

Considered: _____ WATER PERMIT NO. 5512-3

Phone: 339-7060

Name of Applicant: City of Sioux Falls, Parks & Recreation Dept.

Post Office Address: 600 East 7th St, Sioux Falls SD 57103

Amount of Water Claimed: 1.23 Total Acres: 100

Source of Water Supply: Big Sioux River

Water to be used for: irrigation County: Minnehaha

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-27-91 Fee: \$225.00 Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - September 30

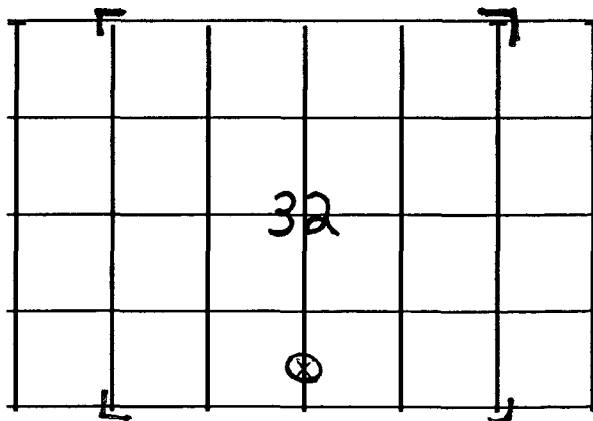
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: quarter line between the SE 1/4

SW 1/4 and the SW 1/4 SE 1/4 32-101-⁴⁹~~50~~

Land to be Irrigated: SE 1/4 & SW 1/4 32-101-⁴⁹~~50~~



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Rex W. Stockwell Reviewed and the Number

Assigned on 3-5-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5512-3 FOR IRRIGATION

Date of first receipt of application February 27, 1991.

Date Soil/Water Compatibility Permit received April 22, 1991.

The Water Management Board approved Water Permit Application No. 5512-3 on July 24, 1991 for Parks & Recreation Department, City of Sioux Falls, 600 East 7th St, Sioux Falls SD 57103 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5512-3 appropriates 1.23 cubic feet of water per second from the Big Sioux River to irrigate 100 acres. The point of diversion will be located on the quarter line between the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 32-T101N-R49W. The land to be irrigated is located in portions of the SE 1/4, SW 1/4 Section 32-T101N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is February 27, 1991.
4. One-fifth of the construction is to be completed on or before January 24, 1994.
5. All construction is to be completed on or before July 24, 1996.
6. Water is to be put to beneficial use on or before July 24, 2000.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

WATER MANAGEMENT BOARD

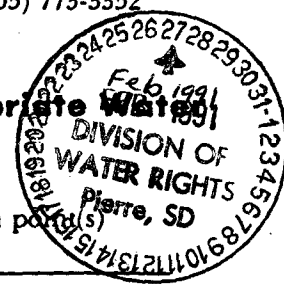
By: John H. Ketch
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 28 1991

(date)

(See instructions)

No. 5512-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper The Argus Leader, PO Box 5034 (Daily)



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

- Name of Applicant Parks & Recreation Dept., City of Sioux Falls Phone No. 339-7060
Post Office Address 600 East 7th Street, Sioux Falls State South Dakota 57103
(Site, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 1.23 Total acres irrigated 100
- Source of Water supply Big Sioux River
- Location of point of diversion on the S1/4 line of Section 32, Township 101, North
Range, XX West (quarter line between the SE1/4 SW1/4 and the SW1/4 SE1/4)
49 County Minnehaha
- Counties where water will be used Minnehaha
- Annual period during which water is to be used May 1- September 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE1/4 32-101-XX 49	57
SW1/4 32-101-XX 49	43

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Auto (Specify) Pop-up
- Crops to be Irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)
The proposed project consists of construction of an automatic irrigation system for an existing park consisting of baseball and soccer athletic fields covering an area of approximately 100 acres. The system will be designed to provide sufficient water to obtain a minimum irrigation rate of one inch per week. The system will be automatically (electrically) controlled. See attached drawings of proposed park facility.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Minnehaha)^{ss}

I, Lowen Schuett, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Lowen Schuett
Lowen Schuett, Director of Parks
Subscribed and sworn to before me this 26th day of February 1991
[Signature]
Notary Public

My commission expires: 6/11/97

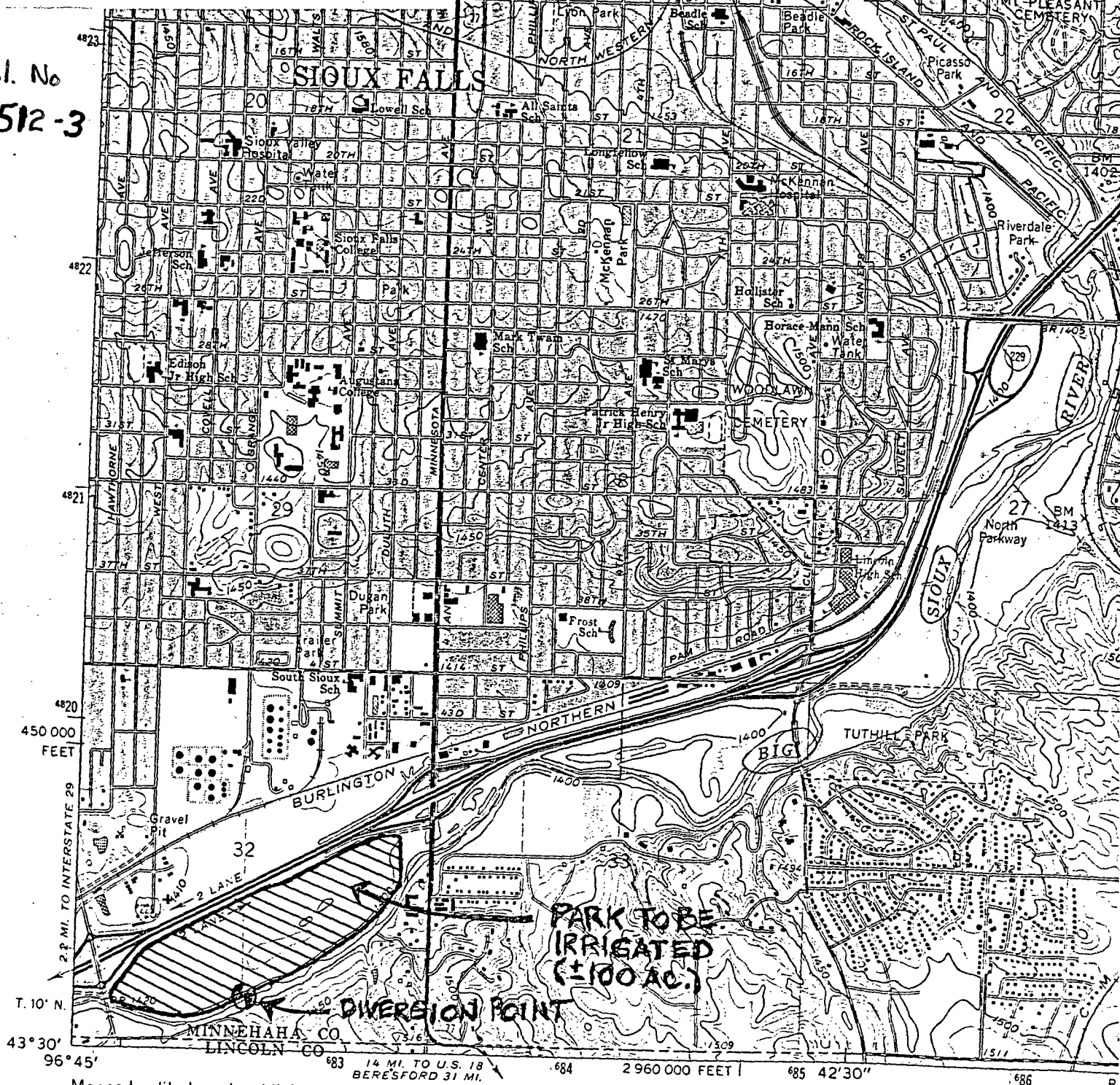
I, Rex W. Stockwell, hereby certify that these plans were prepared by me, or under my direct supervision.

Rex W. Stockwell 2-26-91

Rex W. Stockwell S.D. No. 3169 Date

Stockwell Engineers, Inc.
Sioux Falls, South Dakota

Appl. No
5512-3



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1958 and 1962. Field checked 1962

Polyconic projection. 1927 North American datum
10,000-foot grid based on South Dakota coordinate system, south zone
1000-meter Universal Transverse Mercator grid ticks.

ITEAL
6670 IV NE

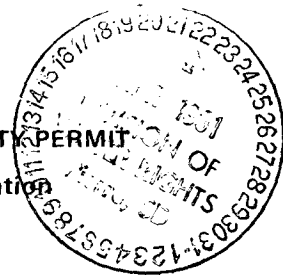
GN
MN
1°36'
28 MILS
7½°
133 MILS

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C

5512-3

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

LEGAL DESCRIPTION: ☐ Well ☐ Surface

1. LOCATION _____

Depth _____

Legal Description	Acres	Legal Description	Acres

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM _____
6. SODIUM (SAR): _____	

Requirements:

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

RECEIVED OF Stogdell Engineers, Inc. for City of Sioux Falls, Parks & Recreation Dept.
100 East 7th St, Sioux Falls SD 57103

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

Fee for Application for Permit No. <u>5512-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	

By _____
Chief Engineer



Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Sioux Falls, South Dakota 57102
Telephone (605) 338-6668

February 26, 1991



Mr. John Hatch, Chief Engineer
Water Rights Division
SD Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Water Permit Application
Sioux Falls, South Dakota

Dear Mr. Hatch:

On behalf of the Parks and Recreation Department of the City of Sioux Falls, we are transmitting two copies of the water permit application, Form 2, for construction of an irrigation system at Yankton Trails Park in Sioux Falls. The proposed water supply from the Big Sioux River surface supply will be used to irrigate approximately 100 acres for use as a baseball and soccer athletic field complex. The Park is located immediately adjacent to the Big Sioux River in the SW1/4 and SE1/4 of Section 32-101-50.

Because this is a surface water supply, Form 2A has not been completed and attached. Likewise no water samples have been submitted to the Water Quality Laboratory at SDSU. If additional information other than Form 2 is required, please advise us accordingly.

The City wishes to begin construction on the irrigation system this coming Fall with completion in Spring 1992. With this schedule, we respectfully request this application be considered on the Water Management Board meeting for May.

Please contact me or Lowen Schuett, Director of Parks, if you have any questions. Thank you for your cooperation.

Very Truly Yours,

STOCKWELL ENGINEERS, INC.

Rex W. Stockwell, P.E.

cc: Mr. Lowen Schuett, Director

Conversation or File Documentation

NAME OF PERSON OR FILE: Sioux Falls Parks & Recreation

ADDRESS: _____ COUNTY _____

DATE: 3/8/91 TELEPHONE _____RE: Conversation with Rex Stockwell

COMMENTS:

I called Rex Stockwell (Engineering Consultant for city) regarding the legal description for WP Appl. No. 5512-3. The application incorrectly specifies R50W in all legal descriptions associated with this application. The correct Range is R49W. Mr. Stockwell agreed with and asked that I amend the application to reflect R49W in all legal descriptions.

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 Nordlund

**PARTIES OF RECORD
WATER PERMIT APPLICATION NO. 5512-3**

City of Sioux Falls - Parks & Recreation Dept. - 600 East 7th St. -
Sioux Falls, SD 57103

Jack Kennedy - 6613 N. Cliff - Sioux Falls, SD 57104

Mary Kennedy - 6613 N. Cliff - Sioux Falls, SD 57104

David Niebuhr - 6601 N. Cliff - Sioux Falls, SD 57104

Leann Niebuhr - 6601 N. Cliff - Sioux Falls, SD 57104

Nancy M. Zeig - 6700 N. Fairfax - Sioux Falls, SD 57104

Jerry R. Zeig - 6700 N. Fairfax - Sioux Falls, SD 57104

Wayne Wipf - 6313 N. Cliff - Sioux Falls, SD 57104

Steven C. Nyhaug - 6420 N. 10th - Sioux Falls, SD 57104

Tamara K. Powell - 6600 N. 9th Ave. - Sioux Falls, SD 57104

Rick Powell - 6600 N. 9th Ave. - Sioux Falls, SD 57104

Betty Miller - 6812 N. 10th Ave. - Sioux Falls, SD 57104

Don Deraad - 6500 N. 10th Ave. - Sioux Falls, SD 57104

Charles Berg - 425 Silver Creek Rd. - Renner, SD 57055

Verle Jucht - RR 1, Box 763 - Renner, SD 57055

Lanette Diede - 7401 N. Cliff - Sioux Falls, SD 57104

Geny Austin - 6504 N. 10th Ave. - Sioux Falls, SD 57104

Don Ahlschlager - 6705 N. 10th Ave. - Sioux Falls, SD 57104

Brenda Tough - 6413 N. Cliff - Sioux Falls, SD 57104

Scott Tough - 6413 N. Cliff - Sioux Falls, SD 57104

Deb Finke - 6805 N. Cliff Ave. - Sioux Falls, SD 57104

Duane Miller - 5501 N. French Ave. - Sioux Falls, SD 57104

Ed Behrends - 5412 N. French Ave. - Sioux Falls, SD 57104

Matt Bolk - 65-1 N. 10th - Sioux Falls, SD 57104

Audrey Spaeth - 6425 N. 10th Ave. - Sioux Falls, SD 57104

Mike Spaeth - 6425 N. 20th Ave. - Sioux Falls, SD 57104
Herman Knock - 6705 N. Cliff Ave. - Sioux Falls, SD 57104
Delores Christensen - Rt 1, Box 819 - Renner, SD 57055
Nick Ehlen - 6701 N. Cliff - Sioux Falls, SD 57104
Robert Chambers - 6501 N. Cliff - Sioux Falls, SD 57104
Shirley Chambers - 6501 N. Cliff - Sioux Falls, SD 57104
Sandra K. Sorum - RR 1, Box 785 - Renner, SD 57055
Dean E. Sorum - RR 1, Box 785 - Renner, SD 57055
David W. Myers - 6509 N. 10th Ave. - Sioux Falls, SD 57104

Report on Application No. 5512-3
City of Sioux Falls, Parks and Recreation Department
March 14, 1991

Application No. 5512-3, City of Sioux Falls, Parks and Recreation Department, proposes to appropriate 1.23 cubic feet of water per second (cfs) from the Big Sioux River. The diversion point is located on the quarter line between the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 of Section 32-T101N-R49W in Minnehaha County. The water is to be used to irrigate an existing park, consisting of baseball and soccer athletic fields, covering an area of approximately 100 acres. The system is to be designed to provide sufficient water to obtain a minimum irrigation rate of one inch per week.

Review of Existing Water Rights/Permits

A total of 68.47 cfs is appropriated from the Big Sioux River below this application to the Missouri River. Application No. 5512-3 is located below the mouth of the Skunk Creek and above the North Cliff Avenue gaging station with 3.75 cfs appropriated in this reach of the river. Water is usually available from the Big Sioux River except during extreme dry conditions. Municipal use by the City of Sioux Falls from the Big Sioux River is upstream from this application.

Water Source

The proposed diversion of water is from the Big Sioux River downstream from the Skunk Creek drainage and upstream from Split Rock Creek drainage. A 9-year period of record hydrograph for the North Cliff Avenue gage shows that 70% of the time there is at least 62 cfs and 90% of the time there is at least 19.77 cfs during the irrigation season.

Conclusions

1. During normal periods there will be water available for this application.
2. Interference with downstream water rights would only occur during extreme dry conditions.
3. If Application No. 5512-3 is approved, it should have the following qualifications:
 - A. Application No. 5512-3 should not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

- B. Should be subject to irrigation water use questionnaire being submitted each year.

Norma C. Job

Norma C. Job
Natural Resource Engineer I

Approved by:

Delvin D. Brosz

Delvin D. Brosz, PE
Natural Resource Engineer IV

References

1. U.S. Geological Survey, 1989, Water Resources Data South Dakota Water Year 1989, U.S. Geological Survey Water-Data Report SD-89-1
2. Rath, Mark D. 1990, Report on Application No. 5431-3, South Dakota Department of Water and Natural Resources, Water Rights Division
3. Winterton, James. 1989, Report on Application No. 3981-3 and 5334-3, South Dakota Department of Water and Natural Resources, Water Rights Division

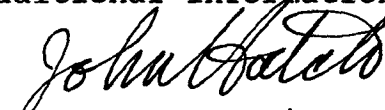
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5512-3, City of Sioux Falls

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5512-3, Parks & Recreation Department, City of Sioux Falls, 600 East 7th Street, Sioux Falls, SD 57103.

The Chief Engineer is recommending APPROVAL of Application No. 5512-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 15, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

April 26, 1991

Lowen Schuett
Parks & Recreation
City of Sioux Falls
600 East 7th Street
Sioux Falls, SD 57103

Dear Mr. Schuett:

Water Permit Application No. 5512-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Argus Leader printed at Sioux Falls, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

The Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5512-3 to be published twice. Please publish the first notice on May 3, 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 Parks & Recreation Dept., City of Sioux Falls, 600 East 7th Street, Sioux Falls, SD 57103.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5512-3 to Appropriate Water

Notice is given that the Parks & Recreation Dept., City of Sioux Falls, 600 East 7th Street, Sioux Falls SD 57103 has filed an application for a water permit to appropriate 1.23 cubic feet of water per second from the Big Sioux River to irrigate 100 acres. The point of diversion will be located on the quarter line between the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 32-T101N-R49W. The land to be irrigated is located in portions of the SE 1/4, SW 1/4 Section 32-T101N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5512-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 21, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5512-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 31, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 31, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 31, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 21, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Minnehaha) ss.



I, Greg Robinson
 certify that the attached printed Notice was taken
 from the Argus Leader

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 Sioux Falls

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

May 3, 1991

May 10, 1991

Greg Robinson
 (Signature)

Assistant Controller

(Title)

5/10/91

(Date Signed)

NOTICE OF HEARING on
 Application No. 5512-3 to
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1066

May 3, 10, 1991

Cost of Printing: 250 Lines at .3966 \$ 91.15

Affidavit of Publication 2.00

\$101.15

Water Rights Div.
Joe Foss Building
523 E Capitol
Pierre SD. 57501



Petition: Opposing Application no. 5512-3
OF Sioux Falls Parks + Rec. Dept.

The under signed petitioners ARE residence
OF the Renner AREA with personal wells, into the
Big Sioux AQUAFUR. Because OF the Level OF the Big
Sioux AQUAFUR has been Dropping, Some OF the
Residents ~~is~~ wells ARE going dry OR have gone dry.

the petitioners Request that the Application be
denied until A determination has been MADE
whether DRAWING WATER out OF the Big Sioux River
AFFECTS the Level OF the Big Sioux AQUA Fur OR
Other Wise known AS the Silver Creek water Shed AREA.

May 16, 1991

Jack Kennedy
David Diebih

6613 N Cliff Sioux Falls SD
6601 N. Cliff Sioux Falls, S.D. 57104

Mancy M. Zieg
Jerry R. Zieg
Wayne Wieg
STEVEN C. Nyhaug
Tamara K. Powell
Dore S. Doren
Betty Miller
Don de Haas
Charles Berg
Vicki Jucht
Janette Dieder
Jenny Austin
Don Ahlrich
Brenda Tough
Lyle Fick
Scott Fick
Duane Miller
Ed. BEHRENDs.
Matt Balk
Audrey Spatz
Herman Snook
Delores Christensen
Marilyn Fick
Leo Thulach
Mary M. Kennedy
Neil Fick
Robert Chambers
Shirley Chambers

6700 N. Fairfax Sx Falls
6700 N. Fairfax S.F.
6313 N Cliff S.F.
6420 N. 10th, SFS
6600 N. Ninth Ave SFS
6600 N 9th Ave SFS
6812 No. Tenth Ave.
6580 N. 10th H.
Remmer S.D.
RR 1 Box 263 Remmer S.D.
7901 N Cliff, Sioux Falls, SD 57104
6504 No 10th Ave Sioux Falls, 57104
6705 No 10th Ave Sioux Falls
6413 N Cliff Sioux Falls SD 57104
6805 N. Cliff Sioux Falls SD
6413 N Cliff Sioux Falls SD
5501 N. French Sioux Falls, S.D.
5412 N FRENCH, Sioux Falls
6501 N 10th Sioux Falls
6425 N 10th Sioux Falls
6705 N Cliff
RT #1, Box 819, Remmer, SD 57055
6425 No 10th Sioux Falls SD
6601 N. Cliff, Sioux Falls, SD
6613 N. Cliff Sioux Falls SD
6701 N. Cliff Sioux Falls, SD
6501 N. Cliff Sioux Falls SD
6501 No Cliff Sioux Falls SD

Andrew K. Damm
Near E. Solum

David W. Myers

~~Henry M. Kennedy~~

RR1 Box 785 Remer, SD

RR1 Box 785 Remer, SD

6509 N. 10th ave Sioux Falls

~~6613 W. Cliff Sioux Falls, SD~~



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1991

NOTICE

TO: Lowen Schuett, Director of Parks
City of Sioux Falls
600 East 7th Street
Sioux Falls, SD 57103
and Parties of Record (see attached list)

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

SUBJECT: Rescheduling of Hearing for Water Permit Application No.
5512-3

A petition opposing Water Permit Application No. 5512-3 has been filed by a number of residents of the Renner area. A copy of the petition of opposition is attached. The hearing before the Water Management Board will no longer be held on May 31, 1991.

The Water Management Board will now consider Water Permit Application No. 5512-3 on July 24, 1991 at 11:00 am in the Kneip Room, Governor's Inn, 700 West Sioux Ave., Pierre, SD 57501. The agenda time is an estimate. The actual time of hearing may be later than 11:00 am due to prior agenda items. Applicable provisions of the Notice of Hearing published May 3, 1991 and May 10, 1991 in the Argus Leader will still apply at this hearing.

This hearing is an adversary proceeding. Any party 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.

cc: Diane Best, Assistant Attorney General

attachment

CERTIFICATION

I hereby certify that on May 21, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing for Water Permit Application No. 5512-3 addressed:

Lowel Schuett, Director of Parks, City of Sioux Falls, 600 East 7th Street, Sioux Falls, SD 57103.

City of Sioux Falls, Parks & Recreation Dept., 600 East 7th St., Sioux Falls, SD 57103.

Parties of Record:

See attached list.

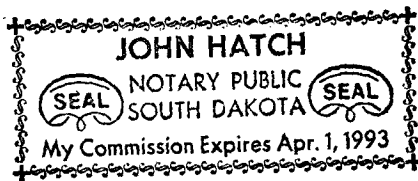
Inter-officed to:

Diane Best, Assistant Attorney General Capitol Building.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of May, 1991.



John H. H. H.
Notary Public



GREAT FACES. GREAT PLACES.

AUG 28 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lowen Schuett
City of Sioux Falls
Parks & Recreation Dept
600 E 7th St
Sioux Falls, SD 57103

Dear Mr. Schuett:

Enclosed is Water Permit No. 5512-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 10-8-93

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

FROM: LOWEN SCHUETT 600 EAST 7th SIOUX FALLS
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5512-3.

Water Permit No. 5512-3 states that the diversion system is to be constructed by 7-24-96, and that the water it put to beneficial use by 7-24-2000.

The diversion system was completed on 10-7-93.
Applying the water to beneficial use was completed on 10-7-93.

You may schedule an inspection so that the Water License may be issued.


signature



November 8, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

City of Sioux Falls
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Attn: Dee

On July 24, 2002, Lynn Beck, a staff engineer accompanied by Diane Gildemaster conducted investigations of several of the Parks and Recreation Dept. water permits, including the extent of application of water to beneficial use, as developed under the permits. The final water right documents, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for each investigation and issuance of the water license. Enclosed is an invoice for a total of \$200.00. The check or money order for the fee should be made payable to the "Water Rights Program".

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and the city abides by the permit requirements.

If you have any questions regarding the water permits, investigation of the water use systems or payment of the fee, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* INVOICE *

Invoice No. 20411-110802

City of Sioux Falls
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Fee for investigation of the following water permits:	No. 5416-3	50.00
	No. 5512-3	50.00
	No. 5698-3	50.00
	No. 5775-3	50.00

PLEASE PAY THIS AMOUNT:	\$200.00
--------------------------------	-----------------

Karen Schlaak
Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 20 02

RECEIVED OF City of Sioux Falls, SD 224 West Ninth Street, Sioux Falls SD 57104-6407

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5512-3</u>	50	00
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	50.00

No.

000484

By

Darland Ebele
gm

Chief Engineer

Permit No. 5512-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **July 24, 2002**, made a thorough examination of the water use system constructed by **Sioux Falls Parks and Recreation Dept.** of **600 East 7th St., Sioux Falls, SD 57105** holder of Permit No. **5512-3**, bearing the priority of **February 27, 1991** authorizing the diversion of **1.23** cu. ft. per second of the waters of **Big Sioux River** for **irrigation** purposes, in **Minnehaha** County.

Inspection contact & relationship to permit holder, if applicable: **Diane Gildemaster, Sioux Falls Parks and Recreation District
Park Supervisor – (605) 367-7016**

A. Works used to divert the water:

- 1) Submersible pump and motor with a 500 gpm capacity.

B. Works used to transport water to place of use:

- 1) Type steel 2) Size 6 inches 3) Length 1200 feet

C. Works used to apply water to beneficial use:

Turf sprinkler system and 1" to 4" distribution lines.

Chemigation: Does not chemigate.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: **2040' W and 920' N of the SE corner Section 32-T101N-R49W.** The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water, which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Section 32-T101N-R49W:

SE SW 7 acres

NE SE 9 acres

NW SE 17 acres

SW SE 2 acre

comprising a total of 35 acres of land and the license should be issued for 0.5 cfs.

All structures, wells and lands on map yes

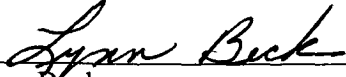
Report of Examination of Works

Permit No. 5512-3

Comments or other permit(s) associated with the project:

The works are capable of diverting 1.11 cfs of water, however the statutory limit for 35 acres is 0.5 cfs.

Appropriation not to exceed 2 acre feet annually for each acre of land irrigated.

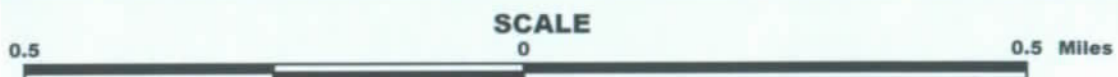


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

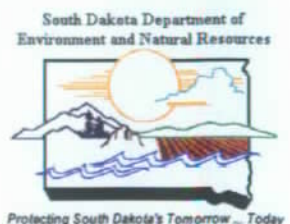
Date report completed: **October 7, 2002**

WATER RIGHT NO. 5512-3
SIOUX FALLS PARKS AND RECREATION DEPT.



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights
October 7, 2002



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Sioux Falls Parks and Recreation Department

ADDRESS: 600 East 7th Street, Sioux Falls SD 57105

DATE: October 31, 2002 **COUNTY:** Minnehaha and Lincoln **TELEPHONE:** (605) 367-7016

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

yes

- **If irrigation, no new land is irrigated**

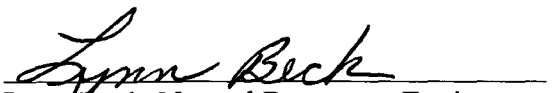
No new lands irrigated.

- **Review of Existing Diversions**

Permit No. 5698-3, also held by Sioux Falls Parks and Recreation Department, is approximately 3,890' downstream of this diversion. There are no other diversions from the Big Sioux River prior to the confluence with the Big Sioux River diversion channel in North Sioux Falls. The confluence is approximately 8 miles downstream of this diversion. Permit No. 5512-3 authorizes one diversion point on the Big Sioux River located on the quarter line between SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32-T101N-R49W. The diversion point was developed in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32-T101NR49W approximately 2,040' W and 920' N of the SE corner of Section 32. Permit Nos. 5512-3 and 5698-3 require a 20-cfs bypass before pumping can occur.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5512-3

(1) The City of Sioux Falls, Parks and Recreation Department, 600 E 7th St, Sioux Falls SD 57103 made Application No. 5512-3, February 27, 1991 for a water permit to divert 1.23 cubic feet of water per second (cfs) from the Big Sioux River, Minnehaha County, South Dakota for irrigation purposes. Permit No. 5512-3, with a priority date of February 27, 1991 was approved July 24, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 24, 1996 and for the application to beneficial use of water on or before July 24, 2000.

An investigation conducted for licensing purposes found the diversion point under Water Permit No. 5512-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5512-3 is issued a license, bearing a priority date of February 27, 1991 to appropriate 0.5 cubic feet of water per second from the Big Sioux River to irrigate 35 acres of Yankton Trails Park.

The diversion point is located: 2,040 feet west and 920 feet north of the southeast corner of Section 32-T101N-R49W (SW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 32-T101N-R49W	SE ¼ SW ¼	7 acres
	NE ¼ SE ¼	9 acres
	NW ¼ SE ¼	17 acres
	SW ¼ SE ¼	2 acres
Total 35 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5512-3 including the following qualifications:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2003

date



Amendment to the qualifications contained in Water Right No. 5512-3

Deleted Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

New Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 22, 2018

NOTICE OF ENTRY OF ORDER

5512-3) 5698-3 6210A-3

City of Sioux Falls
Kelby Mieras
100 E 6th St
Sioux Falls SD 57104

Dear Ms. Mieras:

I am writing in response to action taken by the Water Management Board on May 3, 2018, regarding the Hearing to Amend the Bypass Qualifications on Big Sioux River water rights.

Attached is the qualification that was deleted from your water right and the new qualifications.

This amendment designates a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed online at <https://waterdata.usgs.gov/sd/nwis/rt>. However, the water right is also subject to written orders of the Chief Engineer regardless of the bypass criteria.

If you have questions concerning the Board action or your water right(s), please contact Mark Rath with our program at 605 773-3352 or mark.rath@state.sd.us.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

enclosure

cc: Diane Best, Assistant City Attorney, City of Sioux Falls

Amendment to the qualifications contained in Water Right No. 5512-3

Deleted Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

New Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

CERTIFICATION

I hereby certify that on May 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated May 22, 2018 regarding amending bypass qualifications on Big Sioux River water rights addressed as stated below:

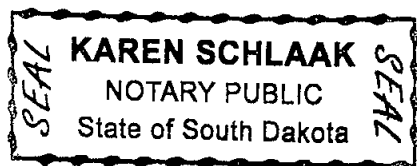
Elaine Ahlers, PO Box 186, Flandreau SD 57028
Adam Wiese, Operator, 22603 479th Ave, Flandreau SD 57028
Chad Anderson, 47880 244th St, Dell Rapids SD 57022
Ronnie J Boever, 47948 232nd St, Flandreau SD 57028
Brian Burkhardt, 24482 482nd Ave, Dell Rapids SD 57022
Jim Czech, Operator, 45767 177th St, Watertown SD 57201
Marvin & Maxine Czech, 45848 176th St, Watertown SD 57201
Dell Rocky Run Golf Course, 47364 Golf View Drive, Dell Rapids SD 57022
Allen Fugere, Operator, 700 N Main, Estelline SD 57234
W J Sanderson & Alan Blum, 703 1st Ave S, Estherville IA 51334
Darren & Allison Hamilton, 22615 480th Ave, Flandreau SD 57028
Wayne Headrick, 47926 SD Hwy 32, Flandreau SD 57028
Mrs. Raymond D Jensen & Scott Jensen, Operator, 24348 478th Ave, Dell Rapids SD 57022
Larry J Jorgenson, 24048 477th Ave, Trent SD 57065
Ted Lacey, 24064 478th Ave, Trent SD 57065
Thomas A & Patricia K Munk Revocable Living Trust, 15683 State Hwy 105, Austin MN 55912
City of Sioux Falls, Greg Anderson, 224 W 9th St, Sioux Falls SD 57102
City of Sioux Falls, Kelby Mieras, 100 E 6th St, Sioux Falls SD 57104
Diane Best, Assistant City Attorney, City of Sioux Falls, PO Box 7402, Sioux Falls SD 57117-7402

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of May, 2018.

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 20 2003

City of Sioux Falls
Diane Gildemaster
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Dear Ms. Gildemaster:

Enclosed are Water License Nos. 5416-3, 5512-3, 5698-3 and 5775-3 for the Parks and Recreation Department. A map prepared by Lynn Beck is also included for each permit as well as receipts for payment of the license fees.

These are the final water right documents completing the city's process of obtaining Water Rights.

As long as the Parks and Recreation Department uses the water beneficially, as stated in the Water Licenses, State Water Laws provide a continuing right to use the water.

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive, slightly slanted style.

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

NOTE: The applicable portions of No. 5605-3 are incorporated into Water License No. 5698-3.

enclosures



5512-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2006

Galynn Huber
Sioux Falls Parks & Rec Dept
100 E 6th St
Sioux Falls SD 57104-5929

RE: Water Right or Permit Nos. 4231-3, 5416-3, 5512-3, 5556-3, 5698-3, 6157-3

Dear Mr. Huber:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaires. The notice was originally mailed to 600 E 7th St, Sioux Falls SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

Yankton Trails
Park

2008 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2008****REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.**Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

Permit No. 5512-3

KELBY MIERAS

SIOUX FALLS PARKS & REC DEPT

100 E 6TH ST

SIOUX FALLS SD 57104 5929

Any address/ownership corrections?

Telephone No. (605) 367-8222

1. Did you irrigate in 2008? *yes ☒ **no ☐
 *If yes, 50 acres were irrigated out of
 the 35.00 acres covered by Permit No. 5512-3

**If no, check reason(s) for not irrigating:

sufficient moisture ☐ no water available ☐system not constructed ☐ use abandoned ☐enrolled in CRP ☐, through what year? _____other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
 If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the
 system in 2008? yes ☐ no ☒

4. If more than one water source is listed below, circle
 each source used. **A. BIG SIOUX RIVER**

B. City Water Only

5. Provide your water use on the back of this form.

Comment Box

Did not use river water
 inlet plugged - used city water

Need to add acres to be irrigated to this
 water permit - see attached map



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED
DEC - 2 2008
 WATER RIGHTS
 PROGRAM

Acreage permitted for irrigation under No. 5512-3

(see above section map for help reading legal descriptions)

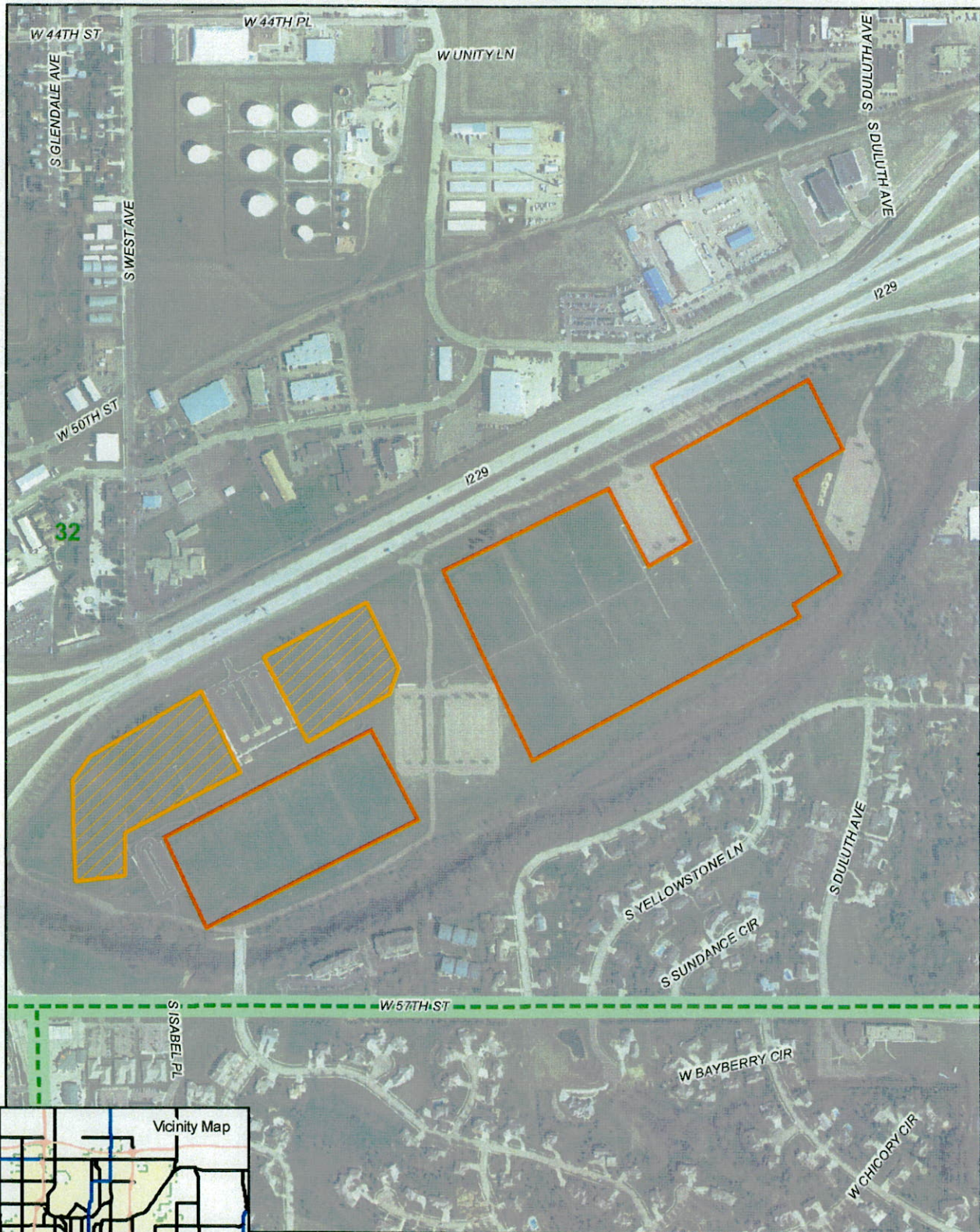
sec 32-T101N-R49W, SE1/4SW1/4 - 7.00 acres
 sec 32-T101N-R49W, NE1/4SE1/4 - 9.00 acres
 sec 32-T101N-R49W, NW1/4SE1/4 - 17.00 acres
 sec 32-T101N-R49W, SW1/4SE1/4 - 2.00 acres

Please provide your 2008 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

Water Right No. 5512-3

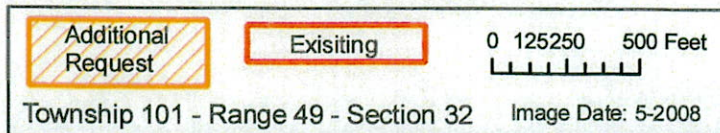
City of Sioux Falls Parks and Recreation Department



RECEIVED
DEC - 2 2008
WATER RIGHTS
PROGRAM



Yankton Trail Park





December 5, 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sioux Falls Parks and Recreation Dept
Diane Gildemaster
2401 W 49th St
Sioux Falls SD 57105

Dear Ms. Gildemaster:

Thank you for submitting the annual Irrigation Questionnaire. Regarding the comments on the questionnaire and our subsequent phone conversation, enclosed is an *Application for a Permit to Appropriate Water* form for the irrigation of additional acreage.

- Please complete the form and have it signed and notarized.
- The application/license filing fee for 0 – 60 acres will be \$200.
- The aerial photo map which I'm returning needs to be signed by a Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- On the map, please mark the location of the Sioux River diversion point with an X.
- The cost of the public notice is the responsibility of the applicant.

For your information, enclosed is a copy of Water License No. 5512-3 and map.

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

Sincerely,

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

enclosures



5512-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2012

NOTICE OF SHUTOFF ORDER

TO: Don Kearney
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57104

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right Nos. 5512-3 & 5698-3.

The flow in the Big Sioux River is below 20 cubic feet per second (cfs) at the USGS gaging station at Sioux Falls Western Ave, SD. A qualification under Water Right Nos. 5512-3 and 5698-3 states that diversions from the Big Sioux River are authorized only when flow past the diversion point is at least 20 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Right Nos. 5512-3 and 5698-3.

Flow in the Big Sioux River has dropped to the point where domestic use of water, which includes livestock watering from the river and diversions for senior water rights, have become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2012

NOTICE OF SHUTOFF ORDER

TO: Kelby Mieras
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right Nos. 5512-3 & 5698-3.

The flow in the Big Sioux River is below 20 cubic feet per second (cfs) at the USGS gaging station at Sioux Falls Western Ave, SD. A qualification under Water Right Nos. 5512-3 and 5698-3 states that diversions from the Big Sioux River are authorized only when flow past the diversion point is at least 20 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Right Nos. 5512-3 and 5698-3.

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I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.

CERTIFICATION

I hereby certify that on July 27, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 27, 2012 regarding shut off orders addressed as stated below:

Big Sioux River Shutoff Order Addresses:

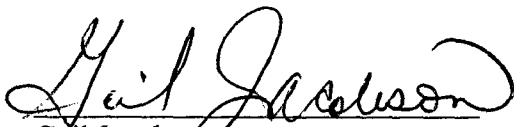
Allen Fugere 1812-3
700 N Main
Estelline SD 57234

WJ Sanderson & Alan Blum 1812-3
703 1st Ave S
Estherville IA 51334

Kelby Mieras 5512-3 & 5698-3
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

Don Kearney 5512-3 & 5698-3
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

Richard Schmit 7350-3
45924 179th Street
Castlewood SD 57223



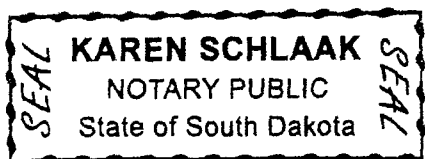
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of July, 20 12.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2012

NOTICE OF SHUTOFF ORDER

TO: Don Kearney
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57104

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right Nos. 5512-3 & 5698-3.

The flow in the Big Sioux River is below 20 cubic feet per second (cfs) at the USGS gaging station at Sioux Falls Western Ave, SD. A qualification under Water Right Nos. 5512-3 and 5698-3 states that diversions from the Big Sioux River are authorized only when flow past the diversion point is at least 20 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Right Nos. 5512-3 and 5698-3.

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I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2018

5512-3 5698-3 6210A-3

CITY OF SIOUX FALLS
KELBY MIERAS
100 E 6TH ST
SIOUX FALLS SD 57104

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Mieras,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. When a number of these permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured.

The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users. In most cases, the proposed changes will reduce the flow bypass requirement on the individual permits. To make the permits consistent, the bypass measuring point will also be designated at a United States Geological Survey (USGS) stream gaging station. The USGS maintains a real-time stream gaging network on the Big Sioux River. Current river flow information can be easily accessed from the internet at the following internet address:

<https://waterdata.usgs.gov/sd/nwis/rt>

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman".

 Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

5512-3 5698-3 6210A-3

City of Sioux Falls
Kelby Mieras
100 E 6th St
Sioux Falls SD 57104

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Ms. Mieras:

The SD Department of Environment and Natural Resources has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. Water Right(s) that you own or operate are included in those proposed to be amended.

Attached is the qualification to be deleted from the water right(s) and the proposed new qualifications.

The proposed amendment to your water right will not impose a more restrictive condition than currently is in place on your water right. In some cases the bypass requirement remains the same but generally the proposed amendment decreases the minimum bypass that must exist before a user is able to pump water from the river. The amendment does designate a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed on-line at <https://waterdata.usgs.gov/sd/nwis/rt>. Many, but not all, water rights referenced the bypass being located at the pump site where there isn't real time flow information.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. Enclosed is the notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. This notice provides information on filing a petition in either support or opposition to the propose amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

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

enclosure

Proposed Qualification Revisions

In order to standardize the qualifications for the 5 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Dell Rapids downstream to the USGS stream gaging station at North Cliff Avenue at Sioux Falls, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 5512-3

Delete Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Review of Big Sioux River Water Rights and Report on Proposed Amendments

February 13, 2018

Introduction

The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or “potholes,” and are commonly referred to as the “Prairie Pothole Region” (Hoogestrat and Stamm, 2015).

As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains snowpack melt and from runoff of larger rain events. Runoff tends to decrease in the late summer months going in to fall and winter.

Qualification Status

A review of Water Right Program files shows there have been 163 water right permits (water permits) issued for the Big Sioux River, some with priority dates going back to statehood. Many of these have been cancelled due to abandonment or forfeiture, some have been incorporated into other water permits and some remain active. An examination of water right files found the Water Resources Commission placed the first bypass qualification, 20 cubic feet per second (cfs) bypass at the diversion point, on a Big Sioux River water permit in Moody County in 1960 (Water Rights, 2018).

After the Water Resources Commission placed the first bypass qualification on a Big Sioux River water permit in 1960, it appears from then until the mid-1990’s, with the advent of real-time accessible stream gaging, the management of water permits from the Big Sioux River was primarily addressed on a river reach basis and the presence of senior priority water permits. Water permits issued in a similar reach with relatively similar priority dates would have the same bypass requirements. Later when water permits were issued, the bypass requirement would be incrementally increased to account for protection of the senior priority water permits (Water Rights, 2018).

The northern most river reach, from the headwaters in southern Roberts County to the Brookings – Moody county line, only has a hand full of permits issued since 1960. Bypass qualifications range from 5 cfs for those water permits issued in the mid-1960’s to 35 cfs for those issued more recently (Water Rights, 2018).

In the Big Sioux River reach from the northern border of Moody County to Dell Rapids, which has the most water permits issued, the 20 cfs bypass requirement was placed on Big Sioux River water permits from 1960 until 1966 when the bypass requirement was raised to 30 cfs for new permits issued. In 1968 the bypass requirement was raised to 35 cfs and was then incrementally increased to 50 cfs by 1976. Many of these water permits have subsequently been cancelled due to abandonment or forfeiture. The most recent water permits issued in this reach contained a 43 cfs bypass requirement (Water Rights, 2018).

In the Big Sioux River reach immediately to the south between Dell Rapids where the Big Sioux River crosses Cliff Avenue on the eastern side of Sioux Falls there have been multiple water permits issued. These contain a 20 cfs bypass requirement. Earlier issued water permits require a 20 cfs bypassed at the diversion point while the later issued ones require a 20 cfs bypass at the United States Geologic Survey (USGS) stream gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018 and USGS, 2018).

The southernmost river reach from where the river crosses North Cliff Avenue in eastern Sioux Falls to the confluence with Missouri River in southern Union County does not have any water permits with bypass requirements. This reach, even during drier climatic conditions has sufficient flow exceeding demand. The additional flow is attributed to effluent discharge from the Sioux Falls waste water treatment plant and contributions from downstream tributaries such as Split Rock Creek near Brandon (Water Rights, 2018).

Currently there are 59 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County, Figure 1. There have been 49 water permits issued since 1960, when the first bypass requirement was enacted, to present which have subsequently been cancelled due to abandonment or forfeiture. Currently 21 of the existing water permits contain some sort of flow bypass qualification. When the water permits were issued with bypass qualifications, it was done because the senior priority water permits were active and being used, so the amount of the bypass requirement placed on the water permit was based on a level to protect senior priority water use. Since there has been significant attrition in the number of active water permits using Big Sioux River water since 1960, with many of them being cancelled, this leaves a somewhat disjointed system of bypass requirements for the remaining water permits. In addition, the City of Sioux Falls holds two active future use permits with 1977 priority dates reserving 30,000 acre-feet of Big Sioux River water in the river reach between the Dell Rapids gage and the North Cliff Avenue gage (Water Rights, 2018 and USGS, 2018).

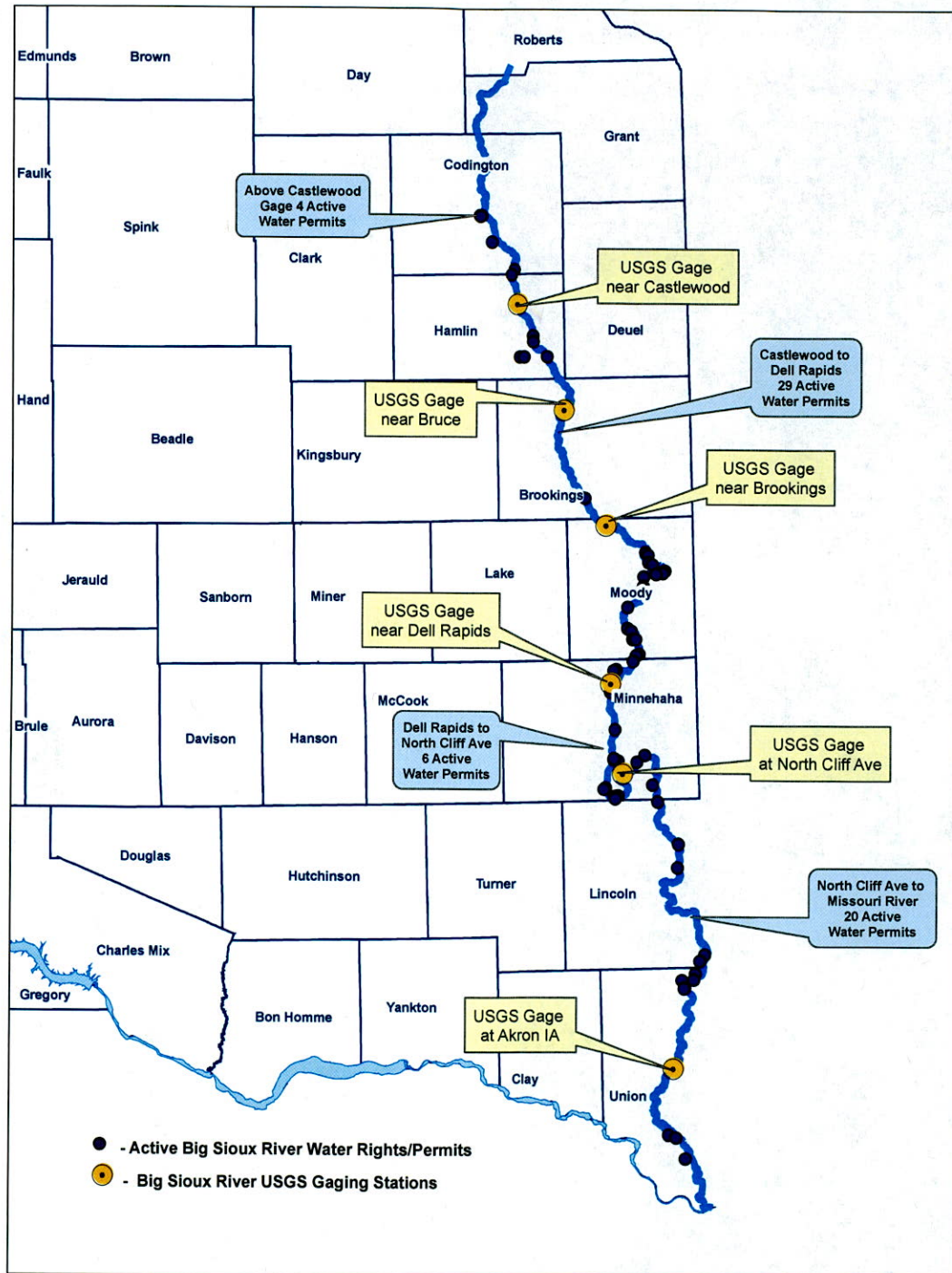


Figure 1. Area map of the Big Sioux River showing the locations of the active water rights/permits and USGS Big Sioux River stream flow gaging stations (Water Rights, 2018 and USGS, 2018).

It is proposed that the existing bypass qualifications for each of the active water permits be reviewed, taking into account the amount of bypass required, the presence of existing rights, the location of the diversions points, and the historical river flow conditions along the various reaches of the river. This review will determine if it is justified to recommend modifications of the existing bypass qualifications.

Authority

SDCL 46-1-14 gives the Water Management Board the authority to amend water right permits. Water permits issued by the board may be amended by the board with priority retained upon amendment. The board may alter terms, conditions, restrictions, qualifications or quantifications.

South Dakota Codified Law

46-1-14. Terms and conditions of permits and licenses--Amendment. The Water Management Board may issue any permit or license subject to terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity consistent with this chapter which it considers necessary to protect the public interest and which are related to matters within the jurisdiction of the board. Water rights issued pursuant to this section may be amended by the board and priority is retained upon amendment. Upon amendment the board may alter terms, conditions, restrictions, qualifications, or quantifications consistent with this chapter.

46-2-3.1. Delegation of authority to chief engineer--Restrictions. The Water Management Board may delegate to the chief engineer authority to act on its behalf concerning the quasi-judicial functions of interpreting, applying, and enforcing existing rules and laws and ordering action or abatement of action. The board may not delegate any other quasi-judicial functions as defined in § 1-32-1, except as otherwise provided by law. The board may promulgate rules pursuant to chapter 1-26 to delegate to the chief engineer the authority to issue permits pursuant to § 46-1-14.

46-2-17. Chief engineer's general enforcement authority. The chief engineer may:

- 1) Investigate the use of the waters of the state and compliance with the provisions of water permits, licenses, rules, regulations, and laws relating to water rights;
- 2) Institute enforcement and other proceedings before the Water Management Board;
- 3) Enforce orders of the board; and
- 4) Perform other acts authorized by statute or regulation.

46-2-18. Chief engineer's authority to order discontinuance of water use. The provisions of chapter 1-26 notwithstanding, the chief engineer may, after appropriate investigation, issue an order to any person to shut off or limit the person's use of surface or groundwater, or to plug or otherwise control a well. The order may be issued only to protect another user who has higher or earlier priority or to cause a user of water to discontinue the use of water to which the user has no legal right. Upon a refusal to obey the order, the chief engineer may request a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of the order.

The 21 remaining active water permits authorized to divert water from the Big Sioux River having bypass requirements are subject to SDCL 46-2-3.1, 46-2-17, and 46-2-18, as are all water permits. These statutes give the Chief Engineer the ability to issue written orders within the context of authority granted under the statutes. The remaining 37 active water permits without any bypass requirements authorized to use Big Sioux River water either have priority dates senior to 1960 or are located in the river reach between the North Cliff Avenue gage and the confluence with the Missouri River. There is no intent with this effort to place bypass qualifications on these 37 water permits that do not currently have bypass qualifications.

Evaluation of the Existing Flow Bypass Qualifications and River Reach

The active Big Sioux water permits containing bypass qualifications vary on where the flow bypass is to be measured. The ones with earlier priority dates require a minimum flow past the diversion point. Because it is

impractical for the water user to measure flow at their pump site the more recently issued permits contained bypass qualifications referenced to a nearby United States Geological Survey (USGS) stream flow gaging stations.

In the section of river from southern Codington County to a point where the Big Sioux River crosses North Cliff Avenue in eastern Sioux Falls, three of the USGS gaging stations allowing access to real-time stream flow information have been used as measuring points for bypass limits from the river. See Table 1 (USGS, 2018).

Station Number	Station Name	Years Operated
06479525	Big Sioux River near Castlewood SD	1977-2017
06481000	Big Sioux River near Dell Rapids SD	1949- 2017
06482020	Big Sioux River at North Cliff Ave at Sioux Falls SD	1972- 2017

Table 1. USGS Big Sioux River stream flow gaging stations located near Castlewood, near Dell Rapids and at North Cliff Avenue in Sioux Falls SD (USGS, 2018).

The USGS has collected daily flow data at these gaging stations over several years. The USGS maintains an archive of historical flow and statistical flow data for these gaging stations that can be accessed by the public. A major concern in setting bypass qualifications is to identify the times when the river is experiencing lower flows and also to identify when those lower flows occurred. A review will focus on events when a particular stream segment experiences the lower half of the daily flow. Median, otherwise referred to as 50 percentile (50%), is used to help understand the central tendency of a set of statistical results with the lower half of measured daily flow values being at or less than the 50% value. Based on the period of record for each gage site, the daily flow value or less would be expected to occur on average 10 out of 20 years. At the 25 percentile (25%) flow value, the daily flow would be expected to be at or below that value an average of 5 out of 20 years. At the 10 percentile (10%) flow value, the daily flow would be expected to be at or below that value an average of 2 out of 20 years, (USGS, 2018).

Analysis and Proposed Qualification Revisions

A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review took into consideration the existing water rights, the qualifications, the authorized use, the location of the diversion points, the annual period of use, and historic stream flow data.

Based upon this review, the river was broken into four separate bypass management reaches. The upper most reach is from the headwaters down to the Castlewood gage. The next reach is from the Castlewood gage to the Dell Rapids gage. The third reach is from the Castlewood gage to the North Cliff Avenue gage at Sioux Falls, and the final reach is from the North Cliff Avenue gage to the confluence with the Missouri River at North Sioux City.

The bypass qualifications originally adopted in the 1960's by the Water Resources Commission of 5 cfs for the reach north of Castlewood and 20 cfs for the reach between Castlewood to Dell Rapids were based on Water Rights staff recommendations. The recommendations were based on water use and flow history for each of those reaches. The 20 cfs bypass requirement for the river reach between Dell Rapids and Sioux Falls was first placed on a water permit in 1989 by the Water Management Board, a successor to the Water Resources Commission, following a low flow analysis by Water Rights staff for the Big Sioux River in that reach (Water Rights, 2018).

Of the 21 existing water permits containing some sort of flow bypass qualification all but two are for irrigation use. The two permits not for irrigation are for municipal use and are held by the City of Sioux Falls. Since most of the water permits having bypass qualifications were issued for irrigation, the following discussion

references a typical crop irrigation season of May 1 to October 15. The analysis focused on the typical irrigation season because this is characteristically when water management actions, such as issuing of shutoff orders by the Chief Engineer, would occur.

The irrigation season for grasses, as would be grown on golf courses and parks, may extend outside the typical irrigation season and run from the early April through late October. Of the four existing water permits for irrigation one is for a golf course at Dell Rapids and three are for irrigating golf courses and soccer fields in Sioux Falls (Water Rights, 2018).

Headwaters to Castlewood Reach

On the upper Big Sioux River there are four existing water permits, two are for storage in lakes Pelican and Kampeska and the other two are for irrigation. The two irrigation water permits containing a bypass qualification both are located approximately five miles upstream from the USGS stream gaging station near Castlewood. The total current authorized diversion rate for this reach is 4.26 cfs. Figure 2 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

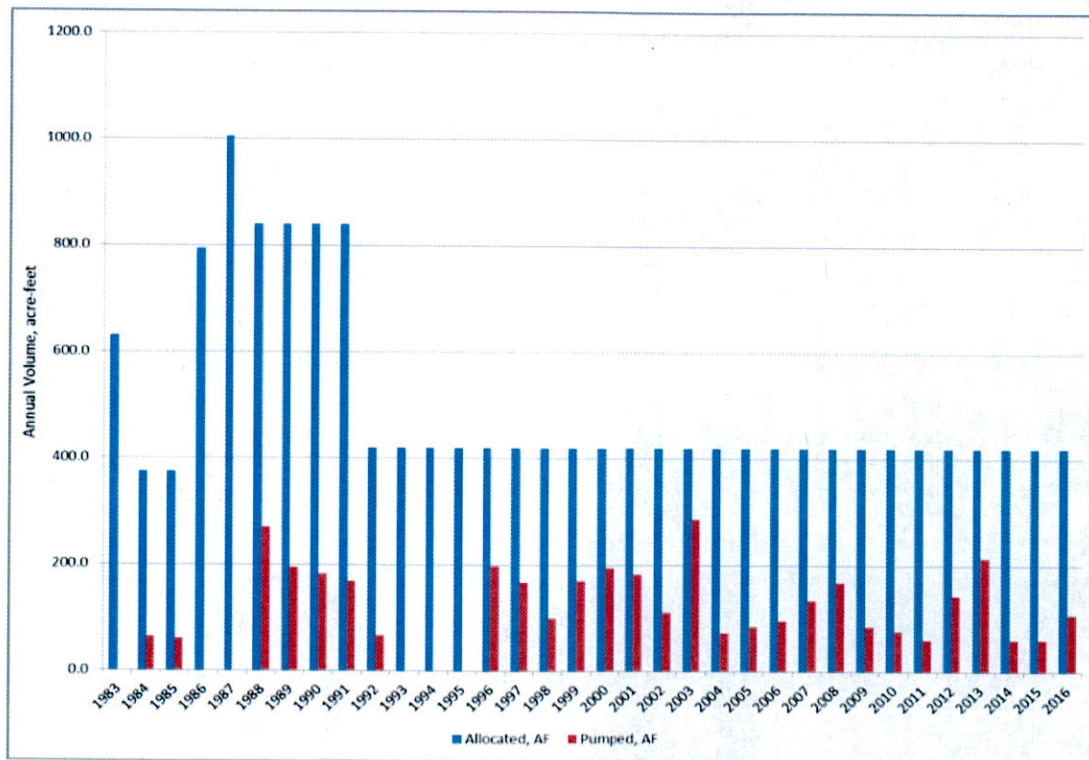


Figure 2. Total irrigation allocation and reported use from the Big Sioux River for the river reach upstream from the USGS gaging station near Castlewood (Water Rights, 2018).

On November 8, 1967, the Water Resources Commission set the initial bypass limit of 5 cfs on a water permit located in the upper river reach north of the Castlewood gage. The application for this water permit had been opposed at a previous meeting so the Commission deferred action and directed staff to investigate. At that time, staff determined excess water was available most years May through July, sometimes available in August and seldom available in September and October. In 2012, a permit was issued in this reach with a 35 cfs bypass qualification. This bypass requirement was the same one

previously placed on a downstream senior priority water permit located in the Castlewood to Dell Rapids reach (Water Rights, 2018).

Figure 3, is a hydrograph for the Castlewood gage showing the 50, 25 and 10 percentile daily flows for the 41 year period of record, 1977 to 2017. In Figure 3, the 10 percentile curve is above the 5 cfs line from the beginning of the irrigation season until the last 10 days of July. The 25 percentile curve is greater than 5 cfs throughout the irrigation season.

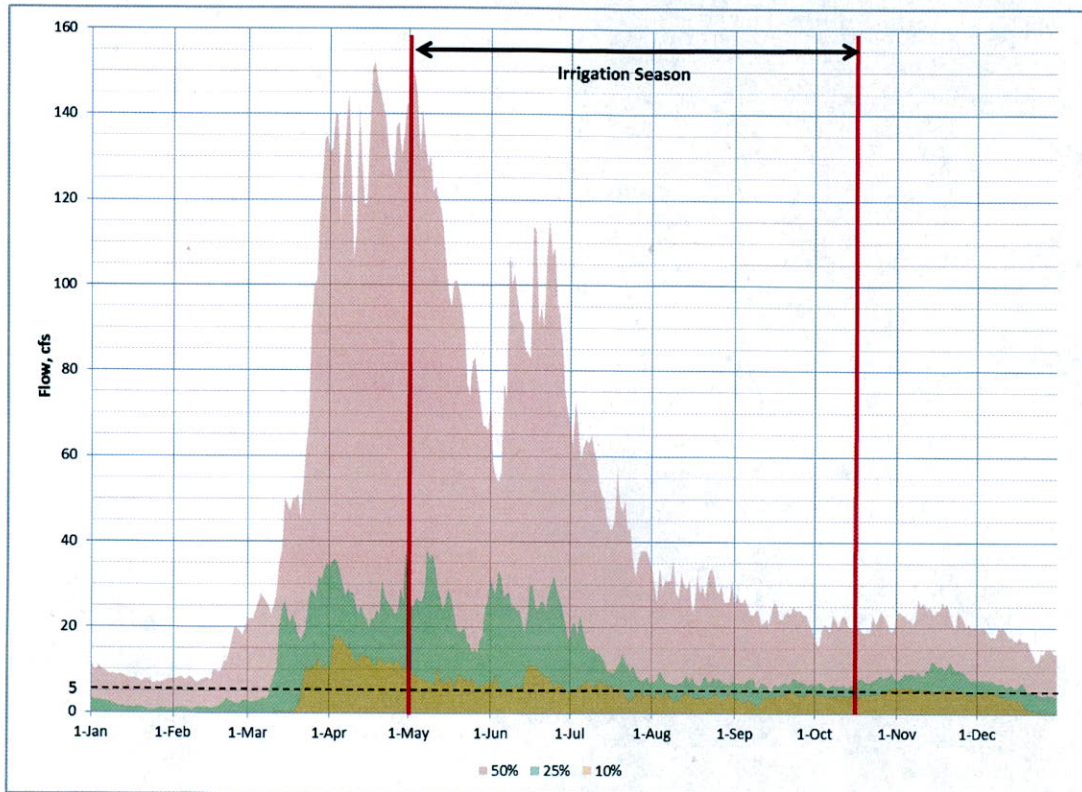


Figure 3. Daily percentile flow hydrographs for the USGS Big Sioux River near Castlewood 1977-2017, contributing drainage area 579 mi² (USGS, 2018).

The frequency of low flow events in the upper most river reach was examined by considering how many actual days the average daily flow was less than 5 cfs during the typical irrigation season of May through mid-October over the 41 year period of record. During that time frame 9.2% of the days that had flow less than 5 cfs fell within the May to mid-October irrigation season (USGS, 2018).

Figure 4 shows for the period of record at the Castlewood gage, the total number of days each year the average daily flow in the Big Sioux River was less than 5 cfs. This figure indicates this reach experiences dry climatic conditions causing several day periods of low flow less than 5cfs. The figure also shows there are many more years when the 5 cfs threshold is not met.

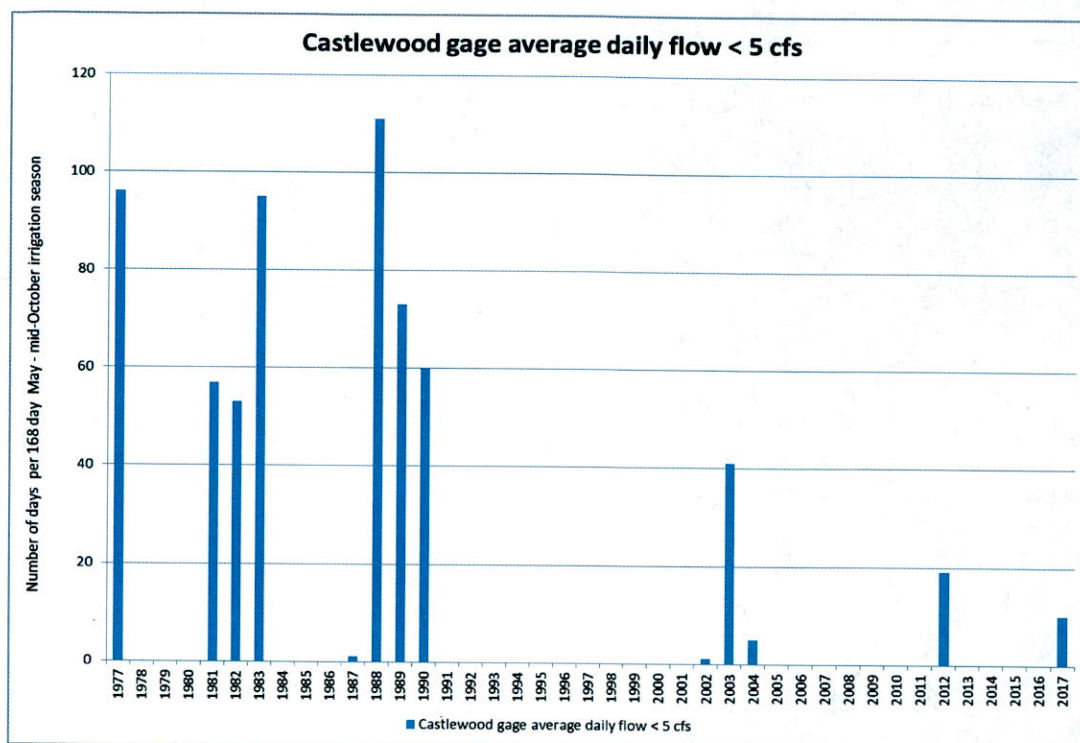


Figure 4. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Castlewood was less than 5 cfs (USGS, 2018).

In this reach it is proposed for both of the existing irrigation water permits, the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Castlewood to Dell Rapids Reach

The river reach between the Castlewood gage and the Dell Rapids gage contains 29 active water permits. One of existing water permits is for flood flow diversion, two are for storage in Poinsett and Dry lakes and two water permits are for instream storage in Flandreau Dam and Dell Rapids Dam. The remaining 24 existing water permits are for irrigation, with 14 water permits containing bypass qualifications. The total current authorized diversion rate for this reach is 31.86 cfs. Figure 5 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

In this Big Sioux River reach the original 20 cfs bypass requirement was placed on Big Sioux River water permits in April of 1960 by the Water Resources Commission based upon Water Rights staff review and recommendation to set bypass levels on permits. The bypass requirement was raised in 1966 to 30 cfs and was incrementally increased to 50 cfs by 1976. As stated earlier, many of these water permits have subsequently been cancelled due to abandonment or forfeiture (Water Rights, 2018).

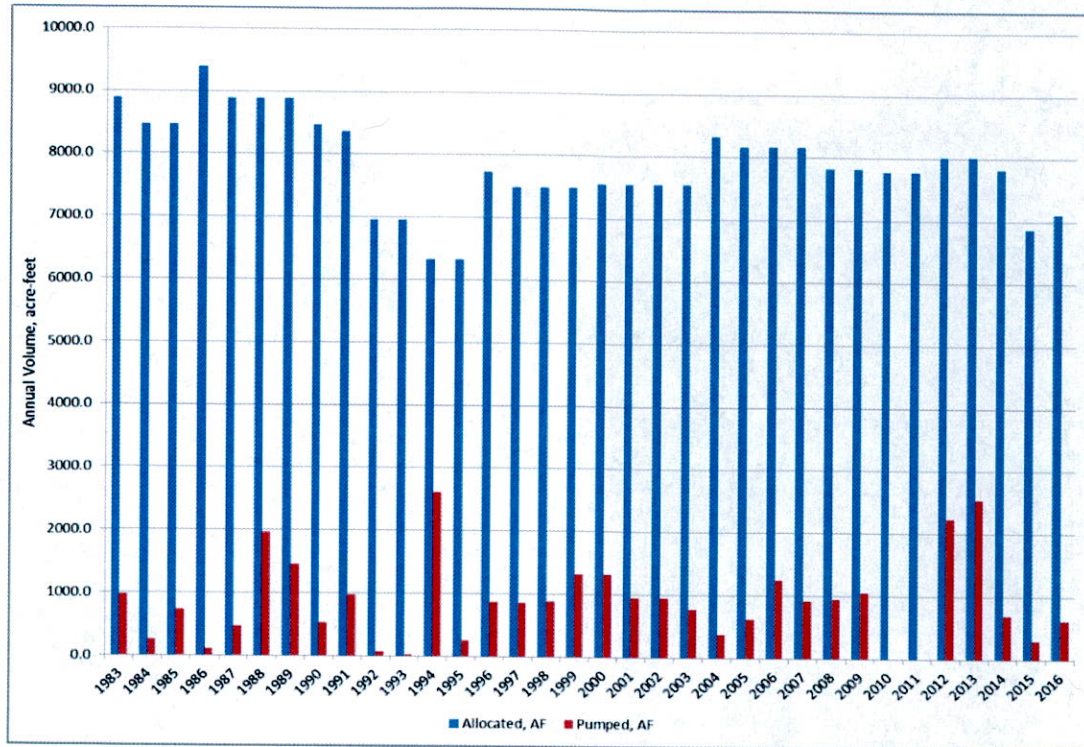


Figure 5. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Castlewood to the gaging station near Dell Rapids (Water Rights, 2018).

The current bypass limits on existing water permits in this reach range from 20 cfs to 50 cfs with some of the limits set at the diversion point and some measured at the Dell Rapids gage. Using the original 20 cfs bypass as the benchmark, this bypass level was compared to the historic flow record for the Dell Rapids gage. Figure 6 shows the daily percentile flow hydrographs for a 68 year period of record dating back to 1948 for the USGS stream gaging station near Dell Rapids. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the last ten days of August (USGS, 2018).

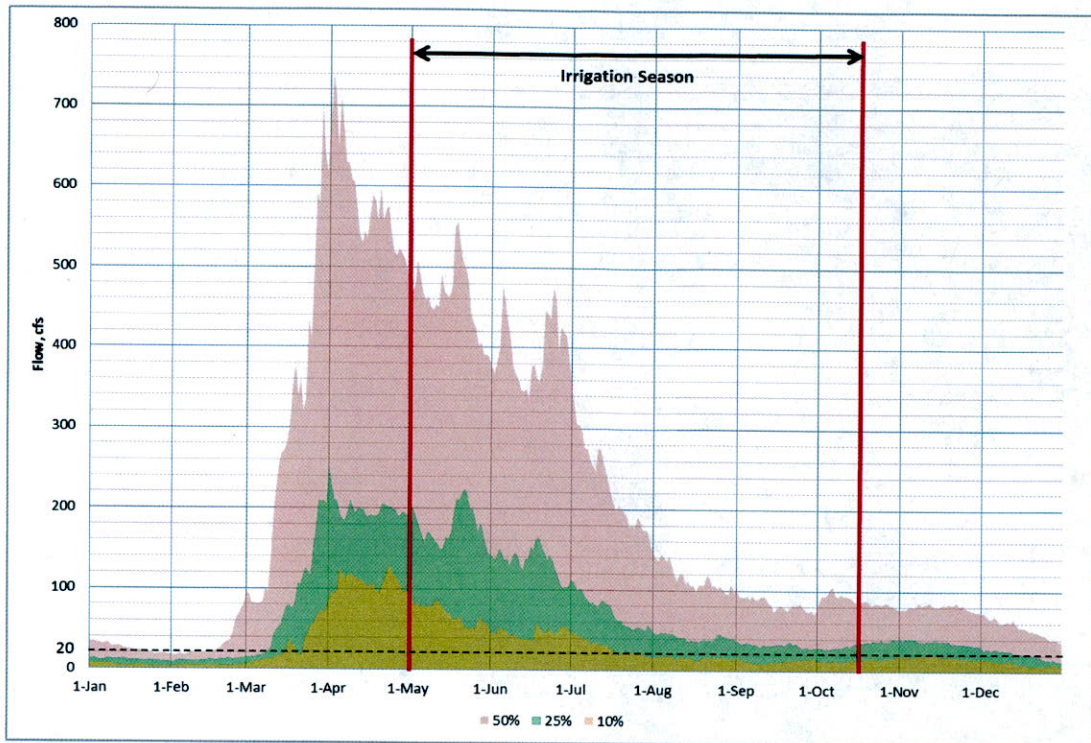


Figure 6. Daily percentile flow hydrographs for the USGS Big Sioux River gage near Dell Rapids 1949-2017, contributing drainage area 3057 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 69 year period of record. During that time frame 7.2% of the days had flow less than 20 cfs within May to mid-October irrigation season (USGS, 2018).

Figure 7 shows for period of record at the Dell Rapids gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what is seen in the upstream reach, this reach also experiences dry climatic conditions causing several days of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

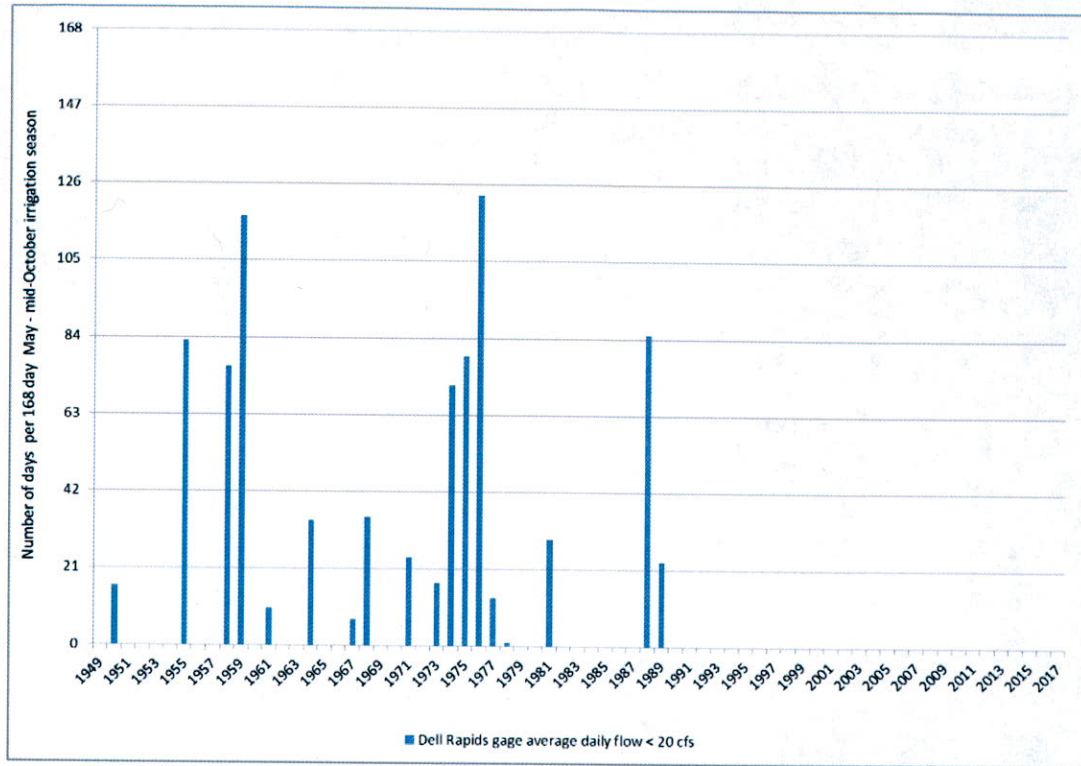


Figure 7. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Dell Rapids was less than 20 cfs (USGS, 2018).

In this reach it is proposed for the 14 existing irrigation water permits the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Dell Rapids to North Cliff Avenue at Sioux Falls Reach

In the river reach between the Dell Rapids gage and the North Cliff Avenue at Sioux Falls gage there are six existing water permits. The total current authorized diversion rate for this reach is 87.33 cfs. One right is for instream storage at Baltic Dam, two of the existing rights are for municipal use, and three are for irrigation. The bypass requirement for five existing rights with qualifications is 20 cfs. Three of the water permits require 20 cfs bypassing the diversion point and two requiring measurement of the flow bypass at the North Cliff Avenue gage. It should also be noted the City of Sioux Falls holds two future use permits located in this reach reserving up to 30,000 acre-feet from the Big Sioux River. The Water Management Board did a seven year status review of these permits in July of 2016. The Board ruled to allow these future use permits to remain in effect for the full 30,000 acre-feet for an additional seven years. Figure 8 shows the total annual appropriated volume and reported irrigation usage volume for the years 1983 to 2016, and Figure 9 shows the total annual appropriated volume and reported municipal usage volume for the years 1983 to 2016 in this reach (Water Rights, 2018).

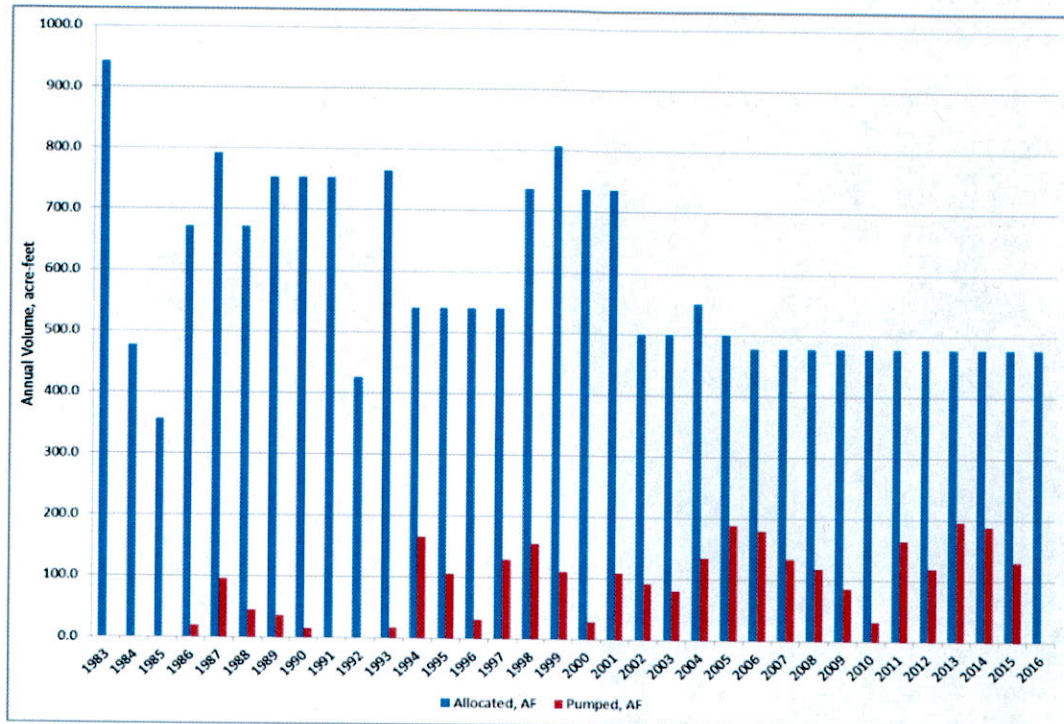


Figure 8. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

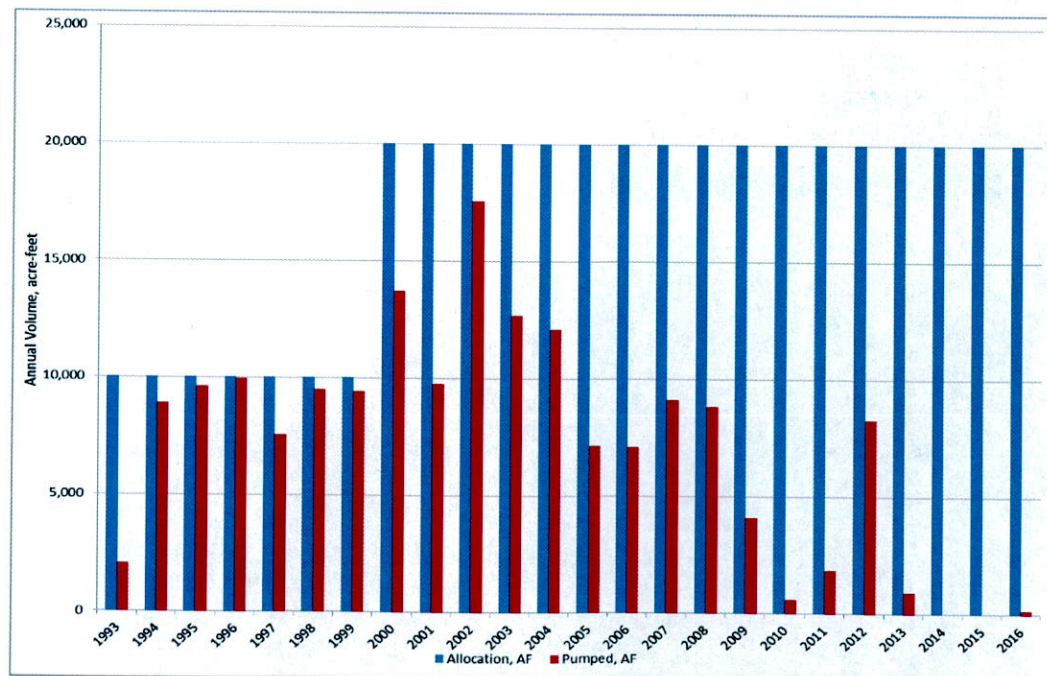


Figure 9. Total municipal allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

Figure 10 shows the daily percentile flow hydrographs for a 45 year period of record dating back to 1971 for the USGS stream gaging station at North Cliff Avenue at Sioux Falls. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the curve drops slightly below 20 cfs line for a few days the first part of September before rising above 20 cfs for the remainder of the irrigation season (USGS, 2018).

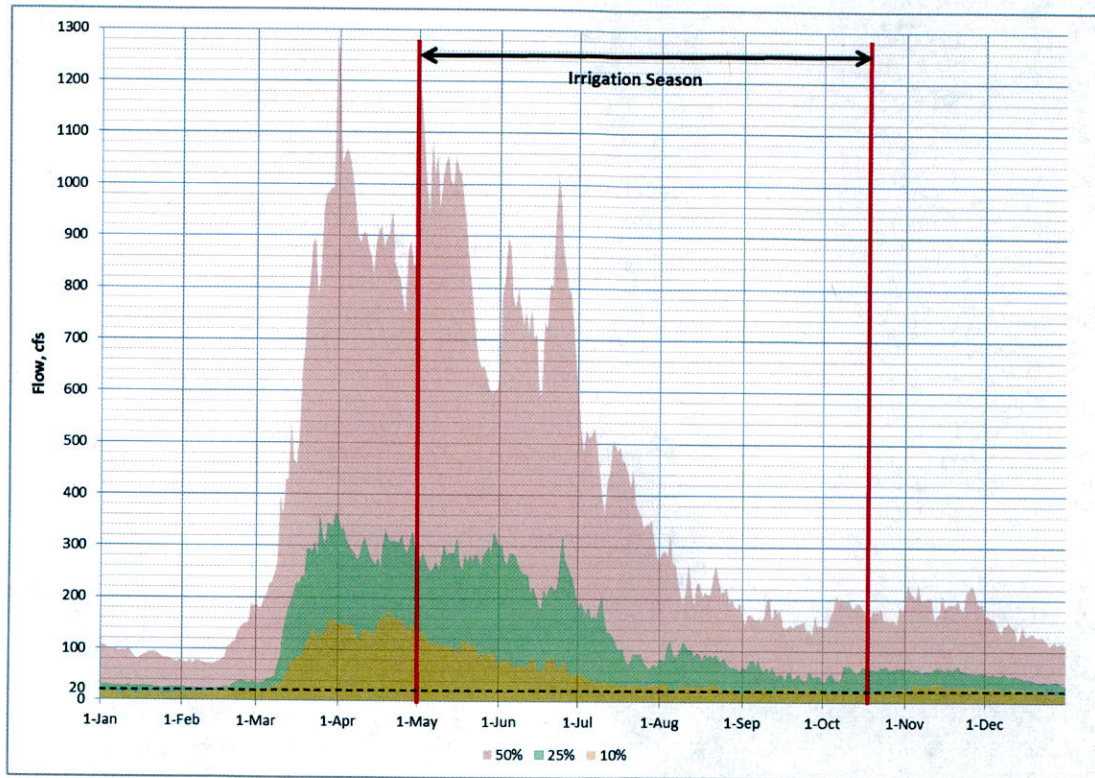


Figure 10. Daily percentile flow hydrographs for the USGS Big Sioux River gage at North Cliff Ave at Sioux Falls 1971-2017, contributing drainage area 3778 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 45 year period of record. During that time frame 2.6% of the days had flow less than 20 cfs fell within May to mid-October irrigation season (USGS, 2018).

Figure 11 shows for period of record at the North Cliff Avenue gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what was experienced in the upstream reaches, this reach can also experience during dry climatic conditions causing several day periods of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

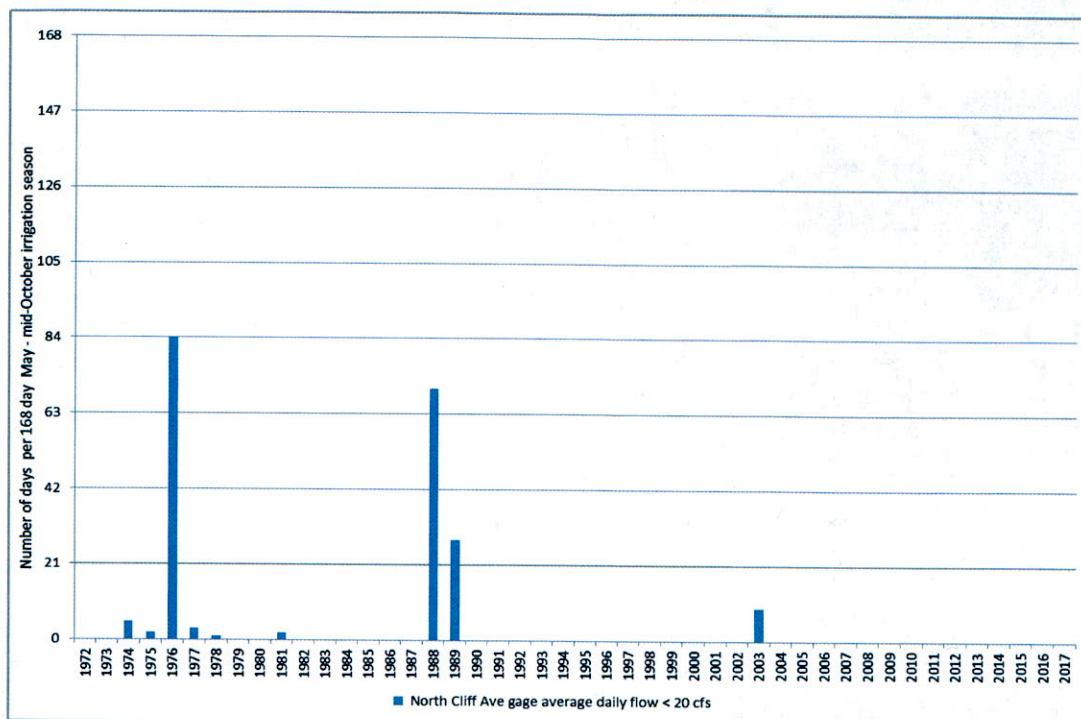


Figure 11. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station at North Cliff Avenue at Sioux Falls was less than 20 cfs (USGS, 2018).

The five existing water permits in this Big Sioux River reach all contain a 20 cfs bypass requirement. The earlier issued water permits required 20 cfs bypassed at the diversion point while the later issued ones required a 20 cfs bypass at the USGS gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018). In this reach it is proposed the existing bypass qualification on these five permits retain the 20 cfs bypass requirement but the qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

North Cliff Avenue at Sioux Falls to the Missouri River Confluence Reach

The southern reach of the Big Sioux River from the North Cliff Gage to the confluence with the Missouri River in southern Union County does not have any active water permits having bypass qualifications. As shown in Figure 12, the 10 percentile curve is above 50 cfs value throughout the entire irrigation season. This reach has not historically experienced a water shortage, and the Chief Engineer has not had to issue shutoff orders for any of the existing water permits located in this reach. There is not a proposal to amend any of the existing water permits in this lower reach of the Big Sioux River (USGS, 2018).

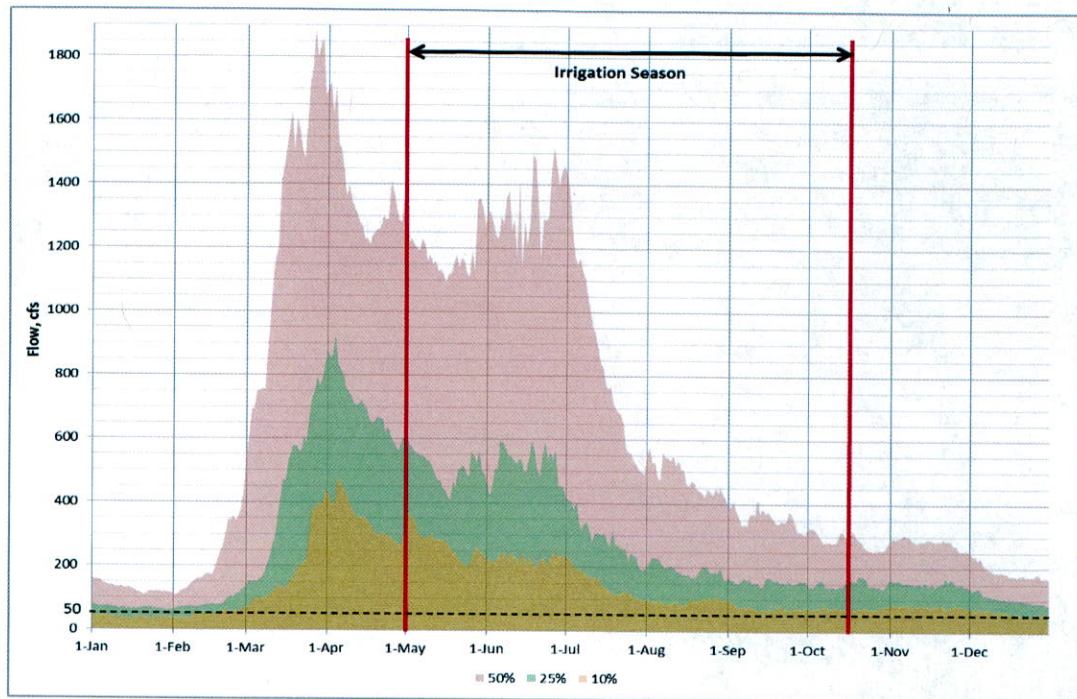


Figure 12. Daily percentile flow hydrographs for the USGS Big Sioux River gage at Akron IA 1971-2017, contributing drainage area 6995 mi² (USGS, 2018).

Considering Future Water Use

Anticipating future water demands from the Big Sioux River and climatic conditions may change over time. Particularly with the City of Sioux Falls holding two future use permits bearing a 1977 priority date reserving up to 30,000 acre-feet of water. It is proposed the following qualification be placed on all of the water permits being amended:

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.

Specific Proposed Qualification Revisions by Water Permit

In order to standardize the bypass qualifications for the existing water permits containing bypass qualifications in the Big Sioux River reach upstream from the USGS stream gaging station near Castlewood, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 1437-3

Delete Qualification:

- Diversions of water under this permit can only be made when there is flow of 5 or more cubic feet per second of water flowing at the diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Permit No. 7350-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 35 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the bypass qualifications for the 14 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Castlewood downstream to the USGS stream gaging station near Dell Rapids, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 956-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1175-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1302-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1350-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids

when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1500-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1696-3

Delete Qualification:

- Natural flows in the Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Sioux River portion of this permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1801-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1812-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2065-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 45 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2952-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 40 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6042-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 41 cfs is flowing past the Dell Rapids USGS Gaging Station, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6124-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 50 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 7110-3

Delete Qualification:

- Low flows as needed for domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 43 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, or unless written orders have been issued by the Chief Engineer. Diversions under this permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 8195-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020 and 43 cfs is flowing at the Dell Rapids USGS Gaging Station No. 06481000, unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the qualifications for the 5 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Dell Rapids downstream to the USGS stream gaging station at North Cliff Avenue at Sioux Falls, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 5431-3

Delete Qualification:

- Permit No. 5431-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs can be bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5512-3

Delete Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5698-3

Delete Qualification:

- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River,

when pumping, unless at least 20 cfs is flowing at the Cliff Avenue USGS Gaging Station, or unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210A-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are subject to senior water rights and any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Conclusions

1. Currently there are 58 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County. Currently 21 of the existing water permits contain some sort of flow bypass qualification.
2. Since many water permits have been cancelled over the years, the system of various bypass requirements on several existing Big Sioux water permits are not putting water to beneficial use to the highest extent possible for the current water permit holders. The system is also difficult to manage for the Water Rights Program.
3. A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review was completed of the original bypass requirements taking into consideration the existing water rights, the qualifications placed on them, their authorized use, the location of their diversion points, their annual period of use and historic stream flow data.

4. Based upon this review, the river was broken into four separate bypass management reaches and standardized qualifications are proposed for each of these reaches.
5. Anticipating future water demands from the Big Sioux River and climatic conditions may change over time, the amendments to the water permits being amended should also contain a qualification allowing the Water Management Board to retain jurisdiction to address future issues if as necessary.
6. On the reach upstream from the Castlewood gaging station, for the two water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
7. On the reach between the Castlewood gaging station and the Dell Rapids gaging station, for the 14 water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
8. On the reach upstream from the Dell Rapids gaging station to the North Cliff Avenue gaging station, for the five water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

9. The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.



Mark D. Rath
Natural Resources Engineer III

References

- Hoogestraat, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945–2013. USGS Scientific Investigations Report 2015-5146.
- USGS. 2018. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
- Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:36 AM
To: allegals@argusleader.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible 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, February 09, 2018 8:37 AM
To: mce6@mcisweb.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible 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, February 09, 2018 8:35 AM
To: svn@siouxvalleynewsonline.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible 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, February 09, 2018 8:34 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018 in the Hamlin County Republican, Castlewood SD.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible 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, February 09, 2018 8:32 AM
To: legals@thepublicopinion.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

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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, February 09, 2018 8:37 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

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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, February 09, 2018 8:38 AM
To: G5 (leader1@iw.net)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

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

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



CUSTOMER NUMBER:	78306	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	2727212	
RUN DATES:	2/15, 2018	AMOUNT DUE: \$162.36

RECEIVED
FEB 20 2018
WATER RIGHTS PROGRAM

Attn: Karen Schlaak
Water Rights Program
523 E. Capital - Jose Foss Building
Pierre, SD 57501-0000

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 78306
Invoice Number: 902065

523 E. Capital - Jose Foss Building

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday	the	15	day of	February	2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,

and that \$162.36 was charged for publishing the same

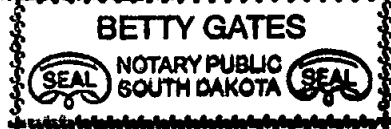
Sara Kruse

Subscribed and sworn to before me 2/15/18

Betty Gates

Notary Public, South Dakota

My Commission expires March 14, 2023



amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in or near the water right. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass of one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
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3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

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The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water rights in South Dakota. The objective is to bring consistency among the Water Rights Program and the ability for the Chief Engineer to issue written condition orders to allow pumping to continue if climatic conditions are favorable. The referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements. Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if the hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts of the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting. The Chief Engineer's and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a party's 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board, you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once on an approximate cost of \$162.36. 2727212 Feb 15, 2018

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

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February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 677349
Dallas, TX

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication

AMOUNT: \$162.36

FUNDING SOURCE:

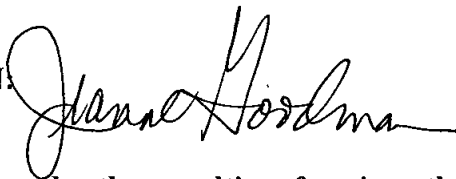
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIVED

MAR 07 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

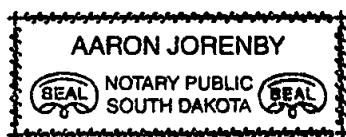
Leg#164 Notice on Hearing

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

February 15, 2018

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Sixty-Seven Dollars and Seventy-Three Cents \$67.73



KM Foiles

26 day of

February

2018

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 164, 1x, 2/15
NOTICE OF HEARING
ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

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- Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.
- The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.
- The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.
1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from

the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer.

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773-3352.

Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$67.73.

March 7, 2018

PAYMENT REQUEST FORM

PAYEE: Brookings Register
PO Box 177
Brookings, SD 57006-0177

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$67.73

FUNDING SOURCE:

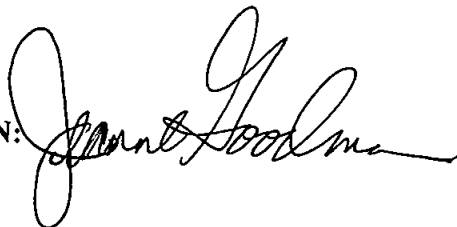
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

312 5TH ST
P.O. BOX 177
BROOKINGS, SD 57006-0177
Phone (605) 692-6271 Fax (605) 692-2979

WATER RIGHTS PROGRAM

CUSTOMER NUMBER 106003

AMOUNT \$ _____
ENCLOSED _____

REMIT TO: **BROOKINGS REGISTER** • P.O. BOX 177 • BROOKINGS, SD 57006-0177

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of hearing on Chief Engineer's Recommendation for Big Sioux River Water Rights

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

2-14-18

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

\$ 75⁶²

M. L. Headrick bookkeeper
Subscribed and sworn to before me this

15th day of February AD 2018

Notary Public, County Moody, South Dakota
ROGER W. JANUSSEN

NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2/14/18

RECEIVED

FEB 28 2018

WATER RIGHTS
PROGRAM

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

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The proposed amendment will not impose any conditions more restrictive than the conditions currently in place

on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the

County of _____

AFFIDAVIT OF PUBLICATION

Filed in the office of _____

on the _____ day

Attorney for _____

Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

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

Published once at approximate cost of \$76

March 2, 2018

PAYMENT REQUEST FORM

PAYEE: Moody County Enterprise
PO Box 71
Flandreau, SD 57028

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$75.62

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Invoice
Moody County Enterprise
PO Box 71
Flandreau, SD 57028

Water Rights
523 E Capitol
Pierre SD 57501

Date	Item advertised	Rate
2-14-18	Notice of Hearing	75.62
Total		\$75.62

Payment can be sent to us at the above address.
Thank you

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

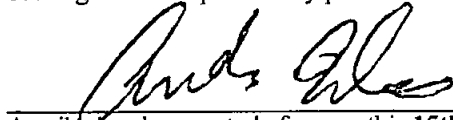
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

**DENR Water Rights Program
Notice of Hearing**

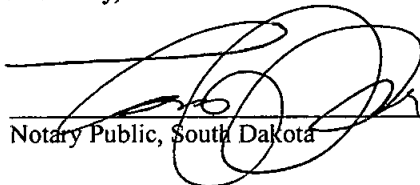
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

February 15, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$72.47 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

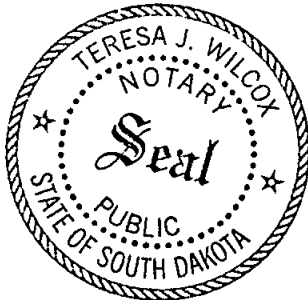


Ascribed and sworn to before me this 15th day of
February, 2018.



Notary Public, South Dakota

(Seal)



**NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS**

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
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Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those

water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the

My Commission Expires
December 9, 2020

RECEIVED

FEB 26 2018

**WATER RIGHTS
PROGRAM**

hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

* The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

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

Published in the Sioux Valley News
on February 15, 2018, at the total
approximate cost of \$72.47.

February 26, 2018

PAYMENT REQUEST FORM

PAYEE: Sioux Valley News Inc.
PO Box 255
Canton, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication-Big Sioux River

AMOUNT: \$72.47

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Sioux Valley News Inc.
213 East 5th St P O Box 255
Canton SD 57013

Statement	2/22/2018	50
	DATE	NUMBER

Phone Number: (605) 764-2000
Please return yellow copy
with payment.

Next Closing Day March 29, 2018

ID# 541

Dept of Environment & Natural Resou
Attn: Karen Water Rights Program
523 East Capitol, Joe Foss Building
Pierre SD 57501

We now offer online Subscriptions!
www.SiouxValleyNewsOnline.com

Balance Due: 72.47

Date	Description	Units	Debit	Credit
02/15/2018	Legals		72.47	
	Big Sioux River Notice			
	Balance Due		72.47	

Current	30	60	90	90+
72.47	0.00	0.00	0.00	0.00

Service charge of 1-3/4% per month (21% per year) on accounts 30 days past due. Minimum charge \$30.
In addition, costs and reasonable attorney's fees for collection may be charged.

RECEIVED

FEB 22 2018

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettstad

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 15, 2018

Cost of Printing \$131.01

Jackie Wettstad
(Signature)

Accounting Clerk
(Title)

2/19/18
(Date Signed)

DEPT OF ENVIRONMENT AND NATURAL RESOURCES

**NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS**
Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
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3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$126.01.
(February 15, 2018)

February 22, 2018

PAYMENT REQUEST FORM

PAYEE: Watertown Public Opinion
120 3rd Avenue NW
Watertown, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$131.01

FUNDING SOURCE:

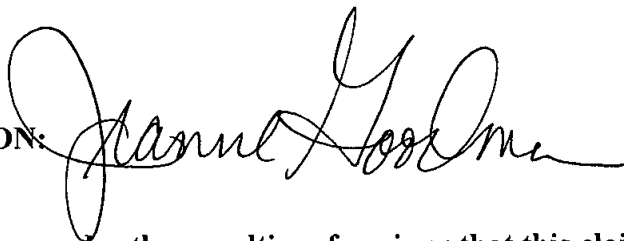
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

A handwritten signature in black ink, appearing to read "Hannah Goodman", written over the "AUTHORIZATION:" label.

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

FEB 20 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republicanprinted and published in CastlewoodCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Feb 14, 2018Cost of Printing \$69.09LeeAnne Dufek
(Signature)Owner
(Title)2-14-2018
(Date Signed)NOTICE OF HEARING ON CHIEF
ENGINEER'S RECOMMENDA-
TION FOR BIG SIOUX RIVER
WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

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Steven M. Pimer, Secretary
Department of Environment and Natural Resources.

Published Feb. 14, 2018, at total cost of \$69.09.

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Hamlin County Publishing Inc.
PO Box 50
Castlewood, SD 57223

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing Big Sioux River

AMOUNT: \$69.09

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Statement

B 2 0 2018

Bill To
DENR Teresa Williams Air Quality Program 523 E. Capitol, Joe Foss Bldg. Pierre, SD 57501

Date	Description	Amount	Balance
02/13/18	Balance forward		0.00
02/14/18	Water Rights Notice of Hearing	69.09	69.09

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$69.09	\$0.00	\$0.00	\$0.00	\$0.00	\$69.09

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 15 day of February, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 70.99, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.


Subscribed and sworn to before me

this 15 day of February, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River

water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;

2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;

3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information

shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or

contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the

time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, 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." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Publish Feb. 15, 2018
Published once the total approximate cost of \$70.99
7-4-231

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Southern Union County Leader-Courier
PO Box 310
Elk Point, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$70.99

FUNDING SOURCE:

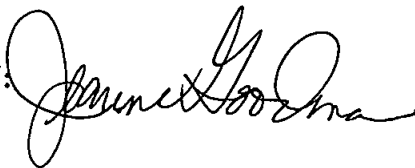
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Southern Union County **LEADER-COURIER**

*The community newspaper of Dakota Dunes, Elk Point,
Jefferson, McCook Lake and North Sioux City.*

RECEIVED

FEB 20 2018

**WATER RIGHTS
PROGRAM**

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

2/15/18

DATE	INVOICE	DESCRIPTION	CHARGES	BALANCE
2/15/18	SJ073117	Notice of Hearing- Big Sioux River	\$70.99	\$70.99

Finance Charge \$0.00

AMOUNT DUE* \$70.99

*Includes finance charges on amounts more than 30 days past due.

**PO Box 310
Elk Point, SD 57025
Phone 605-356-2632
Fax 605-356-3626**

**PO Box 1457
North Sioux City, SD 57049
Phone 605-235-1914
Fax 605-232-3679**

FEB 26 2018

WATER RIGHTS
PROGRAMCity of
Sioux Falls

City Attorney

Providing a Better Quality of Life for You!

KAREN A. LEONARD
Deputy City Attorney
kleonard@siouxfalls.org

DANIEL J. BROWN
Assistant City Attorney
dbrown4@siouxfalls.org

RYAN J. SAGE
Assistant City Attorney
rsage@siouxfalls.org

100 S. Dakota Ave., Ste. 200
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8880

KEITH E. ALLENSTEIN, JR.
Assistant City Attorney
Police and Fire Legal Advisor
kallenstein@siouxfalls.org

(Law Enforcement Center)
320 W. Fourth Street
Sioux Falls, SD 57104-2413
605-367-8880

COLLEEN M. MORAN
Assistant City Attorney
ADA Coordinator
cmoran@siouxfalls.org

KATIE L. DUNN
Assistant City Attorney
Human Relations Legal Advisor
kdunn@siouxfalls.org

224 W. Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8745

PAUL M. BENGFORD
Assistant City Attorney
Public Works Legal Advisor
pbengford@siouxfalls.org

DIANE P. BEST
Assistant City Attorney
Public Works Legal Advisor
dbest@siouxfalls.org

(Public Works Administration)
224 W. Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8880

605-367-7039 TTY
605-367-7330 FAX
www.siouxfalls.org

February 23, 2018

SENT VIA U.S. MAIL AND EMAIL TO: DENRINTERNET@STATE.SD.US

Ms. Jeanne Goodman
Chief Engineer
Water Rights Program, DENR
523 E. Capitol Avenue,
Pierre, SD 57501

Re: Big Sioux River Recommendations

Dear Ms. Goodman,

Please consider this letter as the City of Sioux Falls' Petition to Intervene in the pending Big Sioux River Water Rights matter now scheduled for March 7, 2018.

The City of Sioux Falls ("*Sioux Falls*") appreciates the the Department of Environment & Natural Resources ("*DENR*") objective of bringing consistency to the water right permits and their administration along the Big Sioux River ("*BSR*"). Changing the qualifications to ensure they are all based on USGS river gages is a good thing. Sioux Falls does have some concerns that it would like to share with the South Dakota Water Management Board ("*Board*").

The proposed new qualifications for each stretch of the BSR would be based on the next USGS gage below the water permit involved. For example, irrigation above the Castlewood gage would be allowed so long as the Castlewood gage was at 5 cfs or more. As such, this qualification would tend to assure these upstream irrigators have the right to irrigate so long as the stream gage below them meets a particular criteria, without regard to what is happening to senior users further downstream. Under this scenario, a junior irrigator above the Castlewood gage could irrigate if the Castlewood gage was at 5 cfs regardless of whether the gages at Dell Rapids and Sioux Falls were below 20 cfs. At the same time, a senior appropriator would be constrained by the 20 cfs qualification at the downstream gages. While I understand these qualifications are intended to provide for flexibility by the Chief Engineer and as such, the Chief Engineer could seek cooperation among the upstream junior appropriators, the language of these qualifications seems to reduce the legal means for the senior water right holders to take action against junior water right holders that impair water rights downstream.

Ms. Jeanne Goodman
Page 2
February 23, 2018

Sioux Falls would suggest all downstream gage criteria be incorporated in the qualifications. For the two permits above Castlewood, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Similarly, for the 14 permits above Dell Rapids, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

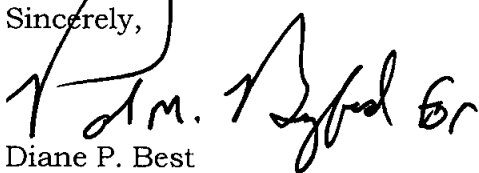
We appreciate the fact that administering these diversions during severe drought will be a challenge. We would respectfully submit, however, that the qualifications, as stated above, would protect the senior water rights and also be a better means to protect the flows in the river for the entire stretch impacted.

We also reserve our right to address any other issues that may be presented by other intervenors or the Board at a hearing.

At the hearing Sioux Falls may also address the extent to which releases from the Sioux Falls Water Reclamation Plant augment other available flows in the BSR.

Due to scheduling constraints, Sioux Falls is exercising its right to automatically delay the hearing for at least twenty (20) days as provided by state law.

Sincerely,



Diane P. Best
Assistant City Attorney

DPB/amr

Sioux Falls Ordinances

§ 53.015 USE OF PUBLIC SEWERS REQUIRED.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this subchapter, or permitted by the DENR or EPA.

(c) Except as provided in this subchapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(d) The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, in the city and abutting on any street, alley or right-of-way in which there is located or may be located a public sanitary sewer of the city, shall at the owner's expense install suitable toilet facilities therein, and connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within five years after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line and reasonably accessible as determined by the city engineer.

(1992 Code, § 41-111) (Ord. 47-81, passed 6-1-1981; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003) Penalty, see § 53.999

§ 53.016 PRIVATE WASTEWATER DISPOSAL.

(a) Where a public sanitary sewer is not available under the provisions of § 53.015(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and State of South Dakota Administrative Rules for individual and small on-site wastewater systems (ARSD Chapter 74:03:01).

(b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city engineer. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information deemed necessary by the city. A permit and inspection fee established by ordinance shall be paid to the city when the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city engineer. The city engineer shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within three hours of the receipt of notice by the city engineer.

(d) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of health. For persons with a public water supply, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. For persons with a private well, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) When a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 53.015(d), a direct connection shall be made to the public sewer within five years in compliance with this subchapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(f) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(g) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by a health officer.

(1992 Code, § 41-112) (Ord. 47-81, passed 6-1-1981; Ord. 19-82, passed 3-8-1982; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

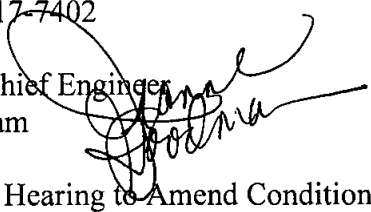
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Automatic Delay of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice regarding the Water Management Board hearing to consider an amendment to the conditions on many Big Sioux River water rights. The city's petition included a request for an automatic delay of the March 7, 2018 hearing date. Therefore, the hearing on this matter is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on March 7, 2018.

The hearing to consider amendment to the conditions on many Big Sioux River water rights is tentatively scheduled for the Water Management Board meeting to be held May 2 - 3, 2018, in Pierre. The Board will formalize its next meeting date at their March 7th meeting. Future notice of the time and place of the hearing will be provided.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the hearing process.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 27, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2018, regarding automatic delay of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



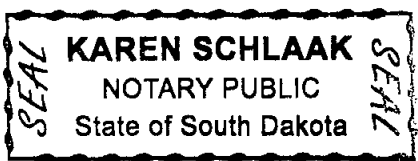
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2018



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

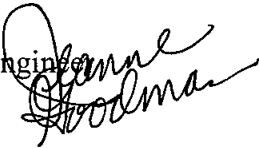
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 4, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice published in the Argus Leader regarding proposed amendment to conditions placed on many Big Sioux River water rights. The March 7, 2018, hearing was postponed at the city's request. This notice reschedules the hearing for May 3, 2018.

The Water Management Board will now conduct a hearing to consider proposed amendment to conditions placed on many Big Sioux River water rights at 8:30 AM (Central Time) on Thursday, May 3, 2018, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time.

Applicable provisions of the public notice of hearing published in the Argus Leader on February 15, 2018, still apply.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 4, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 4, 2018, regarding scheduling of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

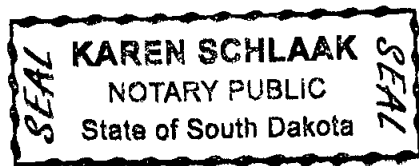
Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of April, 2018

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





5512-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2018

Kelby Mieras
Sioux Falls Parks & Rec Dept
PO Box 7402
Sioux Falls SD 57117-7402

RE: Water Permit/Right Nos. 4231-3, 5416-3, 5512-3, 5556-3, 5698-3, 6157-3, 6210A-3 & 7805-3

Dear Sir:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires.

The notice was originally mailed to 100 E 6th St, Sioux Falls. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures