPORT FOR PERMIT APPLICATION No. 5219-3
CITY OF CANTON
October 14, 1988

Permit application No. 5219-3 proposes to appropriate for future use 4141 acre-feet of water annually from the Dakota Sandstone Aquifer. Wells would be approximately 600 feet deep. The reserved area for future water use is to be located in Sections 10 through 15, 22, 23, 24, N²Sec. 27, N²Sec. 26, N²Sec. 25; all in T98N-R49W; Sections 7, 8, 9, 16 through 20; all in T98N-R48W. The water is to be reserved for the purpose of providing future municipal water supplies to the City of Canton. This application does not authorize construction of works or putting water to beneficial use. Application No. 5219-3 as submitted by Canton was for 5.72 cfs. The maximum annual acre feet represented by 5.72 cfs was calculated. The application will be advertised to reserve 4141 acre feet annually.

Aquifer: Dakota Formation

Geology and Aquifer Characteristics:

The Dakota formation consists of interbedded sand, sandstone, clay, and sandy clay, as much as 300 feet thick in this area. The Dakota underlies approximately 484 square miles of Lincoln County and contains an estimated 4.3 million acre-feet of recoverable water in storage in the county (Hedges, 1982). The lithology of the Dakota is quite variable both laterally and vertically, and it has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment.

The Division of Water Rights monitors 38 observation wells completed into the Dakota in Lincoln County. The Dakota is under artesian conditions and the observation wells fluctuate in response to withdrawals from the aquifer.

Illes (1984), Goodman (1985), and Goodman (1987), identify potential recharge areas for the Dakota. Data indicates a hydraulic connection exists between the Dakota and a buried glacial aquifer to the west and north, and a potential hydraulic connection with the Sioux Quartzite which directly underlies the Dakota. These apparent sources of recharge contain inferior quality water than is presently in the Dakota. The result of recharge water mingling with the Dakota will have a degrading effect upon the water quality of the aquifer. Increased withdrawals from the Dakota will increase the rate of deterioration. The rate of groundwater deterioration has not been quantified. The Division of Water Rights samples the state's observation wells every 2 to 3 years for common ions. There is no significant change in the water quality of the Dakota for the period of record. Estimated Dakota Formation water use in Lincoln County during 1988 was less than 1500 acre feet which is 0.035% of the 4.3 million acre feet of recoverable water in storage in the Dakota Formation in Lincoln County.

Although recharge to the Dakota formation has not been quantified, approval of Application No. 5219-3 will not jeopardize the supply of water in the Dakota Aquifer, nor will there be adverse impacts on prior water rights or adequate domestic wells.

The City of Canton first began pumping from the Dakota in 1918. The Division of Water Rights is not aware of any complaints due to pumping by Canton during the past 70 years.

A cone of influence has resulted from the 70+ years the City of Canton has pumped from the Dakota Aquifer. Data is not available to define the extent of the cone of influence or the decline in head pressure within the cone in the Canton area. However, Dakota aquifer head pressure declines within the cone of influence caused by South Lincoln Rural Water System are well documented. Hydrographs of observation wells monitored by the Division of Water Rights indicate the cone of influence has not stabilized in the area, this is primarily due to additional demands upon the aquifer.

Theoretically, the cone of influence will continue to expand indefinitely if withdrawal from a confined aquifer exceeds recharge to the aquifer. Pumpage from a confined aquifer such as the Dakota affects a relatively large area. The cone of influence may continue to expand for an unknown amount of time, maybe years, maybe tens of years, before it would reach equilibrium.

SDCL 46-6-3 provides that "no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source...". There is high value to the public in allowing appropriations for beneficial use from the Dakota Formation, a reliable source of water, whether the head pressure is declining or reaching equilibrium. The public interest is served by continuing to allow appropriations from the Dakota.

SDCL 46-6-3.1 further provides that:

"... an application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn Formation in excess of the average annual recharge for use by water distribution systems."

Available data does not support applying this exception to the review of this application, although it could be applied if necessary.

Review of Existing Water Rights:

There are 15 existing Water Permits appropriating water from the Dakota in Lincoln County. They include:

841-3 ¹	Beresford	0.69 cfs	municipal	2 wells
1262-3 ²	Canton	4.45 cfs	municipal	7 wells
4118-3	Thomas	0.10 cfs	commercial	1 well
4300-3 ³				
4300-3A ³	SLRWS	2.00 cfs	RWS	3 wells
4300-3B ³				
4312-3	Canton	0.43 cfs	municipal	2 wells
4401-3	Worthing	0.17 cfs	municipal	2 wells
4672-3	Elcock	0.05 cfs	commercial	3 wells
4817-3	SLRWS	1.33 cfs	RWS	(future use)
4982-3	Fairview	0.11 cfs	municipal	1 well
5101-3 ⁴	Lennox		municipal	(future use)
5116-3 ⁵	SLRWS	0.67 cfs	RWS	1 well
5155-3 ⁶	LRWS	3.00 cfs	RWS	(future use)
5156-3 ⁷	LRWS	3.00 cfs	RWS	2-5 wells
5216-3 ⁸	Canton	0.67 cfs	municipal	1 well
5217-3 ⁹	Canton	0.67 cfs	municipal	1 well
5218-3	Canton	1.34 cfs	municipal	2 wells

Notes:

1. Permit No. 841-3 is apparently not being used by Beresford, another water supply has been developed.
2. Permit No. 1262-3 appropriates 4.45 cfs. Diversion of 1.45 cfs is authorized from 7 wells; however, 1 well (0.22 cfs.) is from the Big Sioux Aquifer, and 3.00 cfs is reserved for future use. Permit No. 4312-3 authorized development of 0.43 cfs from the future use portion of Permit No. 1262-3. Permit No. 5216-3 authorized development of 0.52 cfs from the future use portion of Permit No. 1262-3. Permit No. 5217-3 authorized development of 0.50 cfs from the future use portion of Permit No. 1262-3. A total of 1.55 cfs remains reserved in the future use portion of Permit No. 1262-3.
3. Permit Nos. 4300-3, 4300-3A, 4300-3B authorize SLRWS to divert 2.00 cfs (1.44 cfs is developed) from 3 wells with a total diversion of 1048 acre-feet per year.
4. Permit Application No. 5101-3 for the City of Lennox has been deferred at the request of the City of Lennox.
5. Application No. 5116-3 authorizes SLRWS to drill an additional well and divert 0.67 cfs, but does not authorize any increase in the 1048 acre-feet per year limitation.
6. Appropriation is limited to 440 acre-feet annually.
7. Permit No. 5156-3 has been deferred to allow test drilling to determine water quality at the well site.
8. Permit No. 5216-3 authorizes Canton to place to beneficial use 0.52 cfs reserved by Permit No. 1262-3, and transfers authority to divert 0.15 cfs from well No. 2, Vested Right Claim No. 1262-3.
9. Permit No. 5217-3 authorizes Canton to place to beneficial use 0.50 cfs reserved by Permit No. 1262-3, and transfers authority to divert 0.17 cfs from well No. 5, Vested Right Claim No. 1262-3.

The City of Canton has provided the Division of Water Rights with a record of water usage from 1971 through 1988. The water use is shown in the following table.

YEAR	WATER USE (acre-feet)
1971	200
1972	243
1973	319
1974	339
1975	314
1976	367
1977	N/A
1978	306
1979	315
1980	368
1981	332
1982	339
1983	330
1984	346
1985	334
1986	331
1987	430
1988 (projected use 1988)	376

Conclusions:

1. Water Permit Applications No. 5219-3 proposes to appropriate for future use 4141 acre-feet of water annually from the Dakota Aquifer.
2. This permit will not authorize construction of works or putting water to beneficial use.
3. Test holes, monitor wells, and historical water use data indicate water is available in the Dakota Formation.
4. SDCL 46-6-3.1 allows that appropriations can be made from the Dakota Formation in excess of the average annual recharge for use by water distribution systems.
5. The Dakota Formation is under artesian conditions. Withdrawals will influence the head pressure of Dakota wells in the area; however, there will be no adverse impacts on prior water rights and adequate domestic wells.
6. Potential sources of recharge to the Dakota contain water which is inferior in quality to the water that is currently in the Dakota. Increased withdrawals from the Dakota will increase the rate of deterioration of the water quality in the Dakota Aquifer.
7. There has been 70+ years pumpage by Canton with no reported complaints.
8. The City of Canton currently holds Permit No. 1262, which reserves 1.65 cfs or 1195 acre-feet/year for future use.
9. It is unforeseeable that Canton will develop a demand for the 4141 acre-feet/year this application proposes to reserve for future use, although it is within the Water Management Board's statutory authority to approve a future use permit of up to an additional 4945 acre-feet annually.
10. For the Water Management Board to remain consistent in its dealings with appropriation of water from the Dakota Aquifer in Lincoln County (i.e. with acre-feet limitations on SLRWS's permit and on Lincoln Co. RWS's future use permit), only a portion of the 4141 acre-feet this permit proposes to reserve should be appropriated.
11. Maximum diversion rate should not be used to establish a maximum annual appropriation because it is virtually impossible to divert at the maximum diversion rate continuously. For example in 1986, when Canton was authorized to divert at a maximum rate of 1.92 cfs, only 331 acre-feet was diverted (1980 acre-feet were 368) instead of the 1390 acre-feet represented by the maximum diversion rate on a continuous basis.



KENT BUHLER

Natural Resources Engineer

Bibliography:

- Goodman, J.A., 1985, Report on Application No 4300-3B, South Lincoln Rural Water System (SLRWS), DWNR-Division of Water Rights, Joe Foss Building, Pierre SD 57501
- Goodman, J.A., 1987, Report on Application No 5116-3, South Lincoln Rural Water System, DWNR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Hedges, L.S., S.Burch, D.Iles, R.Barrari, R.Schoon, 1982, Evaluation of Groundwater Resources, Eastern South Dakota and Big Sioux River, South Dakota and Iowa, US Army Corps of Engineers, DWNR-Division of Geological Survey, Vermillion SD 57069
- Iles, D.L., 1982, Pleistocene Recharge to Dakota Formation in Lincoln County, South Dakota. "Geohydrology of the Dakota Aquifer, Proceedings of the C.V. Theis Conference on Geohydrology", NWWA, 500 W Wilson Bridge Road, Worthington, Ohio 43085
- Water Rights Division, 1988, "Observation Well Files, and Water Permit Files", DWNR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5219-3, City of Canton

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit Application No. 5219-3, City of Canton, 123 South Main, Canton SD.

The Chief Engineer is recommending APPROVAL of Future Use Application No. 5219-3 to reserve 1175 acre feet annually because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) that the 1175 acre feet of water reserved annually will be needed by the City of Canton, 3) the proposed use will be a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 5219-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application 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 from the Dakota Formation. Wells will be approximately 600 feet deep.
4. Approval of this permit reserves 1175 acre-feet annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 17, 1988

NOTE: Application No. 5219-3 as submitted by Canton was for 5.72 cfs. The maximum annual acre-feet represented by 5.72 cfs is 4141 acre-feet annually.

Actual annual use by Canton is about 430 acre feet.

Canton has water rights and permits that authorize 4.24 cfs or a maximum of 3060 acre feet per year. Assuming maximum annual pumping will equal 60% of 3060, expected maximum pumping under existing permits would be about 1850 acre-feet per year.

The City still has 1.55 cfs reserved for future use by Permit No. 1262-3 or a maximum of 1122 acre feet per year. At a 60% level of pumping, 675 acre feet could be used when the 1.55 cfs is developed.

Reserving an additional 1175 acre feet per year plus 675 acre-feet reserves 1850 acre feet for future development or amount equal to 60% pumping under existing water rights and permits.

In the future, it may be necessary to quantify the maximum acre feet authorized by existing water rights and permits, and the remaining 1.55 cfs reserved by No. 1262-3 to allow for optimum use of the Dakota Formation in the Lincoln County area.



Department of Water & Natural Resources

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

November 3, 1988

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

John Anderson, Mayor
City of Canton
123 S Main
Canton SD 57013

Dear Mayor Anderson:

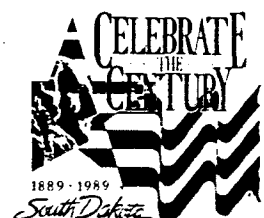
Your Application No. 5219-3 for a permit to appropriate water for future use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Canton Sioux Valley News printed at Canton SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

November 3, 1988

Canton Sioux Valley News
Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5219-3 to be published twice. Please publish the first notice on or before November 10, 1988 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 Canton, 123 S Main, Canton SD.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before November 10, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5219-3 to Appropriate Water for Future Use

Notice is given that the City of Canton, 123 S Main, Canton SD 57013 has filed an application for a future use water permit to appropriate for future use 4141 acre-feet of water annually from the Dakota Sandstone Formation. Future wells will be approximately 600 feet deep. The reserved area for future water use is to be located in Sections 10 thru 15, 22, 23, 24, N 1/2 Section 27, N 1/2 Section 26, N 1/2 Section 25; all in T98N, R49W; Sections 7, 8, 9, 16 thru 20; all in T98N, R48W. The water is to be reserved for the purpose of providing future municipal water supplies to the City of Canton. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5219-3 with qualifications to reserve 1175 acre-feet annually because 1) unappropriated water is available for appropriation, 2) that the 1175 acre-feet of water reserved annually will be needed by the City of Canton, 3) the proposed use will be a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Lincoln)

I, Sonja Oakland hereby

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

Water was taken from the Sioux Valley News

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

_____ City _____ of _____ Canton _____

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

_____ NOVember 10, 1988 _____

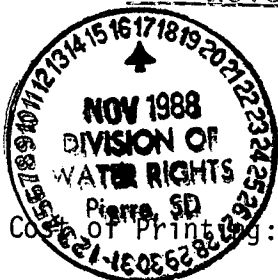
_____ November 17, 1988 _____

Sonja Oakland
(Signature)

Bookkeeper
(Title)

_____ November 17, 1988 _____

(Date Signed)



NOTICE OF HEARING
ON APPLICATION NO. 5219-3
TO APPROPRIATE WATER
FOR FUTURE USE

Notice is given that the City of Canton, 123 South Main, Canton, South Dakota 57013 has filed an application for a future use water permit to appropriate for future use 4141 acre-feet of water annually from the Dakota Sandstone Formation. Future wells will be approximately 600 feet deep. The reserved area for future water use is to be located in Sections 10 thru 15, 22, 23, 24, N½ Sections 27, N½ Section 26, N½ Section 25; all in T98N, R49W; Sections 7, 8, 9, 16 thru 20; all in T98N, R48W. The water is to be reserved for the purpose of providing future municipal water supplies to the City of Canton. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5219-3 with qualifications to reserve 1175 acre-feet annually because 1) there is reasonable probability that there is unappropriated water available or appropriation, 2) that the 1175 acre-feet of water reserved annually will be needed by the City of Canton, 3) the proposed use will be a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 404, Howard Johnson, 3300 Vest Russell, Sioux Falls, SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 5, 1988. The Chief Engineer's address is "Water Rights Division, Ross Building, 523 East Capitol, Pierre, South Dakota 57501 (605-73-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

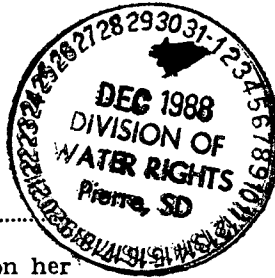
This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.
(11-10, 17)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ss:

Sonja Oakland



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

Notice of Hearing on
Application No. 5219-3
to Appropriate Water
for Future Use

a printed copy of which is hereto attached, was printed

and published in said newspaper for two

successive weeks upon the following dates, to-wit:

November 17, 1988

that the full amount of the fees charged for

ing the same to-wit: the sum of \$44.14 inures solely to the benefit of the publishers newspaper; that no agreement or understanding any division of this sum has been made with other person; and that no part of said sum has agreed to be paid to any person whomsoever.

Sonja Oakland

Subscribed and sworn to before me this 1 day of November, 1988

Vernon R. Thorson
Notary Public, South Dakota

(Seal)

VERNON R. THORSON
My commission expires
January 20, 1991

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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.
(11-10, 17)

NOTICE OF HEARING ON APPLICATION NO. 5219-3 TO APPROPRIATE WATER FOR FUTURE USE

Notice is given that the City of Canton, 123 South Main, Canton, South Dakota 57013 has filed an application for a future use water permit to appropriate for future use 4141 acre-feet of water annually from the Dakota Sandstone Formation. Future wells will be approximately 600 feet deep. The reserved area for future water use is to be located in Sections 10 thru 15, 22, 23, 24, N½ Sections 27, N½ Section 26, N½ Section 25; all in T98N, R49W; Sections 7, 8, 9, 16 thru 20; all in T98N, R48W. The water is to be reserved for the purpose of providing future municipal water supplies to the City of Canton. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5219-3 with qualifications to reserve 1175 acre-feet annually because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) that the 1175 acre-feet of water reserved annually will be needed by the City of Canton, 3) the proposed use will be a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls, SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 East Capitol, Pierre, South Dakota 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

November 16, 1988

South Lincoln Rural Water System
Box 155
Canton, South Dakota

ATTENTION: John S.

Dear John:

Enclosed is a copy of the report and recommendations for Water Permit No. 5219-3. If we can be of further service please contact this office.

Sincerely,

Maxine Stirling
Secretary





Department of Water & Natural Resources

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

MAR 10 1989

John Anderson, Mayor
City of Canton
123 S Main
Canton SD 57013

Dear Mayor Anderson:

Enclosed is your Future Use Withdrawal Permit No. 5219-3, 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 must be submitted to this office and approved by the Water Management Board before construction.

Very truly yours,

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

enclosures

JH:ks





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 1995

David Gard, Mayor
City of Canton
123 S Main
Canton SD 57013-2242

Dear Mayor Gard:

I am writing in regard to the seven year review of Future Use Water Permit No. 5219-3 from the Dakota Formation which is held by the City of Canton. Currently, our records show that 1,175 acre-feet remain in reserve under this future use permit which was issued in 1989. A copy of Permit No. 5219-3 is enclosed.

Please respond in writing by October 15, 1995, regarding the City of Canton's intention for the future use permit. If the City plans to retain the permit, 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. 5219-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure

c: Dan Amert, Finance Officer

City of Canton

123 South Main - Canton, SD 57013
Phone (605) 987-2881



October 3, 1995

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

Dear Mr. Gronlund:

I am responding to Karen Schlaak's letter of September 20th regarding review of the City's future use permit #5219-3 from the Dakota Aquifer. The City requests that our future use permit be reissued at the present reserve of 1,175 acre-feet. I believe that the reserve is necessary to adapt to future growth and use in Canton.

According to City records, the following table displays the total water pumped by the City from 1988 through 1995:

TOTAL WATER PUMPED
CITY OF CANTON
1988-1995

1995	128	MG (Estimated)
1994	124.7	MG
1993	114.45	MG
1992	112.55	MG
1991	127.43	MG
1990	131.37	MG
1989	131.16	MG
1988	131.02	MG

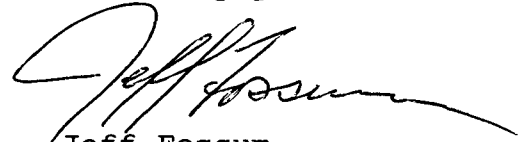
An estimate of future need are hard to establish. The excess population from the metro Sioux Falls area is showing an effect on the number of houses and apartments being constructed in Canton. Since January 1, 1992, 39 new homes, 40 one and two-bedroom apartments, and five new commercial buildings have been built in Canton. With the addition of a housing development area ready in early 1996, the number of lots ready for single-family and apartment structures will increase to about 60 from this development alone. I strongly believe that with expected future growth in Canton, our water needs will grow accordingly.

Mr. Eric Gronlund
October 3, 1995
Page 2

In closing, with steady growth in Canton and our proximately to Sioux Falls, I believe it is in the best interest of the City of Canton to retain all of the water reserved in the Future Use Permit #5219-3. I believe the level in reserve will provide a constant supply of water to our growing community.

If you have any questions, please feel free to call me at (605) 987-2881.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff Fossum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff Fossum
Water Superintendent
City of Canton



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1995

Jeff Fossum, Water Superintendent
City of Canton
123 South Main St.
Canton, SD 57013

Dear Mr. Fossum:

Enclosed is the draft recommendation regarding the seven year review of Future Use Water Permit No. 5219-3 held by the City of Canton. The Chief Engineer's recommendation is for the entire amount of 1,175 acre-feet to remain in reserve. It is our intent to public notice the seven year review for the Water Management Board's March 6, 1996 meeting. Around the first of the year this notice will be sent to the local newspaper and yourself. You will then need to contact the newspaper to authorize publication and arrange for payment for the publication cost.

The recommendation for the entire amount of 1,175 acre-feet to remain in reserve if based on the City's future growth potential resulting from a the close proximity to the Sioux Falls area. The Board normally limits future use permits to two times the permit holders currently use. You should be aware that the Board or other potential intervenors may bring up this issue.

If you have any questions, please do not hesitate to contact me. I hope you have a great holiday season!

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

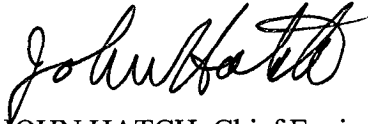
enclosure

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER
PERMIT NO. 5219-3, City of Canton**

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. 5219-3, City of Canton, c/o Jeff Fossum, Water Superintendent, 123 South Main, Canton, SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5219-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 5219-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5219-3 is subject to payment of a \$42.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Canton. This notice will be sent after the Water Management Board conducts the seven year review of Future Use Permit No. 5219-3.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
January 8, 1996

Note: The City of Canton has demonstrated the need to retain the entire 1,175 acre-feet in reserve for future growth. The City is experiencing substantial growth as a result of the City's close proximity to Sioux Falls.



January 12, 1996

**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.

City of Canton
c/o Jeff Fossum
123 S Main
Canton SD 57013

Dear Mr. Fossum:

Future Use Permit No. 5219-3 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 Sioux Valley News printed at Canton SD (Phone 605 987-2631). 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



January 12, 1996

Sioux Valley News
Box 255
Canton SD 57013-0255

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5219-3 to be published twice. Please publish the first notice on January 25, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Canton, c/o Jeff Fossum, Water Superintendent, 123 S Main, Canton SD 57013.

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. 5219-3

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 5219-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, c/o Jeff Fossum, Water Superintendent, 123 S Main, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved December 7, 1988 to reserve 1,175 acre feet of water annually from the Dakota Sandstone Formation (approximately 600 feet deep) located in Section 10 thru 15, 22, 23, 24, N 1/2 Section 25 thru 27, all in T98N-R49W and Section 7, 8, 9, 16 thru 20; all in T98N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 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 City of Canton has demonstrated the need to retain the entire 1,175 acre feet of water in reserve for future growth. The city is experiencing substantial growth as a result of the city's close proximity to the Sioux Falls area.

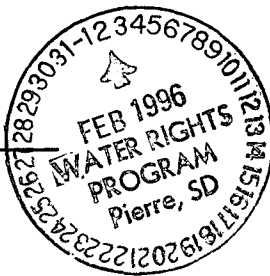
The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 10:00 am, on March 6, 1996, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 23, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lincoln)

I, Sandra Lundstrom

certify that the attached printed Notice was

taken from the _____

SIOUX VALLEY NEWS

printed and published in Canton

County of Lincoln and State of

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

January 25, 1996

February 1, 1996

Cost of Printing: \$56.26

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Sandra Lundstrom
 (Signature)

Bookkeeper

(Title)

February 1, 1996

(Date Signed)

SANDRA LUNDSTROM
 MY COMMISSION
 EXPIRES 9-27-2001

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 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 City of Canton has demonstrated the need to retain the entire 1,175 acre feet of water in reserve for future growth. The city is experiencing substantial growth as a result of the city's close proximity to the Sioux Falls area.

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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 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1996

NOTICE

Jeff Fossum, Water Superintendent
City of Canton
123 South Main St.
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 1996 to review Future Use Permit No. 5219-3. The Board allowed the permit to remain in effect for 1,175 acre-feet annually as recommended by the Chief Engineer. Future Use Permit No. 5219-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5219-3 is \$42.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive style with a large, stylized "H".

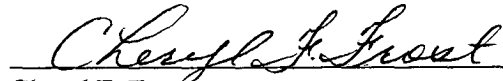
JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

ks

CERTIFICATION

I hereby certify that on March 7, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1996, regarding action taken by the Water Management Board at the Hearing on March 6, 1996, to review Future Use Permit No. 5219-3, addressed as stated below:

Jeff Fossum, Water Superintendent, City of Canton, 123 South Main St., Canton, SD 57013.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1996




Notary Public

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

RECEIPT

414875

Division of Water Rights

South Dakota Department of Environment and Natural Resources

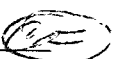
Pierre, _____ March 26, 19 96

RECEIVED OF City of Canton, 123 South Main, Canton, SD 57013-2242

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>5219-3</u> after period of seven years.	42	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	42 50

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2002

Pete Van Wyhe
City of Canton
210 N Dakota St
Canton SD 57013-1834

Dear Mayor Van Wyhe:

I am writing in regard to the seven year review of Future Use Water Permit No. 5219-3 from groundwater (Dakota Formation) which is held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,175 acre-feet remain in reserve under this future use permit that was issued in 1988 and last reviewed in 1996.

Please respond in writing by January 15, 2003, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5219-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

c: Dan Amert, Finance Officer

City of Canton

210 N. Dakota
Canton, SD 57013

"Gateway to South Dakota"

(605) 987-2881
FAX (605) 987-2972
E-Mail: cantonsd@iw.net

December 12, 2002

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

RECEIVED

DEC 16 2002

WATER RIGHTS
PROGRAM

RE: Future Use Water Permit #5219-3

Dear Mr. Gronlund:

I am responding to Karen Schlaak's letter of December 2, 2002 regarding review of the City's future use permit #5219-3 from the Dakota Formation. The City requests that our future use permit to be reissued at the present reserve of 1,175 acre-feet. I believe that the reserve is necessary to adapt to future growth and use in Canton.

According to City records, the following table displays the total water pumped by the City from 1988 through 2002:

TOTAL WATER PUMPED CITY OF CANTON 1988-2002

2002	113.79 MG (Estimating December usage)
2001	108.00 MG
2000	120.6 MG
1999	125.03 MG
1998	128.62 MG
1997	139 MG
1996	128.5 MG
1995	129.4 MG
1994	124.7 MG
1993	114.45 MG
1992	112.55 MG
1991	127.43 MG
1990	131.37 MG
1989	131.16 MG
1988	131.02 MG

Mr. Eric Gronlund
December 12, 2002
Page 2

Part of the apparent decrease in water used displayed in the table, especially from 1998 through 2002, has been a series of water rate increases and watering restrictions placed on the City's water customers each year. A listing of the water restrictions is presented below:

- 1998 City enacted large water and sewer rate increase in August to both meet SD DENR guidelines for rates and to place funds in reserve for future replacement projects.
- 1999 Watering restriction (Odd-Even outside watering ban) due to repairs to 500,000 Ground Store Reservoir during April through June.
- 2000 Watering restriction (Odd-Even outside watering ban) due to complete failure of coating placed inside Ground Storage Reservoir during August through October.
- 2001 Watering restriction (Total ban on outside watering) due to repairs and repainting of City's Elevated Water Tower from June to August.
- 2002 Watering restriction (Odd-Even outside watering ban) due to warranty repairs on coating inside Ground Storage Reservoir from August to October. City increased water rates in December to meet future debt service from upcoming replacement projects.

The City expects to see an increase in usage levels in 2003 and expects usage to increase throughout the near term.

Another reason for the need to keep our future use water permit is the solid growth in the Canton area. The City of Canton's population grew steadily through the 1990's, with an increase of 11.4% population from the 1990 Census (2,886) to the 2000 Census (3,110). Lincoln County has grown by 9.1 from the April 1, 2000 Census of 24,131 to an estimated population of 26,322, which according the US Census Bureau, ranks Lincoln County as the 14th fastest growing county in the United States. I am enclosing the recent statistics provided by the US Census Bureau. With growth in residential and industrial developments both in Lincoln County and in Canton, the need for the City of Canton to preserve our future water rights is evident.

The growth in population in and around Canton coming from the metro Sioux Falls area is evident in the number of houses and apartments being constructed in Canton. From January 1, 1992 to October 1, 2002, building permits were issued for 125 new homes, 17 apartments buildings with a total of 75 one and two-bedroom apartments, and 45 new commercial buildings and commercial additions in Canton.

Mr. Eric Gronlund
December 12, 2002
Page 3

With the additional housing development in Canton that has grown greatly from 1996 through today, the number of lots available for single-family and apartment structures is estimated between 20 and 30 throughout Canton. To continue the housing growth in Canton since 1996, many undeveloped areas inside Canton are prime locations ready for housing development.

Along with the growth in housing, a new industrial park next to the present Canton Industrial Park is slated for development in early 2003. The 71.5 acres of property purchased by the Canton Development Corporation in November 2002 will greatly assist and promote Canton as a home for industrial and commercial development. The City anticipates the businesses who will locate in the new Industrial Park will be very large water users, drawing from the City's resources. I strongly believe that with expected future growth in Canton, our water needs shall continue to grow accordingly.

In closing, with steady growth in Canton and our proximity to Sioux Falls, I believe it is in the best interest of the City of Canton to retain all of the water reserved in the Future Use Permit #5219-3. I believe the level in reserve will provide a constant supply of water to our growing community.

If you have any questions, please feel free to call me at (605) 987-2881.

Sincerely yours,

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

Jeff Fossum
Water Superintendent
City of Canton

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5219-3, City of Canton 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. 5219-3, City of Canton, 210 N Dakota, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5219-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5219-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5219-3 is subject to payment of the \$42.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 22, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2003

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

Jeff Fossum, Water Superintendent
City of Canton
210 N Dakota
Canton SD 57013

Dear Mr. Fossum:

Future Use Permit No. 5219-3 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 Sioux Valley News printed at Canton SD (Phone #605 764-2000). 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



January 22, 2003

SIOUX VALLEY NEWS
PO BOX 255
CANTON SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5219-3 to be published twice. Please publish the first notice on January 30, 2003 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 Canton, c/o Jeff Fossum, Water Superintendent, 210 N Dakota, Canton SD 57013-1834.

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 22, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 5219-3 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 January 30, 2003 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 5, 2003 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 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

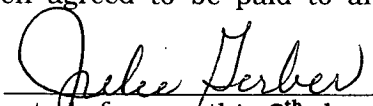
being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

WATER PERMIT NO. 5219-3

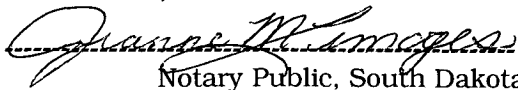
a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

JANUARY 30, 2003
FEBRUARY 6, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$53.04** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

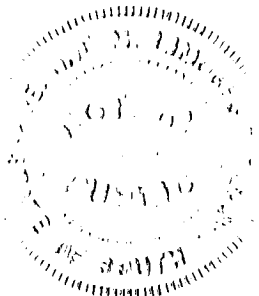


Subscribed and sworn to before me this 6th day of **FEBRUARY, 2003.**



Notary Public, South Dakota

(Seal)



Jeanne M. Limoges
My Commission Expires
November 18, 2003

RECEIVED

FEB - 7 2003

**WATER RIGHTS
PROGRAM**

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(1-30 2-6)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2003

NOTICE

Jeff Fossum, Water Superintendent
City of Canton
210 N Dakota
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on March 5, 2003 to review Future Use Permit No. 5219-3. The Board allowed the permit to remain in effect for 1,175 acre-feet of water annually. Future Use Permit No. 5219-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5219-3 is \$42.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

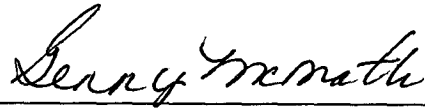
CERTIFICATION

I hereby certify that on March 7, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 2003, regarding Review of Future Use Permit #'s 5219-3, 1443-2, and 5862-3, addressed:

5219-3
Jeff Fossum Water Superintendent
City of Canton
210 N Dakota
Canton SD 57013

1443-2
Van A Lindquist Manager
West Dakota Water Development District
PO Box 9633
Rapid City SD 57709-9633

5862-3
Jeff DeVille, Water Superintendent
Watertown Municipal Utilities Dept.
901 4th Ave SW
Watertown SD 57201-4107



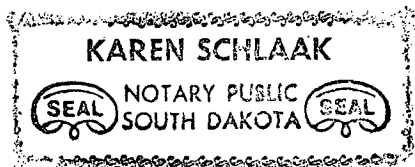
Genny Mc Math
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2003.



Karen Schlaak
Notary Public
my commission expires 4/1/07





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 2003

Jeff Fossum, Water Superintendent
City of Canton
210 N Dakota
Canton SD 57013

Dear Mr. Fossum:

On March 7, 2003 we requested the fee for maintaining the effectiveness of Future Use Permit No. 5219-3. To date, we have not received this payment.

Please submit the \$42.50 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Dan Amert, Finance Officer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 27, 20 03

RECEIVED OF City of Canton, 210 N Dakota, Cannon SD 57013

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	42	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5219-3</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	42.50

No. 000000

By J. Darland Eide
Chief Engineer gm

File Nos. 5216-3, 5217-3, 5218-3, 5219-3, 6499-3,
1262A-3, 1262B-3, 1262C-3, 6743-3, 4401-3,
4982-3, 5647-3, 6490-3, 6311-3, 6300-3,
6435-3, 6456-3, 6727-3

Water Rights Program File Documentation

DATE: 04/02/2008

The table below represents the water use reported from the Dakota Formation from Lincoln County by the major water users (City of Canton, Town of Worthing, Town of Fairview and South Lincoln Rural Water Sytem).

	Canton	Worthing	Fairview	SLRWS
	Acre-feet per year*			
2006	406	110	10	863
2005	403	34	8	769
2004	411	37	5	904
2003	384	48	9.2	725
2002	352	NA	NA	786
2001	331	NA	NA	877
2000	370	NA	NA	843
1999	384	4	9.4	781
1998	395	33	12	693
1997	427	36	9	663
1996	394	34	13	689
1995	397	30	11	707
1994	383	25	13	766
1993	351	24	12	630
1992	345	26	8	680
1991	391	28	10	696
1990	401	26	9	669
1989	402	31	NA	650
1988	388	26	20	660
1987	430	32	14	453
1986	330	25	22	370
1985	334	27	22	370
1984	346	27	24	368
1983	330	27	NA	341

* Numbers shown in black originated from Non Irrigation Questioner Data Base

Numbers in blue originated from 4/2/2008 personal correspondence with John Sievers (SLRWS manager)

Numbers shown in red originated from Jim Goodman's report on Application Nos. 5155-3 and 5156-3 (with permit files)

NA= not available

Ken Buhler
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2009

Jeff Fossum, Water Superintendent
City of Canton
210 N Lincoln
Canton SD 57013

Dear Mr. Fossum:

I am writing in regard to the seven year review of Future Use Water Permit No. 5219-3 from groundwater (Dakota Formation) which is held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,175 acre-feet remain in reserve under this future use permit that was issued in 1988 and last reviewed in 2003.

Please respond in writing by January 15, 2010, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5219-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

City of Canton

210 N. Dakota
Canton, SD 57013
www.cityofcantonsd.com
January 7, 2010

"Gateway to South Dakota"

(605) 987-2881
FAX (605) 987-2972
E-Mail: cantonsd@iw.net

RECEIVED

JAN 11 2010

**WATER RIGHTS
PROGRAM**

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

RE: Future Use Water Permit #5219-3

Dear Mr. Gronlund:

I am responding to Karen Schlaak's letter of December 1, 2009 regarding review of the City's future use permit #5219-3 from the Dakota Formation. The City requests that our future use permit to be reissued at the present reserve of 1,175 acre-feet. I believe that the reserve is necessary to adapt to future growth and use in Canton.

According to City records, the following table displays the total water pumped by the City from 2001 through 2009:

TOTAL WATER PUMPED CITY OF CANTON 2001-2009

2009	119.93 MG
2008	127.91 MG
2007	119.71 MG
2006	132.19 MG
2005	131.25 MG
2004	133.74 MG
2003	125.00 MG
2002	114.60 MG
2001	108.00 MG

The City has been seeing an increasing demand for water over the past several years, as can be seen in the usage table. We did see a decrease in demand in 2007, due to a small rate increase. The demand in 2009 was lower, due to a cool and rainy summer.

Mr. Eric Gronlund
January 7, 2010
Page 2

The City expects to see a small decrease in usage levels in 2010 due to a large rate increase, but expects usage to be constant thereafter with increases in demand as the City grows in the future.

To expand upon our need to keep the future use water permit, is the solid growth in the Canton area. The City of Canton's population grew steadily through the 1990's, with an increase of 11.4% population from the 1990 Census (2,886) to the 2000 Census (3,110) with a current estimate of 3,633, or 16.8% increase based on the 2008 Census estimates. Lincoln County has grown by 64.5% from the April 1, 2000 Census of 24,131 to an estimated population, in 2008, of 39,713, which according the US Census Bureau, ranks Lincoln County as the 7th fastest growing county in the United States. With growth in residential and industrial developments both in Lincoln County and in the Canton area, the need for the City of Canton to preserve our future water rights is evident.

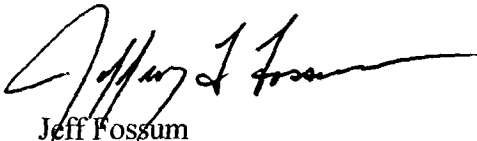
The growth in population, in and around Canton, coming from the metro Sioux Falls area is evident in the number of houses and apartments being constructed in Canton. From January 1, 1999 to January 1, 2010, building permits were issued for 87 new homes, 4 apartment buildings, and 5 new commercial buildings and additions in Canton. Currently, the City is having business expansions in the Industrial Park with one business adding a 100 foot by 600 foot addition.

Along with the growth in housing, a new industrial park next to the present Canton Industrial Park is slated for development. The 40 acres of property acquired by the Canton Development Corporation in 2008 will greatly assist and promote Canton as a home for industrial and commercial development. The City anticipates the businesses who will locate in the new park will be industrial water users, drawing from the City's resources. I strongly believe that with expected future growth in Canton, our water needs shall continue to grow accordingly.

In closing, with steady growth in Canton and our proximity to Sioux Falls, I believe it is in the best interest of the City of Canton to retain all of the water reserved in the Future Use Permit #5219-3. I believe the level in reserve will provide a constant supply of water to our growing community.

If you have any questions, please feel free to call me at (605) 987-2881.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff Fossum", with a long, sweeping horizontal line extending to the right.

Jeff Fossum
Water Superintendent
City of Canton



**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. 5219-3, City of Canton 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. 5219-3, City of Canton, 210 N Dakota, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5219-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5219-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5219-3 is subject to payment of the \$155.00 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 26, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2010

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

Jeff Fossum, Water Superintendent
City of Canton
210 N Lincoln
Canton SD 57013

Dear Mr. Fossum:

Future Use Permit No. 5219-3 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 Sioux Valley News, Canton SD (Phone #605 764-2000).

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

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

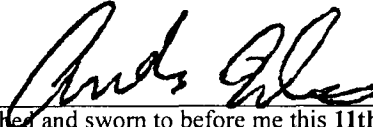
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

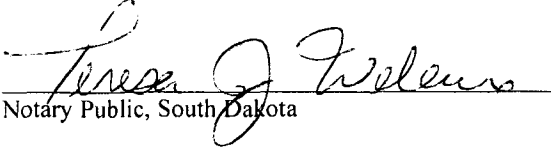
City of Canton Notice of Hearing Water Permit NO. 5219-3

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

February 4, 2010
February 11, 2010

that the full amount of the fees charged for publishing the same to-wit: the sum of \$63.68 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.


Subscribed and sworn to before me this 11th day of February, 2010.


Notary Public, South Dakota



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N. Dakota, Canton, SD 57013; for the progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 currently reserves 1,175 acre feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Section 25 thru 27; all in T98N-R49W and Section 7,8,9,16 thru 20; all in T98N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 10:00 am, March 10, 2010, Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by March 1, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E. Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 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.

RECEIVED
FEB 18 2010
WATER RIGHTS
PROGRAM

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by March 1, 2010. 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 March 1, 2010. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on February 4 and 11, 2010 at the total approximate cost of \$63.68.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2010

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5219-3 to be published twice. Please publish the first notice on February 4, 2010 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 Canton, c/o Jeff Fossum, Water Superintendent, 210 N Lincoln, Canton SD 57013.

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 26, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 5219-3 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 4, 2010 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 currently reserves 1,175 acre feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N ½ Section 25 thru 27; all in T98N-R49W and Section 7, 8, 9, 16 thru 20; all in T98N-R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 10:00 am, March 10, 2010, Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by March 1, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by March 1, 2010. 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 March 1, 2010. 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

March 11, 2010

NOTICE

Jeff Fossum, Water Superintendent
City of Canton
210 N Lincoln
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on March 10, 2010 to review Future Use Permit No. 5219-3. The Board allowed the permit to remain in effect for 1,175 acre-feet of water annually. Future Use Permit No. 5219-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5219-3 is \$155.00 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 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding future use review addressed as stated below:

Jeff Fossum, Water Supt. City of Canton, 210 N Lincoln, Canton SD 57013 5219-3

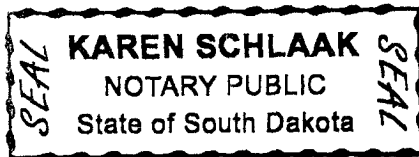
Blaise Emerson, Admin manager, West Dakota Water Dev Dist, PO Box 9633, Rapid City SD 57709-9633 1443-2


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/24, 20 10

RECEIVED OF City of Canton 210 N Dakota St Canton SD 57013

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.	155.00	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use.		
Fee to retain Future Use Permit No. <u>5219-3</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	155.00

No. 04513

By *Robert E. White*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 14, 2016

City of Canton
Jeffrey Fossum, Water Superintendent
210 N Dakota
Canton SD 57013

Dear Mr. Fossum:

I am writing in regard to the seven year review of Future Use Water Permit No. 5219-3 from groundwater (Dakota Aquifer) held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1,175 acre-feet remain in reserve under this future use permit that was issued in 1988 and last reviewed in 2010.

Please respond in writing by January 16, 2017 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 No. 5219-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,175 acre-feet remain in reserve, the fee will be \$155.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



RECEIVED
JAN 17 2017
WATER RIGHTS
PROGRAM

January 11, 2017

Ms. Karen Schlaak
SD DENR, Water Rights Program
PMB 2020, Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

**RE: Future Use Water Permit NO. 5219-3
City of Canton, South Dakota**

Dear Ms. Schlaak:

JSA Engineers/Land Surveyors are the designated City Engineer for the City of Canton. Please consider this letter as the request from the City of Canton to maintain their current reserve of 1,175 acre-ft for future water supply needs as permitted (Future Use Water Permit No. 5219-3).

In 2011 the City of Canton contracted with JSA Engineers and HDR to provide a facilities plan for the City's water supply facilities. The facilities plan indicated that the current total average water usage was approximately 383 acre-feet (up from 331 acre-feet in 2001). The facilities plan also projected a future water usage of 583 acre-feet in year 2035. The projections of future water use were based upon historic population growth and water use patterns as well as land use and industrial growth assumptions.

Over the seven years the City's industrial park has increased by over seventy acres and approximately forty new homes have been constructed. New industries have already located within the industrial park. In 2016 the City received building permits valued over \$1.1 million in the residential sector and over \$600,000 in the commercial sector. The City is confident that additional industries will locate within the community given the City's proximity to the I-29 corridor, US Highway 18 and a BNSF rail line. Industries locating within the community have potential to be high water users placing increased demands on the City's supply.

Given the above information we feel it necessary the City of Canton maintain their current reserve of 1,175 acre-ft for future water supply needs. If you have any questions, please contact me.

Respectfully Submitted,

JSA Engineers/Land Surveyors


Myron Adam, PE/LS
City Engineer, City of Canton



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5219-3, City of Canton**

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. 5219-3, City of Canton, 210 N Dakota, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5219-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 5219-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5219-3 is subject to payment of the \$155.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City after the Board hearing.

Jeanne Goodman, Chief Engineer
January 18, 2017

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

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

City of Canton Notice of Hearing

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

January 26, 2017

that the full amount of the fees charged for publishing the same to-wit: the sum of \$43.19 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 26th day of
January, 2017.

Notary Public, South Dakota



My Commission Expires
December 9, 2020

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N-R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 11:00 am on March 1, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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

Chief Engineer by February 20, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use

Permit No. 5219-3 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

RECEIVED

FEB - 9 2017

WATER RIGHTS
PROGRAM

Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 20, 2017. 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 20, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 6, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on January 26, 2017, at the total approximate cost of \$43.19.

CUSTOMER NUMBER:	050399	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349		
INVOICE NUMBER:	1876868			
RUN DATES:	1/26, 2017			\$101.76

RECEIVED
JAN 30 2017
WATER RIGHTS PROGRAM

City of Canton
210 N. Dakota St.
Canton, SD 57103

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

Water Permit 5219-3

AFFIDAVIT OF PUBLICATION-

Customer Number: 050399
Invoice Number: 1876868

City of Canton

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 26 day of January 2017,
_____, the _____ day of _____ 2017,
_____, the _____ day of _____ 2017,
_____, the _____ day of _____ 2017,
_____, the _____ day of _____ 2017,
_____, the _____ day of _____ 2017,

and that \$101.76 was charged for publishing the same

Sara Kruse

Subscribed and sworn to before me 1/26/17

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 5219-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N. Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N-R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the

Water Rights Program recommends that Permit No. 5219-3 REMAIN IN EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 11:00 am on March 1, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 20, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss

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

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Granlund, Water Rights Program, (605 773-3352) by February 20, 2017. 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 20, 2017.

According to SDCL 1-26, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 6, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$101.76. 1876868 Jan. 26, 2017





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 18, 2017

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

JSA Engineers/Land Surveyors
Myron Adam, PE/LS
6810 S Lyncrest Ave, Suite 101
Sioux Falls SD 57108

RE: City of Canton

Dear Mr. Adam:

Future Use Permit No. 5219-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the Sioux Valley News, Canton SD (605 764-2000) and the Argus Leader, Sioux Falls SD (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 26, 2017. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: City of Canton

Instruction to Newspaper - Publish the following Notice on January 26, 2017. The city of Canton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N-R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 at 11:00 am on March 1, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 20, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 20, 2017. 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 20, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 6, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2017 11:54 AM
To: svn@siouxvalleynewsonline.com
Subject: 5219-3, City of Canton
Attachments: 5219-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2017.

JSA Engineers/Land Surveyors, Myron Adam for the City of Canton (605 367-1036) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2017 11:55 AM
To: allegals@argusleader.com
Subject: 5219-3, City of Canton
Attachments: 5219-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2017.

JSA Engineers/Land Surveyors, Myron Adam for the City of Canton (605 367-1036) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 2, 2017

NOTICE OF ENTRY OF ORDER

City of Canton
Jeffrey Fossum, Water Superintendent
210 N Dakota
Canton SD 57013

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on March 1, 2017 to review Future Use Permit No. 5219-3. The Board allowed the permit to remain in effect for 1,175 acre-feet of water annually. Future Use Permit No. 5219-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5219-3 is \$155.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

c: Myron Adam, PE/LS
JSA Engineers/Land Surveyors

CERTIFICATION

I hereby certify that on March 2, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 2, 2017 regarding Future Use Permit Fees addressed as stated below:

Permit No. 1443-2 - West ^{Dakota} River Water Dev. Dist., Leon H Ewert, PO Box 6365, Rapid City SD 57709

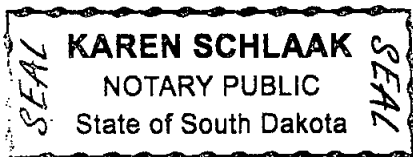
Permit No. 5219-3 - City of Canton, J Fossum, 210 N Dakota, Canton SD 57013
Myron Adams, PE/LS, JSA Engineers, 6810 S Lyncrest Ave # 101, Sioux Falls SD 57108


Gail Jacobson
Secretary Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of March, 2017.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/13, 20 17

RECEIVED OF City of Canton 210 N Dakota St Canton SD 57013

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	155	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5219-3</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	155 00

No. **08194**

By *James Goodman*
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 5, 2024

City of Canton
c/o Jeff Fossum, Water Supt.
210 N Dakota Street
Canton SD 57013

Dear Mr. Fossum:

I am writing in regard to the seven-year review of Future Use Water Permit No. 5219-3 from the Dakota Aquifer held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the City of Canton. Currently, our records show that 1,175 acre-feet remain in reserve under this future use permit that was issued on December 5, 1988 and last reviewed in January 26, 2017.

Please respond in writing by February 5, 2024, regarding the City of Canton's intention for the future use permit. If the City of Canton 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 No. 5219-3 will then be public noticed at the City of Canton's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,175 acre-feet remain in reserve, the fee will be \$155.00.

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

Sincerely,

Rachel Rodriguez

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



January 26, 2024

Ms. Rachel Rodriguez
SD DANR, Water Rights Program
523 East Capitol
Pierre, SD 57501-3182
Via Email: Rachel.rodriguez@state.sd.us

**RE: Future Use Water Permit NO. 5219-3
City of Canton, South Dakota**

Dear Ms. Rodriguez:

JSA Engineers/Land Surveyors are the designated City Engineer for the City of Canton. Please consider this letter as the request from the City of Canton to maintain their current reserve of 1,175 acre-ft for future water supply needs as currently permitted (Future Use Water Permit No. 5219-3).

The table below summarizes the community's water usage over the past five years.

Year	Water Usage (Acre-Feet)	
	Actual	Projected *
2019	285	
2020	335	
2021	331	
2022	338	
2023	374	
2025		504
2030		543
2035		583
2040		626

* Projected water usage was taken from a Water Supply Facilities Facility Plan prepared for the City of Canton by HDR Engineering and JSA Engineering and Land Surveyors in August of 2013 and updated in 2014. The projected future water use was based upon historic population growth and water use patterns as well as land use and industrial growth assumptions.

In 2024, the City is slated to see additional development and expansion to the City's industrial park and a sixty acre mixed used development on the eastern side of the community. The City is confident that additional industries will locate within the community given the City's proximity to the I-29 corridor, US Highway 18 (currently being widened to a 4-lane primary highway between Canton and I-29) and a BNSF rail line. Industries locating within the community have the potential to be high water users placing increased demands on the City's supply.

Given the above information we feel it necessary the City of Canton maintain their current reserve of 1,175 acre-ft for future water supply needs. If you have any questions, please contact me.

Respectfully Submitted,

JSA Engineers/Land Surveyors

A handwritten signature in blue ink, appearing to read 'Myron Adam', with a stylized flourish extending to the right.

Myron Adam, PE/LS
City Engineer, City of Canton

Cc: Jordan Leinen, Canton Utility Supt.
Kyle Cwach, Canton Finance Officer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5219-3**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 5219-3 City of Canton, c/o Jeff Fossum, 210 N Dakota Street, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5219-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5219-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5219-3 is subject to payment of the \$ 155.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
January 29, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 29, 2024

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

JSA Engineers/Land Surveyors
c/o Myron Adam, PE/LS
6810 S Lyncrest Ave., Suite 101
Sioux Falls SD 57108-2515

Dear Mr. Adam:

Future Use Permit No. 5219-3 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 Sioux Valley News in Canton SD (605-764-2000) and the Argus Leader in Sioux Falls SD (requires prepayment – see attached contact information). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on XX. 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 February 8, 2024. The City of Canton is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota Street, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre-feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N- R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use. The permit was last reviewed in 2017.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 on March 6, 2024, at 9:30AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by February 20, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 20, 2024.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 20, 2024.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is February 20, 2024. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 1:26 PM
To: legals@argusleader.com
Subject: 5219-3 City of Canton - Public Notice
Attachments: 5219-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 8, 2024.

City of Canton, 210 N Dakota Street, Canton SD 57013, 605-987-2881 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 1:25 PM
To: svn@midconetwork.com
Subject: 5219-3 City of Canton - Public Notice
Attachments: 5219-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 8, 2024.

City of Canton, 210 N Dakota Street, Canton SD 57013, 605-987-2881 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, January 29, 2024 2:49 PM
To: 'Myron Adam'
Subject: 5219-3 City of Canton - Public Notice
Attachments: 5219-3 Rec.pdf; 5219-3 Ltr.pdf; 5219-3 PubNotice.pdf; ArgusLeaderInfo.pdf; ArgusLeader.pdf

Good Afternoon,

Attached is a copy of the chief engineer's recommendation, and information regarding the public notice for your future use water permit. As stated in the letter, **please contact the paper(s) as soon as possible to authorize publication and arrange for payment.** This information is also being mailed to you today.

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

Thank you,

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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, January 29, 2024 1:49 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] 9791751 - 5219-3 City of Canton - Public Notice
Attachments: Order_Confirmation_Liners.pdf

Hello,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on 2/8.

The total cost is \$83.66, which includes an affidavit that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 5pm on 2/5 with any changes for the ad.

Your notice is scheduled to run, per your request, and will publish unless you advise otherwise.

Invoices are mailed out at the end of each month for all ads that finished running in that month.

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

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. Anything missing and/or incorrect can cause your publication to be rejected in which you will be responsible for all fees to republished.

Thank you,
Forrest Grade
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, January 29, 2024 1:26 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 9791751 - 5219-3 City of Canton - Public Notice

Attached is a notice to be published on February 8, 2024.

City of Canton, 210 N Dakota Street, Canton SD 57013, 605-987-2881 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Order Confirmation

Not an Invoice

Account Number:	1248618
Customer Name:	Canton City Of
Customer Address:	Canton City Of 210 N Dakota St Canton SD 57013-1834
Contact Name:	CANTON CITY OF
Contact Phone:	
Contact Email:	
PO Number:	Water Permit #5219-3

Date:	01/29/2024
Order Number:	9791751
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	254.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	02/08/2024 - 02/08/2024	Govt Public Notices
SFA argusleader.com	1	02/08/2024 - 02/08/2024	Govt 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	\$83.66
Service Fee 3.99%	\$3.34
Cash/Check/ACH Discount	-\$3.34
Payment Amount by Cash/Check/ACH	\$83.66
Payment Amount by Credit Card	\$87.00

Order Confirmation Amount

\$83.66

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

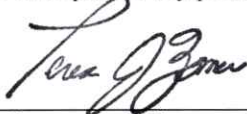
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

City of Canton Notice of Hearing

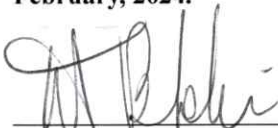
a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

February 8, 2024

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$69.81** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **8th** day of
February, 2024.



Notary Public, South Dakota

(Seal)



RECEIVED

FEB 15 2024

OFFICE OF
WATER

Notice of Hearing

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota Street, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre-feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N- R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use. The permit was last reviewed in 2017.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5219-3 on March 6, 2024, at 9:30AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding

filed by February 20, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 20, 2024.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 20, 2024.

My Commission Expires
January 12, 2030

qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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

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Published in the Sioux Valley News on February 8, 2024, at the total approximate cost of \$69.81 and may be viewed free of charge at www.sdpublicnotices.com.



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

CANTON CITY OF
Canton City Of
210 N Dakota St
Canton SD 57013-1834

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

02/08/2024

and that the fees charged are legal.
Sworn to and subscribed before on 02/08/2024

Keegan Moran

Legal Clerk
[Signature]

Notary, State of WI, County of Brown
3/7/27

My commission expires

Publication Cost: \$83.66
Order No: 9791751 # of Copies:
Customer No: 1248618 1
PO #: Water Permit #5219-3

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 5219-3

Notice is given that the Water Management Board will review Future Use Permit No. 5219-3 held by the City of Canton, 210 N Dakota Street, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5219-3. This permit was approved 1988 and currently reserves 1,175 acre-feet from the Dakota Formation located in Sections 10 thru 15, 22, 23, 24, N 1/2 Sections 25 thru 27; all in T98N- R49W and Sections 7, 8, 9, 16 thru 20; all in T98N-R48W for municipal use. The permit was last reviewed in 2017. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5219-3 REMAIN in EFFECT for 1,175 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) It is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2024

NOTICE OF ENTRY OF ORDER

JSA Engineers/Land Surveyors
c/o Myron Adam, PE/LS
6810 S Lyncrest Ave., Suite 101
Sioux Falls SD 57108-2515

Dear Mr. Adam,

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2024, to review Future Use Permit No. 5219-3. The Board allowed the permit to remain in effect for 1,175 acre-feet of water annually. Future Use Permit No. 5219-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5219-3 is \$155.00 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 Eric Gronlund if you have any questions.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 21, 2024

RECEIVED OF City of Canton 210 N Dakota St., Canton SD 57013

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. _____ after period of seven years.	\$ <u>155.00</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>155.00</u>

By

Eric Gronlund
Chief Engineer
tm



**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.: 5219-3

Name of Applicant: City of Canton, Myron Adam

Date of Posting: 2/6/2024

Date of Removal: 3/7/2024

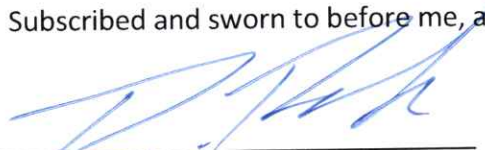


Ron Duvall, Engineer III

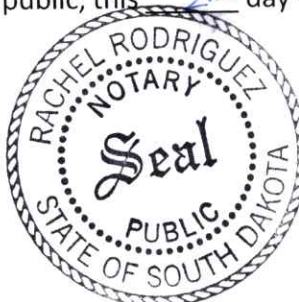
4/2/2024

Date

Subscribed and sworn to before me, a notary public, this 2nd day of April, 2024.



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



(SEAL)