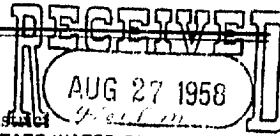


1. Considered December 3, 1958 Appl. No. 549-3
2. Name of Applicant City of Milbank
3. Post Office Address Milbank, South Dakota
4. Amount of water claimed 2.5 cfs
5. Source of water supply Springs and ground water
6. Water to be ^{future} used for municipal use
Acres to be irrigated _____
7. Water to be diverted and used in Grant County about
9 miles west of Milbank.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not approved _____
Action deferred _____
10. Remarks: Withdrawal of water for future use

See Permit 4785-3


 No. 549-3
 Water Division No. 3 Whetstone Creek
 (Blanks to be Filled by the Engineer for the W. R. C.)

 DISTRICT
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

withdraw for future use

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

(NOTE--Draw a line through items not applicable.)

 1. Name of applicant CITY OF MILBANK
 Postoffice address MILBANK, County GRANT, State SOUTH DAKOTA

- I. If a corporation
- MUNICIPAL CORPORATION
-
- (a) Name of same
- CITY OF MILBANK
-
- (b) Date and place of incorporation
-
-
- (c) Amount of capital stock
-
-
- (d) Amount paid in
-
-
- (e) Names and addresses of directors
- CITY COUNCIL

(NOTE--A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
-
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
-
- FUTURE REQUIREMENTS
-
- (b) Cash on hand, \$
-
- (c) Treasury stock, \$
-
-
- (d) Bonds to be issued, \$
-
- (e) Other resources, \$
-

2. Name of diversion work
- FUTURE MUNICIPAL REQUIREMENTS
-
3. Amount of water claimed
- 2.5
- cubic feet per second
-
4. Source of water supply
- SPRINGS AND GROUND WATER SUPPLIES
-
5. Location of point of diversion
- SECTIONS 2, 3, 4, 5, 9, 10, 11, 15, 16 and 17 all in T120N, R50W
-
- of 5th P.M.
- on
-
- bank
- Grant
- County.

 6. Annual period or periods during which water is to be used January 1st thru December 30 each year

7. To be used for:

- I.
- ~~Irrigation~~
- or domestic use: Gravity,
- ~~overhead sprinkling or combination system~~
- and pumping

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

 (b) Legal subdivisions to be irrigated --

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

 (c) Statement as to domestic use (giving location, etc.) City of Milbank within city limits

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

- (a) Nature of use
- All municipal purposes
-
- Name any of the above uses claimed
-
- (b) Amount of power to be generated
-
- horse power.
-
- Amount claimed for engine cooling
-
-
- (c) Location of plant
-
-
- (d) Method of developing power
-
-
- (e) Point where water will be returned to stream
-

 416-3
 Map No.

8. Estimated cost of work: FUTURE

(a) Head Gates, \$

(b) Pumping plant, \$

(c) Fluming, \$

(d) Canal-earth, \$

Rock, \$

(e) Other structures \$

Total, \$

9. Description of diversion works:

I. Nature of work: (reservoir, dam, ditch, flume, pumping plant, etc.)

II. - Dimensions of works:

- (a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction
- (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width feet; height feet;

Material

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 20 years.

11. Time required for complete application of water to the proposed beneficial use 20 years.

12. Choice of newspaper for publication of notice of intention to appropriate

GRANT COUNTY REVIEW

STATE OF SOUTH DAKOTA

County of Grant ss.

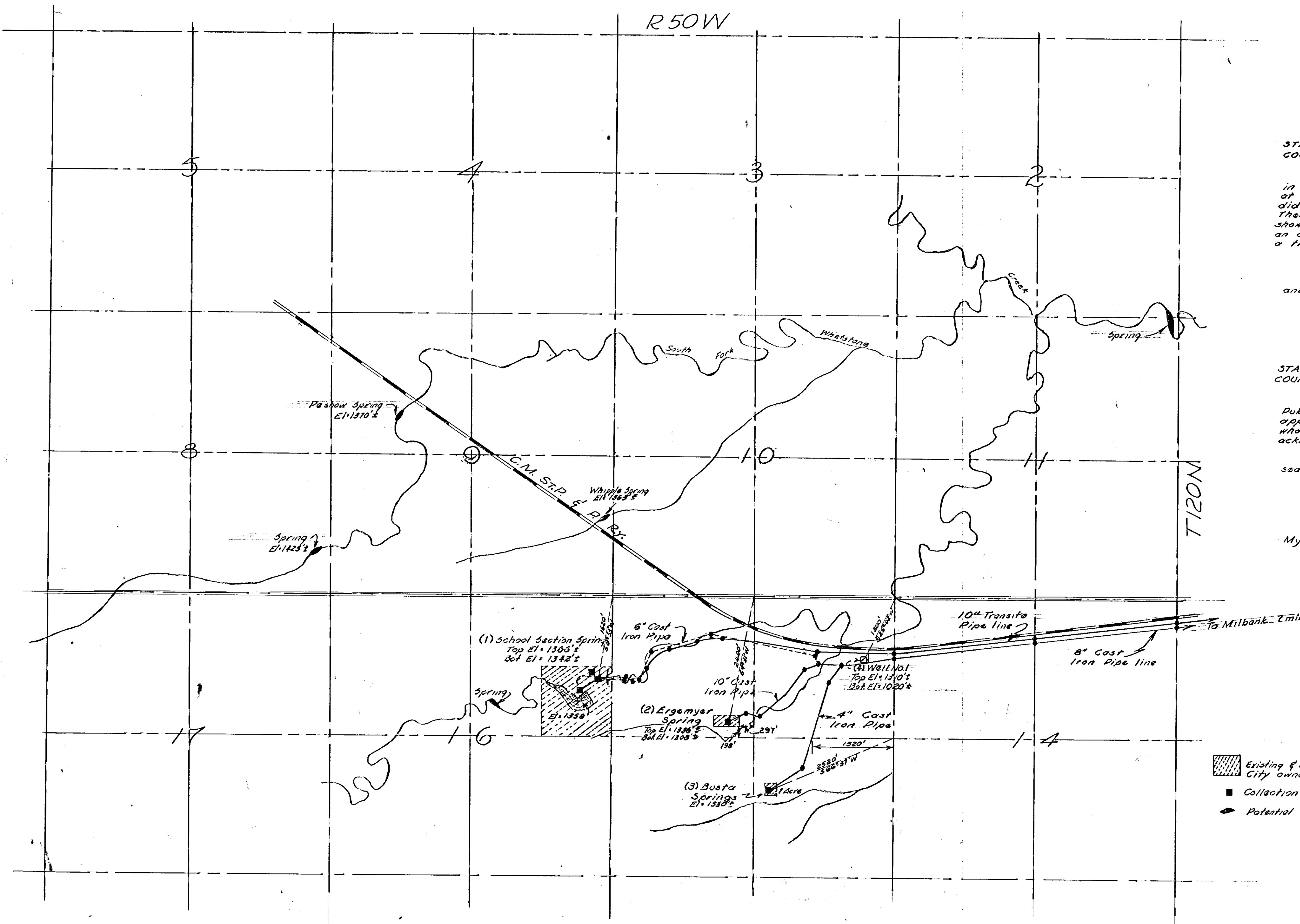
I, Milton E. Fischer, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed

Subscribed and sworn to before me this 15 day of April 1958

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, Calvin Vaudrey, a Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the City of Milbank, South Dakota, did survey the existing water facilities for City of Milbank. These facilities are located within the tracts of land as shown on the accompanying plat for which application for an appropriate water right is made and that this map is a true representation thereof.

In witness whereof, I have hereunto set my hand and seal this 2nd day of April, A.D. 1958

Calvin Vaudrey
Registered Land Surveyor

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

On this day, before me, the undersigned, a Notary Public within and for said State and County, personally appeared Calvin Vaudrey, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 2nd day of April, A.D. 1958

[Signature]
Notary Public

My Commission Expires _____

- Existing & Developed Supplies City owned property
- Collection Galleries
- Potential Supplies

WATER RIGHTS MAP	
SHOWING DIVERSION LOCATION FOR PERMIT TO APPROPRIATE WATER EXISTING & FUTURE	
J. T. BANNER & ASSOCIATES, ENGINEERS, BROOKINGS, SOUTH DAKOTA	
APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES
DATE _____	
CHECKED BY _____	DRAWN BY _____
DATE _____	SHEET _____ OF _____

Remarks by State Water Resources Commission:

Withdrawal for future use

STATE OF SOUTH DAKOTA
County of *Hughes* } ss.

Pierre, South Dakota, *March 18*, 19*60*

This is to certify that the foregoing application was received by the Commission at *4:00* o'clock
P.m. upon the *27* day of *August*, 19*58*.

State Water Resources Commission

By:

J. C. [Signature]
Chief Engineer, Executive Officer

Number of permit *549-3*

Date of first receipt of application *August 27*, 19*58*

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right *August 27*, 19*58*

Approved *December 3*, 19*58*, Recorded in Book *5* Page *321*

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed *does not* on or before _____

apply, 19____

2nd. The whole of said work is to be completed on or before *does not apply*, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is *does not apply*, 19____

4th. The water appropriated shall be used for the purpose of *municipal needs*
for City of Milbank

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed *2.5* .50 *See Permit 4785-3*
cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially *used for municipal supplies* applied for irrigation on or before _____; said water to be used during the following described annual period:

Continuously

Witness my hand this *18th* day of *March*, 19*60*

State Water Resources Commission

By:

J. C. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Grant } ss.

Clarence Justice being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Grant County Review 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 Milbank County of Grant and State of South Dakota; that the said notice was published in said newspaper on the following dates:

October 2, 1958

October 9, 1958

October 16, 1958

October 23, 1958

in each and every issue of the full number thereof, the first publication being made on the 2nd day of October 1958 and the last publication on the 23rd day of October 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Foreman the printer and publisher of the said newspaper.

Clarence Justice

Subscribed and sworn to before me this 23 day of Oct A. D. 19 58

[Signature]
 Notary Public Grant County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, South Dakota, September 15, 1958.

Notice is hereby given that the City of Milbank, whose post office address is Milbank, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to withdraw for future use 2.5 cubic of water per second of time from ground water and springs through future developments, the points of diversions of which are to be located in sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17, all in township 120 N, range 50 W. Said water to be used for the purpose of providing future municipal water for the City of Milbank.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958; at 2:00 p. m. All interested persons may appear and be heard.

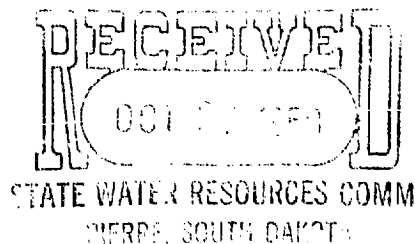
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission.

By:
 LES WYBORN, Y,
 Water Rights
 Engineer.

(Oct. 2

Oct. 23)



(First Publication before October 17, 1958)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., September 15, 1958

Notice is hereby given that the City of Milbank whose postoffice address is Milbank S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to withdraw for future use 2.5 cubic feet of water per second of time from xxx ground water and springs through xxx future developments are the point of diversion of which is to be located xxx in xxx Section s 2, 3, 4, 5, 8, 9, 10, 11 15, 16 and 17 all in Twp. 120 N Range 50 W Said water to be used for the purpose of providing irrigation xxx xxx future municipal water for the City of Milbank

xxxxxx xxxxxx

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of December, 1958, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

xxxxxx
Les Wyborny, Water Rights Engineer

cc Mrs. W.S. Dolan, Publisher
the Grati County Review
Milbank, South Dakota

WATER RIGHT SITUATION - CITY OF MILBANK

On March 15, 1934 the City of Milbank submitted Water Right Application 16-3 asking for all the flows of a stream on land owned by the City of Milbank in Section 16, T120N, R50W. There is considerable correspondence in the file concerning this application, but this Water Right Application No. 16-3 was never acted upon by the State Engineer. This will be classified as a cancelled water right application by the Staff of the Water Resources Commission. However this file contains material of historical and record value and will be retained permanently in this office.

Water Right Application 548-3 was submitted by J.T. Banner and Associates for the City of Milbank as a "Vested Right" claim on August 27, 1958. This "Vested Right" claimed 1,500,000 gallons per day from School Section Springs, Ergemyer Spring, Busta Springs and Well No. 1. This "Vested Right" claim was not recorded by the Water Resources Commission, pending receipt of additional information and fees. The additional information has now been collected and upon payment of required fee of \$3.45, and after Commission consideration "Vested Right" claim No. 548-3 will be recorded in this Office and Water License No. 548-3 will be sent to the City of Milbank.

The City of Milbank Future Use Water Right Application No. 549-3 reserving up to 2.5 cubic feet per second ground water supplies in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17, all in T120N, R50W was approved by the Water Resources Commission on December 3, 1958. This application is now in proper form. As a matter of information, regular water right applications are required for each specific development, under a future use water permit.

Two new wells have been developed since 1955. No water right application has been made for these two wells. A water right application has been prepared for these two wells, No. 2 and 3. The enclosed two form 2's should be signed by a City Official before a Notary Public and the Form 2A should also be signed by the City Official. The required fee of eight dollars (\$8.00) should be submitted. This application will then be processed, including published public notice and the publishing costs are to be paid by the City of Milbank.

As a matter of information well No. 2, is under Future Use Permit No. 549-3 and well No. 3 is outside of the area specified in this Future Use Permit No. 549-3. This will leave the diversion rate of 1.83 c.f.s. available under the future use permit.

After this new application is processed, a later fee of \$12.00 will be required of the City of Milbank for inspection, filing and licensing fees.

The City of Milbank has submitted in proper form, a "Vested Right" claim on their Lake Farley Water Right. A fee of \$10.00 is required and after consideration by the Water Resources Commission, the "Vested Right" claim can be recorded and a water license issued.

JUNE 1970



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 21, 1978

TO: Persons concerned with deferred Application No. 3561-3 for Wilfred Wiese

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of deferred Application No. 3561-3

The Water Rights Commission will reconsider Water Right Application No. 3561-3 at 4:00pm, March 28, 1978, at the Guest House, 101 North Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38 thru 46-5-40; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52-01:01:01 thru 52-01:01:13, 52-01:01:21.

Application No. 3561-2 was deferred by the Water Rights Commission during February, 1977, pending Staff investigation.

After reconsideration of Application No. 3561-3 the Commission can approve, defer, or deny all or part of the Application. A copy of the "Report on Wilfred Wiese Application No. 3561-3" is enclosed for your information.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh

Enclosure

Report on
Wilfred Wiese Application No. 3561-3
March 15, 1978

The Water Rights Commission deferred action upon Application No. 3561-3 for Wilfred Wiese in February of 1977 because the application was located inside of Milbank's future use area. This application requests 3.85 cfs from a 275 foot deep well located in the N $\frac{1}{2}$ of Section 10, T120N, R50W. (see map)

Summary of Water Rights

	USE	SOURCE	Water Right Diversion		Amount Used
548-3	Municipal (Milbank)	3 springs #1 well-?	2.1	cfs	
549-3	Municipal (Milbank) (future use)		2.5	cfs	Assuming an average use of 1 million GPD for the entire year 1.55 cfs - 1120 AF
1769-3	Municipal (Milbank)	#2 well-147' #3 well-254'	.67 1.49	2.16	cfs
2266-3	Irrigation	1-well- 80'	5.0	cfs	1.39 cfs - 48. AF
3133-3	"	1-well-108'	2.22	cfs	2.22 cfs - 186. AF
3134-3	"	1-well- 76'	2.22	cfs	2.01 cfs - 184. AF
3241-3	"	1-well- 56'	.8	cfs	no report
4048-3	Municipal (Twin Brooks)	3-wells-67'	.33	cfs	

Note: Well #2 was approved from the future use area thus this leaves Milbank with 1.83 cfs remaining in future use. Milbank's future use permit covers an area of 11 sections. (see map)

Water Level Information

Observation Well GT-76E

6-21-77	31.9
7- 6-77	32.0
8- 3-77	32.4
8-16-77	32.4
9- 8-77	32.1
9-20-77	32.1
12- 1-77	30.8

Observation wells GT-77H, I, J, and K were drilled in the fall of 1977 and have not been developed or tested. The addition of these wells enables the Water Rights Commission to monitor the water levels closely. A report by the City Engineer for

Milbank, Henry D. Williams, Banner & Associates, indicates a 10 foot decline in the water levels during the last ten years. He also states that the evidence is not conclusive, but the static water levels indicated some mining. Other than the records Milbank has kept, there are no historical data available.

Test Pumping Data
(from report of City Engineer)

#2 well	2- 7-61 12-17-76	Reported a 10' drawdown at 278 gpm Reported a 24' drawdown (looks as if this well is deteriorating)
#3 well	7-18-68	Reported a 26' drawdown at 400 gpm

Discussion:

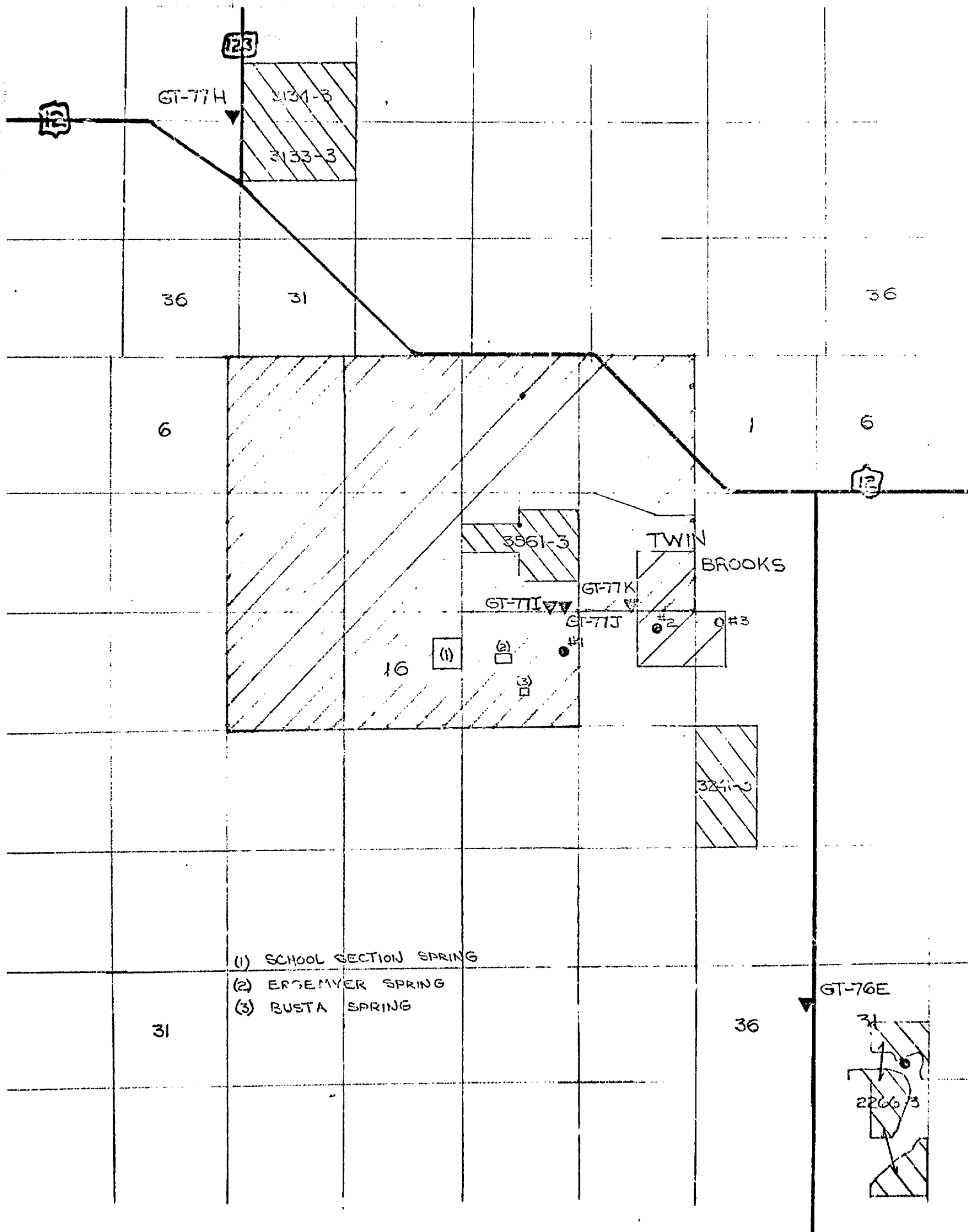
1. Test drilling and water level information suggest that there is at least 2 separate aquifers because the static water level of the deeper formation is 50 - 60 feet lower than the upper formation.
2. The aquifers are under artesian conditions. This suggests the possibility of well interference.
3. The test drilling the Water Rights Commission Staff has completed thus far indicates that the area has good potential for further development. Extensive testing will be necessary before the aquifer can be fully developed, but at this time the Water Rights Commission Staff do not anticipate any problem.
4. The Water Rights Commission Staff now has the ability to monitor the water levels should this application be approved.
5. The amount of water withdrawn can be determined. The irrigators used approximately 420 AF and the Towns of Milbank and Twin Brooks used approximately 1200 AF. This totals about 1620 AF being withdrawn per year. Milbank has the future use permit to more than double the yearly withdrawal.
6. The Wilfred Wiese application is for a well into the deeper formation which is probably the same as observation well GT-77K and the City wells #2 and #3. The water levels of the Twin Brooks wells and those of the other irrigation permits do not match up with the Wiese application and those of Milbank's wells #2 and #3.
7. The area is complicated hydrologically. There are many flowing wells in the area and further development may affect these flows during the pumping season.
8. The Water Rights Commission needs to address the problem of well spacing and the location of the application inside the future use area. In order to prevent possible disputes between Mr. Wiese and the City of Milbank the location of future diversion points for the City will need to be located so as not to cause excessive interference. This could be a problem if the City decided to develop the area Mr. Wiese intends to irrigate if the application were approved.

Recommendations:

The data collected thus far indicates unappropriated water is available and the Water Rights Commission Staff recommends approval of Application : 3651-3 for Wilfred Wiese with the following restrictions and subject to SDCL 40-40.

1. The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in wells having prior water rights.
2. The City of Milbank has priority rights to this water under a future use withdrawal permit, and this application is approved subject to these prior rights, if or when the City develops the reserved water supply.

JAMES GOODMAN
Hydrologist





Department of Water & Natural Resources

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

January 24, 1984

NOTICE

To : Ralph Stinson Mayor, City of Milbank
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 549-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 549-3, City of Milbank will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, February 15, 1984 at 1:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 549-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 549-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit 549-3 was approved December 3, 1958 with a priority date of August 27, 1958, for 2.5 cubic feet per second (cfs) from the following area: sections 2-5, 8-11, 15-17 T120N-R50W with the following qualification:

At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted and approved prior to construction of facilities.

Our records show that permits to place 2.0 cfs of water reserved by Permit No. 549-3 to beneficial use have been approved with 0.50 cfs remaining.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 549-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 549-3 with the following qualifications:

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

(605) 773-3352

August 5, 1981

Ralph Stinson, Mayor
City of Milbank
203 S Main
Milbank SD 57252

Dear Mr. Stinson:

Enclosed herewith is your Water Right Permit No. 4765-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4765-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: kw

enclosure

NOTE: Development of this well reduces Permit No. 548-3 by 2.00 cfs, leaving .50 cfs for future development.

WNR-809-7/79

Forwarding Permit to Appropriate Water

- a) Permit No. 549-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Veblen Aquifer.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 549-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$27.50.

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

cc: Dean Webb Finance Officer

S515.wr

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
605 773-3352

July 25, 1984

Future Use Permit
No. 549-3

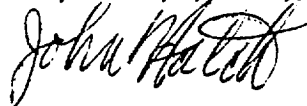
Ralph Stinson, Mayor
City of Milbank
PO Box 472
Milbank SD 57252

Dear Mayor Stinson:

This letter is in regard to the motion passed by the Water Management Board February 15, 1984 after review of Milbank's Future Use Permit No. 549-3. The Board continued Permit No. 549-3 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 549-3 will be subject to review after seven years.

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

Very truly yours,,



JOHN HATCH, Chief Engineer
Water Rights Division

ks

encl.

cc: Dean Webb, Finance Officer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 549-3

FOR CITY OF MILBANK

Future Use Permit No. 549-3 was continued by action of the Water Management Board February 15, 1984 and amended to add the following qualifications:

- a) Permit No. 549-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Veblen Aquifer.

CERTIFICATION

I hereby certify that on December 10, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board at the hearing on December 5, 1990 addressed as stated below.

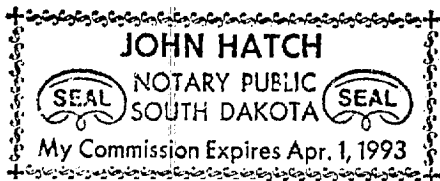
Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 300 Sixth Street, Rapid City SD 57701
Orrin P. Juel. Mavor, City of Brookings, Box 270, Brookings, SD
57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670,
Lake Andes SD 57356-0670

Maria R. Arthur

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Galus
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.
December 11, 1990

Ralph Stinson, Mayor
City of Milbank
PO Box 472
Milbank SD 57252

Dear Mayor Stinson:

I am writing in regard to the seven year review of Future Use Water Permit No. 549-3 which is held by the City of Milbank. Currently, our records show that 0.50 cubic feet of water per second remain in reserve under this future use permit which was issued in 1958.

Permit No. 549-3 will be scheduled for review by the Water Management Board on February 27 & 28, 1991 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 on Permit No. 549-3. The fee could be as much as \$25.00 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by January 11, 1991, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Larry Tietjen, Water Superintendent

CITY OF MILBANK

P.O. BOX 472
MILBANK, SOUTH DAKOTA 57252

January 4, 1991

Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: WATER PERMITS

Dear Karen:

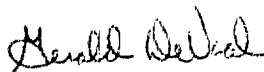
Responding to your letter of December 11, we have reviewed the five permits and offer the following:

Permit #	Item	State ID
549-3	Not utilized	
4785-3	Well #1 (1981)	
1770-3	Lake Farley	
548-3	Springs	Well #1
1769-3	Well #2 (1987)	Well abandoned 1990
	& Well #3 (1969)	

At the current time, Permit 549-3 is not being utilized; all water needs for the City are met from the remaining permits. From this standpoint, the City has no immediate plans for the permit in question.

Thankyou for your assistance.

Sincerely,



Gerald DeVaal, CPCU
City Administrator
City of Milbank

cc: Larry Tietjen



CITY OF MILBANK

P.O. BOX 472
MILBANK, SOUTH DAKOTA 57252

January 15, 1991

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

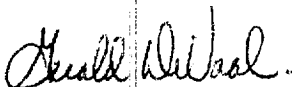
RE: WATER PERMITS

Dear Eric:

Please find a copy of our January 4 letter regarding the re-application for permit #549-3. Thanks to your explanation via telephone today, we request that the permit be continued, rather than lapsed, as previously indicated.

Please accept our apology for any extra work this error may have caused.

Sincerely,



Gerald DeVaal, CPCU
City Administrator
City of Milbank

cc: Larry Tietjen



"You'll Like Milbank"

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Milbank

ADDRESS: P.O. Box 472 Milbank

COUNTY:

DATE: 1/15/91

TELEPHONE: 432-5683

RE: Review of Future Use Permit No. 549-3

COMMENTS:

I called Larry Tietjen, Water Superintendent for the City of Milbank on their response to renewal of FU Permit No. 549-3. I appeared there was some misunderstanding in what their interpretation of our letter was. They thought they only had 3 year to construct water under No. 549-3. I explained future use permits to him and that there was not a construction date on future use permits but instead a 7 year review to decide whether the city still needed water for possible future development.

Mr. Tietjen then stated that the City does plan to retain the permit. And he stated he would send a letter to that effect.

The past years pumping records for the City of Milbank are:

1987 - 187,968,800 gallons

1988 - 197,296,400 "

1989 - 191,927,100 "

1990 - 189,646,700 "

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Eric H. Hurland

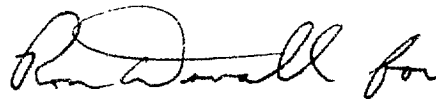
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 549-3, City of Milbank

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 549-3, City of Milbank SD.

The Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3, 2) the City of Milbank has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 549-3 reserves for future use 808 acre-feet annually. The diversion rate of 1.86 cfs is deleted from Permit No. 549-3.

And that maintaining the effectiveness of Future Use Permit No. 549-3 is subject to payment of the \$35.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Milbank.



JOHN HATCH, Chief Engineer
January 25, 1991

NOTE: The annual acre-feet of full-time pumping represented by 1.86 cubic feet of water per second (cfs) reserved by No. 549-3 is 1,347 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,347 acre-feet, then expected developed pumping of water would be about 808 acre-feet per year.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Grant) ss

I, Barbara A. Carr

certify that the attached printed Notice was taken
 from the Herald Advance

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

Printing of Milbank

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

2/6/91

2/13/91

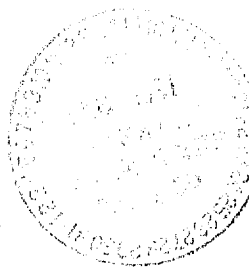
(Signature)

(Title)

(Date Signed)

Cost of Printing: 45.10

5-88



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, PO Box 472, Milbank SD 57252 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. 549-3. This permit was approved December 3, 1958 to reserve 2.50 cubic feet per second (cfs) from groundwater and springs located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, 17, all in T120N, R50W for municipal purposes. Water Permit No. 4785-3 put 0.64 cfs to beneficial use leaving 1.86 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at the

concourse 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 19, 1991. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for the 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. 549-3 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 or to assure access to the hearing, by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1991.

2/8, 2/13

Instruction to Newspaper-Publish first publication of the following Notice on January 31, 1991 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, PO Box 472, Milbank SD 57252 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. 549-3. This permit was approved December 3, 1958 to reserve 2.50 cubic feet of water per second (cfs) from groundwater and springs located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17, all in T120N, R50W for municipal purposes. Water Permit No. 4785-3 put 0.64 cfs to beneficial use leaving 1.86 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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.

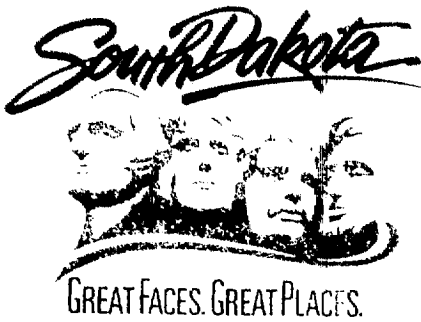
The Water Management Board will conduct the hearing to review Future Use Permit No. 549-3 at the Governors Inn, Meeting Room, 700 W Sioux, Pierre SD on February 27, 1991 at 10:00 am.

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 19, 1991. 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. 549-3 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 or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically 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 19, 1991.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 25, 1991

Grant County Review
Box 390
Milbank SD 57252

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 549-3 to be published twice. Please publish the first notice on January 31, 1991 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 Milbank, PO Box 472, Milbank SD 57252.

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. _____

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

Date _____

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

Name _____

Newspaper _____



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 25, 1991

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

Gerald DeVaal, City Administrator
City of Milbank
PO Box 472
Milbank SD 57252

Dear Mr. DeVaal:

Future Use Permit No. 549-3 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 Grant County Review printed at Milbank SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Larry Tietjen, Water Superintendent

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 4, 1991

NOTICE

Gerald DeVaal, City Administrator
City of Milbank
PO Box 472
Milbank SD 57252

Dear Mr. DeVaal:

I am writing in response to action taken by the Water Management Board at the hearing on February 27, 1991 to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect and amended Permit No. 549-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 549-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$35.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosures

cc: Larry Tietjen, Water Superintendent

CERTIFICATION

I hereby certify that on March 7, 1991, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to amend Future Use Permit No. 549-3. Notice was sent to the following:

Gerald DeVaal, City Administrator
City of Milbank
PO Box 472
Milbank, SD 57252

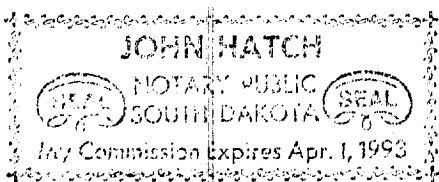
Larry Tietjen, Water Superintendent
City of Milbank
PO Box 472
Milbank, SD 57252

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 11th day of March, 1991.



John Hatch
Notary Public

AMENDMENT TO FUTURE USE PERMIT NO. 549-3

City of Milbank

Pursuant to the February 27, 1991 Water Management Board hearing, Future Use Permit No. 549-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 549-3 reserves for future use 808 acre feet annually. The diversion rate of 1.86 cfs is deleted from Permit No. 549-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ April 12, 19__

RECEIVED OF City of Milbank, P.O. Box 472, Milbank, SD 57257

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>549-3</u> to Appropriate Water for Future Use _____	35	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	35	00

By

John H. Hatcher
Chief Engineer

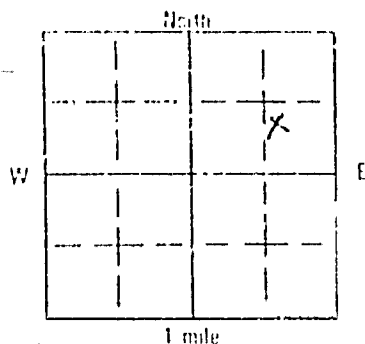
4735, 549, 1770, 548, 1769 *Abandonment*
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 NE 1/4 Sec 15 Twp 120 N Rg 50 W

County
Grant

Please mark well location with an "X"



Abandonment
Well Completion Date 11/16/90

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Cable-tool - McCarthy Well
Minneapolis, Mn.

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Standard</u> LB/FT	<u>12</u> IN	<u>257</u> FT	<u>267</u> FT	<u>10</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☒ NO cable-tool
To what depth? _____ FEET Driven well

What is grouting material? Sisal well w/ Neat Cement

If cement, number of sacks? _____

Describe grouting procedure Tremie pipe down to bottom - Cement pumped under pressure from bottom to top.

What was grout weight? 17 lbs. per gallon LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 10 IN Length 30' estimated FEET

Material Perdur - Johnson

Slot Size 2-unknown Set From 267 Feet To 297 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NO

If so, what material? unknown

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain Chlorine tablets & granular

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Millbank, City of

Address Millbank S.D. 57252

Well Log

Depth

Formation	From	To
<u>unknown</u>		
<u>Neat Cement</u>	<u>4'</u>	<u>257'</u>
<u>Silica Sand</u>	<u>257</u>	<u>260</u>
<u>Baroid hole plug</u>	<u>260</u>	<u>263</u>
<u>Washed pearrock</u>	<u>263</u>	<u>297</u>

STATIC WATER LEVEL 76' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

bottom 30' of well - the well
sweened area, was backfilled with
washed pearrock. A seal of Baroid holeplug
3 feet thick and a layer 3' thick of fine wash
silica sand were placed on top of pearrock to
stop migration of cement into pearrock.
total depth of material before cement
40

This well was sealed under license # 63

And this report is true and accurate.

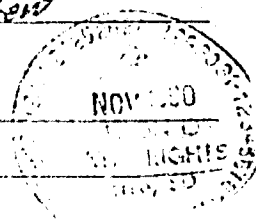
Drilling firm Lee Well Drilling Inc.

Signature of License Representative:

David B. Lee - President

Signature of Well Owner:

Date _____





549-
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1997

Larry Tietjen, Water Superintendent
City of Milbank
PO Box 472
Milbank SD 57252-0472

Dear Mr. Tietjen:

I am writing in regard to the seven year review of Future Use Water Permit No. 549-3 from groundwater (Veblen Aquifer) which is held by the City of Milbank. The permit reserves water for future water supply needs for the city. Currently, our records show that 808 acre-feet remain in reserve under this future use permit which was issued in 1958.

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

Permit No. 549-3 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

November 24, 1997

Karen Schlaak
Environmental Scientist
Water Rights Program
Dept. of Environment and Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Ms. Schlaak:

In answer to your letter of November 21, 1997, the City of Milbank does plan to retain the Veblen Aquifer water permit no. 549-3 it has currently.

The City of Milbank has no specific large expansion plans but is working on long term plans to increase the size of both residential and industrial. Our future needs currently are for slow, steady expansion and we are in the process of updating areas for development.

The current water permit is sufficient to cover future needs in the next seven years for this City.

The past three years pumping records are as follows:

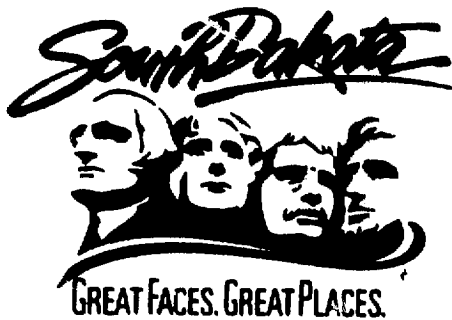
1994 - 183,231,600 gallons
1995 - 180,271,000 gallons
1996 - 184,069,000 gallons
1997 - 158,296,000 gallons to Nov. 24th.
1998 - 185,000,000 gallons est..

Please advise dates for Water Management Board hearing for publication and subsequent findings and permit fees to be assessed.

If you need any further information, please contact Mr. Larry Tietjen, Water Superintendent, or myself at 605-432-9575.

Sincerely,


Denise P. Peschong
Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

Denise Peshong, Finance Officer
City of Milbank
PO Box 472
Milbank SD 57252-0472

Dear Ms. Peshong:

Future Use Permit No. 549-3 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 Grant County Review, Milbank SD (Phone #432-4516). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

Grant County Review
Box 390
Milbank SD 57252-0390

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 549-3 to be published twice. Please publish the first notice on January 28, 1998 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Milbank, PO Box 472, Milbank SD 57252-0472.

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. 549-3

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

Date _____

We are in receipt of your letter of January 20, 1998 enclosing Notice of Hearing to to Review Future Use Water Permit No. 549-3 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 28, 1998 with 2nd publication 7 days later. The City of Milbank is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, PO Box 472, Milbank SD 57252-0472 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. 549-3. This permit was approved in 1958 to reserve 2.50 cubic feet of water per second from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15 16 and 17, all in T120N-R50W. A review of the water permits/rights indicates that 808 acre-feet of water remains held in reserve for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 28, 1998 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

(continued)

Any person wishing a copy of the Chief Engineer's 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 16, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Grant) SS

I, CLARENCE JUSTICE

certify that the attached printed Notice was taken

from the _____

Grant County Review

printed and published in Milbank, SD

County of Grant and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 28, 1998

Feb. 4, 1998

Cost of Printing 58.45

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

Jan. 28

Feb. 4

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, PO Box 472, Milbank SD 57563-0472 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. 549-3. This permit was approved in 1968 to reserve 250 cubic feet of water per second from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17 all in T120N-R50W. A review of the water permits/rights indicates that 808 acre-feet of water remains held in reserve for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 28, 1998 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 16, 1998. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501, (605) 773-3352 and the permit 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 of his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

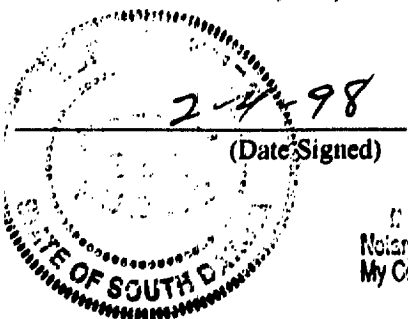
The hearing to review Future Use Permit No. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-2-20; Board Rules ARS 74:02:01:25.01 thru 74:02:01:25.0 and contested case procedures contained in SDCL 1-26.

Clarence Justice
(Signature)

Assoc. Editor
(Title)

2-4-98
(Date Signed)

Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2003



**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 549-3, City of Milbank SD**

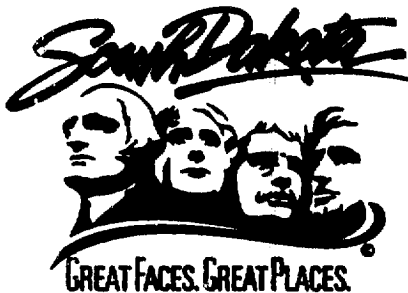
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 549-3, City of Milbank, PO Box 472, Milbank SD 57252

The Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3 , 2) the City of Milbank has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 549-3 is subject to payment of the \$35.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Milbank.

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

JOHN HATCH, Chief Engineer
January 20, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

Denise Peshong, Finance Officer
City of Milbank
PO Box 472
Milbank SD 57252-0472

Dear Ms. Peshong:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect for 808 acre-feet of water annually. Future Use Permit No. 549-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$35.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

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

CERTIFICATION

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

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

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

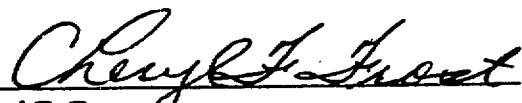
217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.

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

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

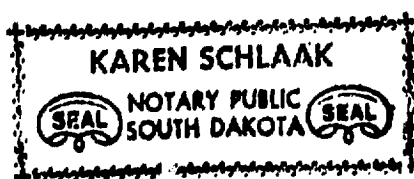
A copy of the Amendment to the Future Use Permit was sent with the following Notice:

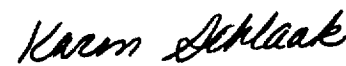
1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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




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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

19 415676

Pierre, March 11, 1998

RECEIVED OF City of Milbank, P.O. Box 472, Milbank, SD 57252-0472
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. 549-3 after period of seven years.

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

35 00

By _____
Chief Engineer

John Hatch



549-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2004

Denise Peschong, Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252-2424

Dear Ms. Peschong:

I am writing in regard to the seven year review of Future Use Water Permit No. 549-3 from ground-water (Veblen Aquifer) which is held by City of Milbank. 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 808 acre-feet remain in reserve under this future use permit that was issued in 1958 and last reviewed in 1998.

Please respond in writing by January 15, 2005, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 549-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

CITY OF MILBANK

401 SOUTH MAIN STREET
MILBANK, SOUTH DAKOTA 57252
605-432-9575 • FAX 605-432-9576

January 4, 2005

RECEIVED

JAN - 5 2005

WATER RIGHTS
PROGRAM

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

Dear Ms. Schlaak:

The City of Milbank has received your letter for the review of Future Use Water Permit No. 549-3 from groundwater (Veblen Aquifer) which is held by us. The City would like to retain the permit for the next seven years.

The City is currently working on a project to put in two transmission lines to existing water supply and would like the capability to allow for the use of No. 549-3 in the future. Optimistically, we look for future growth and are working on long range goals to increase the population in Milbank. A new tourist center, city hall, chamber office, museum and police department are to be built in hopes that new citizens will grace our town. There is also a good chance for a new power plant to be built here and all indicate growth. Milbank would like to be assured, through the retention of this permit, that they will have all the water needed to supply any new expansions.

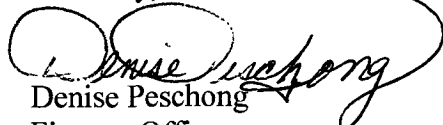
The annual pumping records for the last three years are:

2002	181,741,000	= 558 AF
2003	191,213,000	587 AF
2004	185,626,000	570 AF

Thank you for your consideration in this matter and the City understands they are responsible for the expense of the public notice. Please advise findings of the Water Management Board hearing and any fees for permits.

If you need any further information, please contact Larry Tietjen, Water Superintendent, or myself.

Sincerely,


Denise Peschong
Finance Officer

CC: Mayor and City Council

"You'll Like Milbank"



**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. 549-3, City of Milbank 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. 549-3, City of Milbank, 401 S Main St, Milbank SD 57252.

The Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 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. 549-3 is subject to payment of the \$35.00 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 10, 2005

Instruction to Newspaper-Publish first publication of the following Notice on January 19, 2005 with 2nd publication 7 days later. The City of Milbank is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3, City of Milbank

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 401 S Main St, Milbank SD 57252 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. 549-3. This permit was approved in 1958 currently reserves 808 acre feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:00 am, March 2, 2005, 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 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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



January 11, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Denise Peschong, Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

Dear Ms. Peschong:

Future Use Permit No. 549-3 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 Grant County Review printed at Milbank SD (Phone #605 432-4516). 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 11, 2005

GRANT CO. REVIEW
PO BOX 360
MILBANK SD 57252-0390

Dear Sir:

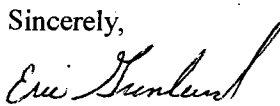
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 549-3 to be published twice. Please publish the first notice on January 19, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Milbank, c/o Denise Peschong, 401 S Main St, Milbank SD 57252.

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 11, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 549-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Advertising Manager _____ of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing

To Review Future Use Water Permit No. 549-03
City of Milbank

_____ a printed copy of

which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>January 19 2005</u>	<u>20</u>
<u>January 26 2005</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 63.39, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me 26th this day of Jan 2005

Debra R. Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2009

RECEIVED

JAN 27 2005

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3, CITY OF MILBANK

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 401 S. Main St., Milbank SD 57252 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. 549-3. This permit was approved in 1958 currently reserves 808 acre feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:00 a.m., March 2, 2005, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

Publication Fee	\$ <u>63.39</u>
Notarial Fee	\$ _____
Total	\$ <u>63.39</u>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2005

NOTICE

Denise Peschong, Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

Dear Ms. Peschong:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect for 808 acre-feet of water annually. Future Use Permit No. 549-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$35.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

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

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

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

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

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

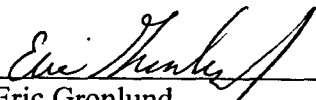
217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilites
PO Box 588
Brookings SD 57006

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

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

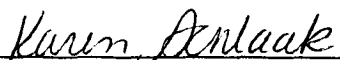
1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

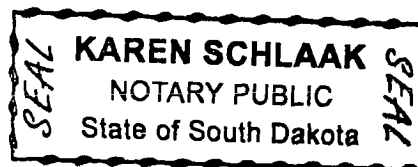
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date MARCH 16, 2005

RECEIVED OF City of Milbark, 401 South Main St., Milbark SD 57252

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. <u>549-3</u> to Appropriate Water for Future use	35	00
Fee to retain Future Use Permit No. <u>549-3</u> after period of seven years.	35	00
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	35.00

No.

011789

By

Farland Elveh

Chief Engineer

gm



549-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2011

City of Milbank
Jason Kettwig, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Kettwig:

I am writing in regard to the seven year review of Future Use Water Permit No. 549-3 from groundwater (Veblen Aquifer) which is held by the City of Milbank. 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 808 acre-feet remain in reserve under this future use permit that was issued in 1958 and last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 549-3 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 808 acre-feet remain in reserve, the fee will be \$125.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

City of Milbank

1001 E. 4th Ave. Suite 301, Milbank, SD 57252
605-432-9575 • Fax: 605-432-9576

RECEIVED

DEC 23 2011

WATER RIGHTS
PROGRAM

December 21, 2011

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

Dear Ms. Schlaak,

The City of Milbank has received your letter for the review of Future Use Water Permit No. 549-3 from groundwater (Veblen Aquifer) which is held by the City. The City would like to retain the permit for the next seven years.

The City continues to plan for future expansion in both the commercial and residential areas within the City limits. Valley Queen Cheese a major manufacturing company within the city has and continues to expand its footprint and with that its need for city provided services increases as well. It has also recently been announced that there are plans to build a new and expanded health care center. This new larger center will no doubt require more water to maintain its operation.

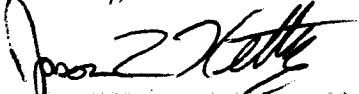
The annual pumping records for the last three years are:

2008	184,475,600
2009	181,644,200
2010	177,870,900

Thank you for your consideration in this matter and the City understands that it is responsible for expenses associated with this renewal. Please advise me of any findings of the Water management Board hearings and any fees for the permits.

If you need any further information, please contact Donnie Settje, Water Superintendent, or myself.

Sincerely,



Jason Kettwig

City Administrator



**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. 549-3, City of Milbank**

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. 549-3, City of Milbank, 1001 E 4th St, Suite 301, Milbank SD 57252.

The Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 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. 549-3 is subject to payment of the \$125.00 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 20, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2012

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

City of Milbank
Jason Kettwig, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Kettwig:

Future Use Permit No. 549-3 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 Grant County Review (Phone #605 432-4516). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2012

Grant County Review
PO Box 390
Milbank SD 57252

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 549-3 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Milbank, c/o Jason Kittwig, City Administrator, 1001 E 4th Ave, Suite 301, Milbank SD 57252.

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 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 549-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on February 1, 2012 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 1001 E 4th Ave, Suite 301, Milbank SD 57252 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. 549-3. This permit was approved 1958 and currently reserves 808 acre feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:00 am on March 7, 2012 at the 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 27, 2012. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

Published twice at the total approximate cost of _____.

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 1001 E 4th Ave, Suite 301, Milbank SD 57252 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. 549-3. This permit was approved 1958 and currently reserves 808 acre feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:00 am on March 7, 2012 at the 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 27, 2012.

The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

Published twice at an approximate cost of \$68.55.

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Pauline Hicks

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication,

that I, the undersigned, Bookkeeper of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 549-3

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

<u>February 12 2012</u>	<u>20</u>
<u>February 19 2012</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 68.55, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Pauline Hicks

Subscribed and sworn to before me this 4th day of Feb 20 12

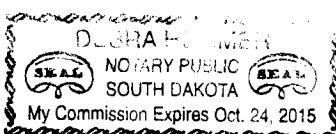
Diana Hammer

Notary Public, Grant County, South Dakota

RECEIVED

FEB 10 2012

WATER RIGHTS PROGRAM



Publication Fee	\$ <u>68.55</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>68.55</u>

February 1 February 8



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 2012

City of Milbank
Jason Kettwig, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Kettwig:

The City of Milbank holds Future Use Permit No. 549-3 reserving water for future development. This future use permit is scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permit remaining in effect have been received.

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

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

Please contact me if you have any questions.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2012

NOTICE

City of Milbank
Jason Kettwig, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Kettwig:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect for 808 acre-feet of water annually. Future Use Permit No. 549-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$125.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

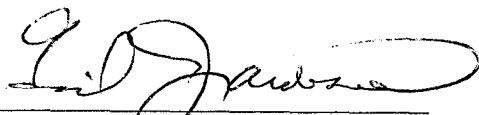
A handwritten signature in black ink, reading "Garland Erbele".

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

CERTIFICATION

I hereby certify that on March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

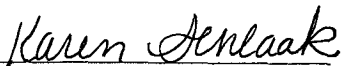
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities,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



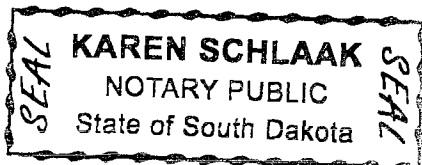
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 12.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 12

RECEIVED OF City of Milbank 1001 E 4th Ave # 3011 Milbank SD 57252

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	125	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>549-3</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	125 00

No. **05378**

By *David J. Erbe*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

City of Milbank
Jason Kettwig, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Kettwig:

I am writing in regard to the seven year review of Future Use Water Permit No. 549-3 from groundwater (Veblen Aquifer) held by the City of Milbank. 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 808 acre-feet remain in reserve under this future use permit issued in 1958 and last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 549-3 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 808 acre-feet remain in reserve, the fee will be \$125.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



RECEIVED

JAN 11 2019

WATER RIGHTS
PROGRAM

January 8, 2019

Karen Schlaak
Department of Environment and Natural Resources
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak,

The City of Milbank has received your letter for the review of Future Use Water Permit 549-3 from groundwater (Veblen Aquifer), which is held by the City. The City would like to retain the permit for the next seven years.

The City continues to plan for future expansion in both the commercial and residential areas within the City limits. Valley Queen Cheese, a major manufacturing company within the city, has and continues to expand its footprint and with that its need for city provided services increase as well. Avera has just recently expanded their health care center. This new larger center continues to require more water to maintain its operation.

The annual pumping records for the last three years are:

2016	222,729,100 gallons
2017	235,759,700 gallons
2018	251,171,700 gallons

Thank you for your consideration in this matter, and the City understands that it is responsible for expenses associated with this renewal. Please advise me of any findings of the Water Management Board hearings and any fees for the permits.

Please note that I have taken over the position of City Administrator for the City of Milbank, replacing Jason Kettwig. If you need any further information, please contact Don Settje, Water Superintendent, or myself.

Sincerely,

John C. Forman, PE
Milbank City Administrator



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 549-3, City of Milbank 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. 549-3, City of Milbank, 1001 E 4th Ave, #301, Milbank SD 57552.

The Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 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. 549-3 is subject to payment of the \$125.00 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 24, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

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

City of Milbank
John C Forman, City Administrator
1001E 4th Ave, Suite 301
Milbank SD 57252

Dear Mr. Forman:

Future Use Permit No. 549-3 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 and the nearest daily paper. Notice of this review has been sent to the Grant County Review, Milbank SD (605 432-4516) and the Public Opinion, Watertown SD (605 886-6901). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE 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 February 6, 2019. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, January 25, 2019 9:56 AM
To: legals@thepublicopinion.com
Subject: 549-3, City of Milbank
Attachments: 549-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2019.

The City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank SD 57552 (605 432-9575) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, January 25, 2019 9:56 AM
To: Julie Madison, Grant County Review (gcreview@itcmilbank.com)
Subject: 549-3, City of Milbank
Attachments: 549-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2019.

The City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank SD 57552 (605 432-9575) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Instruction to Newspaper - Publish the following Notice on February 6, 2019. The City of Milbank is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank SD 57552 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. 549-3. This permit was approved 1958 and currently reserves 808 acre-feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:30 am, March 6, 2019 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 22, 2019. 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. 549-3 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 22, 2019. 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 22, 2019.

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 18, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Printer's Affidavit of Publication

RECEIVED

NOTICE OF HEARING FUTURE USE WATER

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

FEB 11 2019

Ashlie Schweitzer

WATER RIGHTS
PROGRAM

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Bookkeeper of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use water Permit No. 549-3

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

<u>February 6</u>	<u>20</u>	<u>19</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

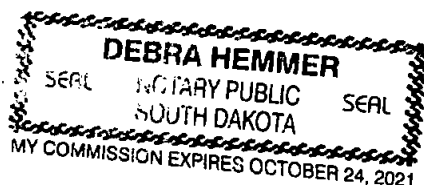
That \$ 41.34, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Ashlie Schweitzer

Subscribed and sworn to before me this 6th day of Feb 20 19

Debra Hemmer

Notary Public, Grant County, South Dakota



Publication Fee \$ 41.34
Notarial Fee \$
Total \$ 41.34

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, John C. Forman, City Administrator, 1001 E 4th Ave, #301, Milbank SD 57252 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. 549-3. This permit was approved 1958 and currently reserves 808 acre-feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:30 am, March 6, 2019 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 22, 2019. 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. 549-3 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.

Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA }
COUNTY OF GRANT } ss.

Filed in the office of _____

_____ on the
_____ day of _____, 20____

Attorney for _____

**ING TO REVIEW
PERMIT NO. 549-3**

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 22, 2019. 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 22, 2019.

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Published once at an approximate cost of \$41.34.

Form 8

RECEIVED

FEB 19 2019

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettestad

certify that the attached printed Notice was
taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

February 6, 2019

Cost of Printing \$64.30

Jackie Wettestad
(Signature)

Business Office Mgr.
(Title)

2-14-19

(Date Signed)

MILBANK

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, John C. Forman, City Administrator, 1001 E 4th Ave, #301, Milbank SD 57552 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. 549-3. This permit was approved 1958 and currently reserves 808 acre-feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use. Pursuant to SDCL 48-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 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. 549-3 at 10:30 am, March 6, 2019 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 22, 2019. 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. 549-3 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 Grontlund, Water Rights Program, (605 773-3352) by February 22, 2019. 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 22, 2019. 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 18, 2019. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$59.30

\$64.30
(February 6, 2019)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER

City of Milbank
John C Forman, City Administrator
1001 E 4th Ave, #301
Milbank SD 57552

Dear Mr. Forman:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2019 to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect for 808 acre-feet of water annually. Future Use Permit No. 549-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$125.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive.

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

CERTIFICATION

I hereby certify that on March 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2019 regarding Notice of 1780-2, 192-3, 3427A-3, 217-3, 1598-3, 448-3, 2042-3, 549-3, 1218-3, 2107-3, 4927-3, 6988-3 and 6988A-3 addressed as stated below:

City of New Underwood, Tim Hall, Public Works Director, PO Box 278, New Underwood, SD 57761

City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen, SD 57401

Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588, Brookings, SD 57006-0588

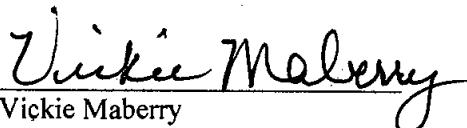
City of Sioux Falls, Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls, SD 57117-7402

City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank, SD 57552

Watertown Municipal Utilities, Jeff Deville, Water Superintendent, 901 4th Ave SW, Watertown, SD 57201

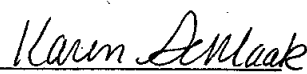
Clark Rural Water System, Terry Kaufman, Manager, PO Box 162, Clark, SD 57225

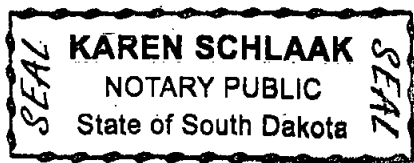
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268


Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 15, 20 19

RECEIVED OF City of Milbank 1001 E 4th Ave Ste 301 Milbank SD 57222

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	125	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>548-3</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	125 00

No. **09114**

By

Jeanne Goodman
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

RECEIVED
DEC 08 2025
Water Rights
Program

December 2, 2025

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

Dear Ms. Schumacher,:

I am writing regarding the seven-year review of Future Use Water Permit No. 549-3 from the (Veblen Aquifer) held by the City of Milbank. 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 808 acre-feet remain in reserve under this future use permit that was issued in 1958 and last reviewed in 2018.

Please respond in writing by January 15, 2026, 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 XX and any annual pumping records for the past three years.

Permit No. 549-3 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 808 acre-feet remain in reserve, the fee will be \$125.00.

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

Sincerely,

Rachel Rodriguez

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



AFT

RECEIVED
DEC 08 2025
Water Rights
Program

Stoc

Rodriguez, Rachel

From: Mathiowetz, Adam (DENR)
Sent: Thursday, December 11, 2025 9:47 AM
To: Dewell, Amanda; Rodriguez, Rachel; Duvall, Ron
Cc: Greco, Emily; Christensen, Wesley P
Subject: RE: [EXT] Milbank Future Use Water Permit Review
Attachments: RE: [EXT] Milbank Future Use Water Permit Review; Re: [EXT] Milbank Future Use Water Permit Review; DRAFT2.pdf; DANR water permit.pdf

I have my proposed answers below incorporating info from Wes and Ron's emails.

Attached are the emails and the files from Kelli's original email.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Kelli Buscher <kellib@bannerassociates.com>
Sent: Monday, December 8, 2025 3:52 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Christensen, Wesley P <wpchrist@usd.edu>; Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Sara Pankonin <sarap@bannerassociates.com>
Subject: [EXT] Milbank Future Use Water Permit Review

Good afternoon! The City of Milbank forwarded the attached letter to Banner regarding the seven-year review of the City's Future Use Permit. Permit No. 549-3 was issued to the City for ground water and springs in the Veblen aquifer. We have been talking with Wes Christensen about the aquifer study he is completing in this area. Wes was kind enough to share with us a preliminary draft of the new boundaries of the aquifers in this area (also attached). Based on the attached map, it appears that Milbank's future use might actually be in the Revillo aquifer rather than the Veblen.

Based on our conversations with Wes, we anticipated there might be a name change for what our future use permit calls the Veblen aquifer. We have a few questions for you:

- Is the aquifer study final yet? I do not see that it has been posted on SDGS's website yet.
The study is not yet finalized. However, it is expected to be finalized relatively soon.
- Can we address the aquifer name change for the future use permit as part of the future use review? If so, do we need to request that or is DANR already looking at that as part of your review?
Any aquifer name change can be addressed in the seven-year future use review. This email discussion should serve as documentation of the request for updated aquifer naming conventions.

- The future use permit includes both ground water and springs in what was called the Veblen aquifer. The existing wells and springs the City uses do not appear to be the same water source. Does this need to be clarified in the future use permit also?

Any existing permits, whether placing water to beneficial use reserved by No. 549-3 (No. 4785-3), or other permits/rights, can get file documentation by the Water Rights Program to update aquifer designation. We have done this before as part of updated aquifer mapping and naming conventions. Nothing is needed in No. 549-3 in terms of the public notice advertising the seven-year future use review.

- Based on the final results of the study, do we need any changes to the City's other water rights permits?

It appears so, that could either be done immediately based on completion of the aquifer study, or on a case-by-case basis as new applications are filed and a staff member is preparing a report for the new application.

Kelli D. Buscher, P.E. | Project Manager

Banner Associates, Inc. | Pierre, SD
Toll Free | 1.855.323.6342
Direct Dial | 605.696.9207 Cell | 605.280.1511
www.bannerassociates.com

From: Sara Pankonin <sarap@bannerassociates.com>

Sent: Monday, December 8, 2025 12:07 PM

To: Kelli Buscher <kellib@bannerassociates.com>

Cc: Kristin Bisgard <kristinb@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>

Subject: FW: water permit review

Kelli,

Please see attached and let me know what your thoughts are on this.

At one time, I thought that the City might need to update their water rights to correspond with the changes to aquifer names that Wes Christiansen was making, that was before looking at the Antelope Valley.

Sara Pankonin | Project Engineer

Banner Associates, Inc. | Sioux Falls, SD
Direct Dial | 605.696.9170 Cell | 605.651.3833
www.bannerassociates.com

From: Cynthia Schumacher <financeofficer@milbanksd.com>

Sent: Thursday, December 4, 2025 10:07 AM

To: Sara Pankonin <sarap@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>; Darin Thiele <publicworks@milbanksd.com>; Jeremy Lapp <lappllc23@gmail.com>; Steve Pendergrass <cityadministrator@milbanksd.com>

Subject: water permit review

I am forwarding a notice I received today from DANR. You may already be aware of this review.

Cynthia Schumacher
City of Milbank

Rodriguez, Rachel

From: Duvall, Ron
Sent: Tuesday, December 9, 2025 1:48 PM
To: Mathiowetz, Adam (DENR); Dewell, Amanda; Rodriguez, Rachel; Christensen, Wesley P
Cc: Mayer, Mark; Greco, Emily
Subject: RE: [EXT] Milbank Future Use Water Permit Review

Follow Up Flag: Follow up
Flag Status: Flagged

My two cents for the last three questions (see below)

Ron

From: Kelli Buscher <kellib@bannerassociates.com>
Sent: Monday, December 8, 2025 3:52 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Christensen, Wesley P <wpchrist@usd.edu>; Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Sara Pankonin <sarap@bannerassociates.com>
Subject: [EXT] Milbank Future Use Water Permit Review

Good afternoon! The City of Milbank forwarded the attached letter to Banner regarding the seven-year review of the City's Future Use Permit. Permit No. 549-3 was issued to the City for ground water and springs in the Veblen aquifer. We have been talking with Wes Christensen about the aquifer study he is completing in this area. Wes was kind enough to share with us a preliminary draft of the new boundaries of the aquifers in this area (also attached). Based on the attached map, it appears that Milbank's future use might actually be in the Revillo aquifer rather than the Veblen.

Based on our conversations with Wes, we anticipated there might be a name change for what our future use permit calls the Veblen aquifer. We have a few questions for you:

- Is the aquifer study final yet? I do not see that it has been posted on SDGS's website yet.
- Can we address the aquifer name change for the future use permit as part of the future use review? If so, do we need to request that or is DANR already looking at that as part of your review?

If we know the aquifer name is going to change, then we should have the new aquifer name in the seven year review public notice along with some explanation as to the reasoning for the name change. If some distinction is needed regarding the water sources (aquifer and springs), then some consideration should also be given to that.

- The future use permit includes both ground water and springs in what was called the Veblen aquifer. The existing wells and springs the City uses do not appear to be the same water source. Does this need to be clarified in the future use permit also?

Any existing permits, whether placing water to beneficial use reserved by No. 549-3 (No. 4785-3), or other permits/rights, can get a file documentation as we have done with other existing permits when an aquifer

designation has changed. Nothing is needed in No. 549-3 in terms of the public notice advertising the seven year review.

- Based on the final results of the study, do we need any changes to the City's other water rights permits?

It appears so, that could either be done immediately based on completion of the aquifer study, or on a case-by-case basis as new applications are filed and a staff member is preparing a report for the new application.

Kelli D. Buscher, P.E. | Project Manager

Banner Associates, Inc. | Pierre, SD

Toll Free | 1.855.323.6342

Direct Dial | 605.696.9207 Cell | 605.280.1511

www.bannerassociates.com

From: Sara Pankonin <sarap@bannerassociates.com>

Sent: Monday, December 8, 2025 12:07 PM

To: Kelli Buscher <kellib@bannerassociates.com>

Cc: Kristin Bisgard <kristinb@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>

Subject: FW: water permit review

Kelli,

Please see attached and let me know what your thoughts are on this.

At one time, I thought that the City might need to update their water rights to correspond with the changes to aquifer names that Wes Christiansen was making, that was before looking at the Antelope Valley.

Sara Pankonin | Project Engineer

Banner Associates, Inc. | Sioux Falls, SD

Direct Dial | 605.696.9170 Cell | 605.651.3833

www.bannerassociates.com

From: Cynthia Schumacher <financeofficer@milbanksd.com>

Sent: Thursday, December 4, 2025 10:07 AM

To: Sara Pankonin <sarap@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>; Darin Thiele <publicworks@milbanksd.com>; Jeremy Lapp <lappllc23@gmail.com>; Steve Pendergrass <cityadministrator@milbanksd.com>

Subject: water permit review

I am forwarding a notice I received today from DANR. You may already be aware of this review.

Cynthia Schumacher

City of Milbank

Rodriguez, Rachel

From: Christensen, Wesley P <wpchrist@usd.edu>
Sent: Tuesday, December 9, 2025 7:59 AM
To: Mathiowetz, Adam (DENR); Dewell, Amanda; Rodriguez, Rachel; Duvall, Ron
Subject: Re: [EXT] Milbank Future Use Water Permit Review

Follow Up Flag: Follow up
Flag Status: Flagged

I will try and add some answers to the bullet points,
Getting real close to finishing, boundaries will be very similar to the draft that was attached, anything drilled in the Twin Brooks area will most likely go thru some Wilmot nearer the surface and Revillo beneath it, probably past 200 feet. Feel free to hit me up with anything else, thanks
-Wes

From: Kelli Buscher <kellib@bannerassociates.com>
Sent: Monday, December 8, 2025 3:51 PM
To: Mathiowetz, Adam <adam.mathiowetz@state.sd.us>; Dewell, Amanda <amanda.dewell@state.sd.us>; Rodriguez, Rachel <rachel.rodriguez@state.sd.us>; Christensen, Wesley P <wpchrist@usd.edu>; Duvall, Ron <ron.duvall@state.sd.us>
Cc: Sara Pankonin <sarap@bannerassociates.com>
Subject: Milbank Future Use Water Permit Review

Good afternoon! The City of Milbank forwarded the attached letter to Banner regarding the seven-year review of the City's Future Use Permit. Permit No. 549-3 was issued to the City for ground water and springs in the Veblen aquifer. We have been talking with Wes Christensen about the aquifer study he is completing in this area. Wes was kind enough to share with us a preliminary draft of the new boundaries of the aquifers in this area (also attached). Based on the attached map, it appears that Milbank's future use might actually be in the Revillo aquifer rather than the Veblen.

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- The future use permit includes both ground water and springs in what was called the Veblen aquifer. The existing wells and springs the City uses do not appear to be the same water source. Does this need to be clarified in the future use permit also?
- Based on the final results of the study, do we need any changes to the City's other water rights permits?

Kelli D. Buscher, P.E. | Project Manager

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Toll Free | 1.855.323.6342
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Sent: Monday, December 8, 2025 12:07 PM
To: Kelli Buscher <kellib@bannerassociates.com>
Cc: Kristin Bisgard <kristinb@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>
Subject: FW: water permit review

Kelli,

Please see attached and let me know what your thoughts are on this.

At one time, I thought that the City might need to update their water rights to correspond with the changes to aquifer names that Wes Christiansen was making, that was before looking at the Antelope Valley.

Sara Pankonin | Project Engineer
Banner Associates, Inc. | Sioux Falls, SD
Direct Dial | 605.696.9170 Cell | 605.651.3833
www.bannerassociates.com

From: Cynthia Schumacher <financeofficer@milbanksd.com>
Sent: Thursday, December 4, 2025 10:07 AM
To: Sara Pankonin <sarap@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>; Darin Thiele <publicworks@milbanksd.com>; Jeremy Lapp <lappllc23@gmail.com>; Steve Pendergrass <cityadministrator@milbanksd.com>
Subject: water permit review

I am forwarding a notice I received today from DANR. You may already be aware of this review.

Cynthia Schumacher
City of Milbank

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, January 15, 2026 2:12 PM
To: 'cityadministrator@milbanksd.com'
Subject: Future Use Permit No 549-3
Attachments: 549-3 FU review ltr.doc

Good afternoon,

Per our conversation, attached is the letter for the Future Use Permit 549-3. Please respond by January 30, 2026, that should give you plenty of time to review this water permit.

Thank you,

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



Rachel Rodriguez
SD Department of Agriculture and Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

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FEB 13 2026

**OFFICE OF
WATER**

RE: Future Use Permit 549-3 Seven-Year Review

Dear Ms. Rodriguez

The City of Milbank has received your letter for the review of Future Use Permit 549-3 for groundwater (Veblen Aquifer), which is held by the City.

Valley Queen Cheese, a major industry within the City, completed a plant expansion that increased city water usage in 2024-2025. Other water usage increases in relatively recent years have been from the new hospital, new baseball field, splash pad, and a slight increase in population. The City is currently working with Banner Associates to review the City's options for meeting the increased demands for City water.

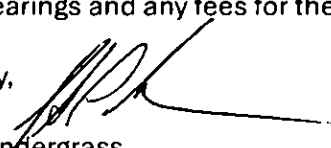
The City continues to see an increasing demand for water, from an average daily flow of 0.89 million gallons per day (MGD) in 2023 to 1.17 MGD in 2025. The City meets the current demand using both groundwater and surface water sources. The City's groundwater and total water usage (in gallons) are shown in the table below for the last three years:

Year	Annual GW Pumping Records	Total Water Use
2023	197,401,123	323,134,300
2024	193,130,324	363,238,100
2025	289,524,925	416,006,700

The City continues to plan for future expansion in both the commercial and industrial areas within the City limits. The City would like to retain the Future Use Permit 549-3 for the next seven years.

Thank you for your consideration in this matter. The City understands that it is responsible for expenses associated with this renewal. Please advise me of any findings of the Water Management Board hearings and any fees for the permit.

Sincerely,


Steve Pendergrass
City Administrator



**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. 549-3, City of Milbank SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 549-3, City of Milbank, 1001 E 4th Avenue, Suite 301, Milbank SD 57252.

The Acting Chief Engineer is recommending that Future Use Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 549-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 549-3, 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. 549-3 is subject to payment of the \$ 125.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 9, 2026

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

City of Milbank
c/o Steve Pendergrass
1001 E 4th Avenue, Suite 301
Milbank SD 57252

Dear Mr. Pendergrass,

Future Use Permit No. 549-3 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 Grant County Review (Ph # 605 432-4516) and Watertown Public Opinion (see contact information enclosed). For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on March 18, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

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

enclosures

Instruction to Newspaper - Publish the following Notice on March 18, 2026. The City of Milbank is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 1001 E 4th Avenue, Suite 301, Milbank SD 57252 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. 549-3. This permit was approved 1958 and currently reserves 808 acre-feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 549-3 on May 6, 2026, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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

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. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

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

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

Published once at the approximate cost of_____.



Order Confirmation

Not an Invoice

Account Number:	1580894
Customer Name:	City Of Milbank
Customer Address:	City Of Milbank 1001 E 4Th AVE # 301 Milbank SD 57252-2657
Contact Name:	Steve Pendergrass
Contact Phone:	
Contact Email:	cityadministrator@milbanksd.com
PO Number:	

Date:	03/09/2026
Order Number:	12155471
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	266.0000
Height in Inches:	29.2500

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	03/18/2026 - 03/18/2026	Public Notices
WAT thepublicopinion.com	1	03/18/2026 - 03/18/2026	Public Notices

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

Total Cash Order Confirmation Amount Due	\$84.80
Tax Amount	\$0.00
Service Fee 3.99%	\$3.38
Cash/Check/ACH Discount	-\$3.38
Payment Amount by Cash/Check/ACH	\$84.80
Payment Amount by Credit Card	\$88.18

Order Confirmation Amount	\$84.80
----------------------------------	----------------

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, March 9, 2026 9:09 AM
To: Rodriguez, Rachel
Cc: cityadministrator@milbanksd.com
Subject: RE: [EXT] 12155471 549-3 City of Milbank - Public Notice
Attachments: 12155471.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Public Opinion on March 18. The order cost is \$84.80 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 8:00 AM on March 16 with any changes.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, March 9, 2026 8:47 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 12155471 549-3 City of Milbank - Public Notice

Attached is a notice to be published on March 18, 2026.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 9, 2026 8:46 AM
To: gcreview@itcmilbank.com
Subject: 549-3 City of Milbank - Public Notice
Attachments: 549-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 18, 2026.

City of Milbank, c/o Steve Pendergrass, 1001 E 4th Avenue, Suite 301, Milbank SD 57252, 605-432-9575, cityadministrator@milbanksd.com 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, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

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MAR 23 2026

Water Rights
Program

AFFIDAVIT OF PUBLICATION

Steve Pendergrass
City Of Milbank

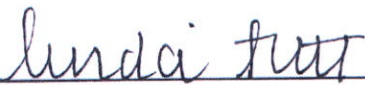
1001 E 4Th AVE # 301
Milbank SD 57252-2657

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

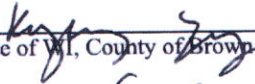
The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed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

03/18/2026

and that the fees charged are legal.
Sworn to and subscribed before on 03/18/2026



Legal Clerk



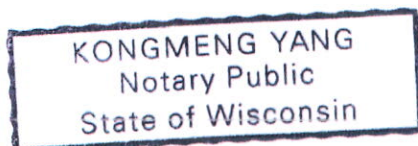
Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$84.80	
Tax Amount:	\$0.00	
Payment Cost:	\$84.80	
Order No:	12155471	# of Copies:
Customer No:	1580894	1
PO #:		

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MAR 23 2026

Water Rights
Program

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 549-3**

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Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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MAR 23 2026

Water Rights
Program

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as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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

Published on March 18, 2026 at the total approximate cost of \$84.80 and may be viewed free of charge at www.sdpublicnotices.com

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MAR 23 2026

Water Rights
Program

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Owner _____ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 549-3, City of Milbank

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on the day of each week on which the said newspaper was regularly published, to-wit:

<u>march 18</u>	<u>20</u>	<u>26</u>	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>

That \$ 666.12, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 18th day of mar 20 26

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee \$ 666.12
Notarial Fee \$ _____
Total \$ 666.12

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 549-3

Notice is given that the Water Management Board will review Future Use Permit No. 549-3 held by the City of Milbank, 1001 E 4th Avenue, Suite 301, Milbank, SD 57252 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. 549-3. This permit was approved 1958 and currently reserves 808 acre-feet from the Veblen Aquifer located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 and 17; all in T120N-R50W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 549-3 REMAIN in EFFECT for 808 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use, and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 549-3 on May 6, 2026, at 9:30 a.m. (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre, SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the

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MAR 23 2026

OFFICE OF
WATER

Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Filed in the office of _____

_____ on the

_____ day of _____, 20____

Attorney for _____

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

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use 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. 549-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit

owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by March 30, 2026.

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

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

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Published once at an approximate cost of \$66.12 and can be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 9, 2026 9:24 AM
To: cityadministrator@milbanksd.com
Subject: 549-3 City of Milbank - Public Notice
Attachments: 549-3 Rec.pdf; 549-3 FU Ltr.pdf; 549-3 PubNotice.pdf; Watertown Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation and information regarding the public notice for Future Use Permit 549-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOTICE OF ENTRY OF ORDER

May 6, 2026

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

Dear Ms. Schumacher,

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2026, to review Future Use Permit No. 549-3. The Board allowed the permit to remain in effect for 808 acre-feet of water annually. Future Use Permit No. 549-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 549-3 is \$125.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 07, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 07, 2026 involving action taken by the Water Management Board hearing on May 07, 2026:

Water Right No. 135-3 and 5003-3

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

Water Right No. 217.3

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

Water Right No. 549-3

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

Wat Water Right No. 1780-2

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

Water Right No. 4927-3

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

Alyce McGhee
Senior Secretary-Water Rights

[illegible]

Sworn to, before me, this 7th day of May, 2026.

Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

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

Application No.: 549-3

Name of Applicant: City of Milbank, c/o Steve Pendergrass

Date of Posting: 3/16/2026

Date of Removal: 5/7/2026

Amanda Dewell, Permitting Administrator

5/7/2026

Date

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

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RECEIPT

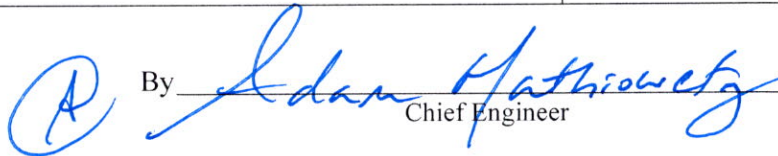
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 13, 2026

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

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>549-3</u> after period of seven years.	<u>\$125.00</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>\$125.00</u>

By  Chief Engineer