

Considered: _____

WATER PERMIT NO. FU 5522-3

Phone: 339-7025

Name of Applicant: City of Sioux Falls

Post Office Address: 224 West 9th St, Sioux Falls SD 57102

Amount of Water Claimed: 10,000 AF Total Acres: _____

Source of Water Supply: Middle Skunk Creek Aquifer

Water to be used for: municipal 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: 3-18-91 Fee: _____ Remarks _____

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

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

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

Future Use Area: portions of Sec 2-T102N-R51W;

Sec 35, 36, 25, 26, 24-T103N-R51W; Sec 30, 19,

18, 7, 6, 5-T103N-R50W; Sec 31, 32, 29, 20, 21,

17, 16, 9, 10, 3, 4-T104N-R50W

Log: Driller: _____ Licensed YES _____ NO _____

of Well: _____ REMARKS _____

ap: plat PREPARED BY: Keith DeJong Reviewed and the Number

3-20-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5522-3 Hydrologic Unit Big Sioux
Map No. _____ Basin 10170203
Newspaper Argus Leader, PO Box 5034

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

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

Type of Application: Check one or more of the following



New ☒ Vested Right ☐ Future Use ☒ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant City of Sioux Falls Phone No. 339-7025
Post Office Address 224 West 9th St. Sioux Falls State SD 57102
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 10,000 acre-feet per year
- Source of water supply Middle Skunk Creek Aquifer
- Location of point of diversion Township 102N, Range 51W Section 2; T103N, R51W Section 35 (a,c,d), 36, 25(a,c,d), 26(d), 24, (a,d); T103N, R50W Sections 30, 19, 18, 17, 6, 5(b), T104N, R50W Sections 31(a,d), 32(b,c), 29, 20, 21(b,c), 17(a,d), 16(b,c), 9(a,c,d), 10(b), 3(b,c), 4, (a,d) County Minnehaha
- Counties where water will be used Minnehaha
- Annual period during which water is to be used January/thru December 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

For future development of municipal water supply. Report sent under separate cover.

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

STATE OF SOUTH DAKOTA,
County of Minnehaha, ss

I, Jack White the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Jack White X

Subscribed and sworn to before me this _____ day of MAR 25 1991 19____

DIANNE METTL, Notary Public
My Commission Expires Dec. 3, 1992

Dianne Mettl
Notary Public

SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5522-3

Date of first receipt of application March 18, 1991.

Date of return to applicant for corrections, amendments or changes March 19, 1991.

Date of receipt of corrected application August 22, 1991.

The Water Management Board approved Water Permit Application No. 5522-3 on March 4, 1992 for the City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102 appropriates water for future use subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 5522-3 appropriates for future use 5,000 acre feet of water annually from the Middle Skunk Creek Aquifer. The area reserved for future use, is to be located within Section 2-T102N-R51W; NE 1/4, SW 1/4, SE 1/4 Section 35; Section 36; NE 1/4, SW 1/4, SE 1/4 Section 25, SE 1/4 Section 26; NE 1/4, SE 1/4 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8, NW 1/4 Section 5; all in T103N-R50W; NE 1/4, SW 1/4, SE 1/4 Section 31; NW 1/4, SW 1/4 Section 32, 29, 20, NW 1/4 SW 1/4 Section 21; NE 1/4, SE 1/4 Section 17; NW 1/4, SW 1/4 Section 16; NE 1/4, SW 1/4, SE 1/4 Section 9; NW 1/4 Section 10; NW 1/4, SW 1/4 Section 3; NE 1/4, SE 1/4 Section 4; all in T104N-R50W
2. The water appropriated shall be used for the purpose of supplying future water for the City of Sioux Falls and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The date from which applicant may claim right is August 22, 1991.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 5522-3 reserves 5,000 acre feet annually.
2. That Future Use Permit No. 5522-3 is approved with th stipulation that the permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. This permit is approved for groundwater from the Middle Skunk Creek Aquifer. Wells will be approximately 60 feet deep.

(continued)

5. If development and pumping of Middle Skunk Creek Aquifer water reserved by Future Use Permit No. 5522-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

AUG 7 1992

(date)

PARTIES OF RECORD TO ISSUES IN THE SIOUX FALLS AREA

ISSUE / PETITIONER	City of Sioux Falls	Renner Domestic Well Owner	Middle Skunk Creek Aquifer Users	Minnehaha Water Corporation and Neighboring Cities	Jenny Swartz represented by Michael Billion
Declaratory Ruling Regarding Decline of Water Levels in Private Domestic Wells in BSA:SFMU	Automatic Delay	Originating Petition			Petition to Intervene
Declaratory Ruling on Establishment of a Maximum Annual Withdrawal Limitation from BSA:SFMU		Petition of Support			Petition to Intervene
Future Use Application No. 5522-3, Middle Skunk Creek		Petition of Opposition	Automatic Delay		Petition to Intervene
Future Use Application No. 5523-3, BSA:SFMU		Petition of Opposition		Automatic Delay	Petition to Intervene
Water Permit Application No. 5521-3, BSA:SFMU		Petition of Opposition		Automatic Delay	Petition to Intervene
Water Permit Application No. 5533-3, BSA:SFMU		Petition of Opposition		Automatic Delay	Petition to Intervene
Water Permit Application No. 5556-3, BSA:SFMU		Petition of Opposition		Automatic Delay	Petition to Intervene

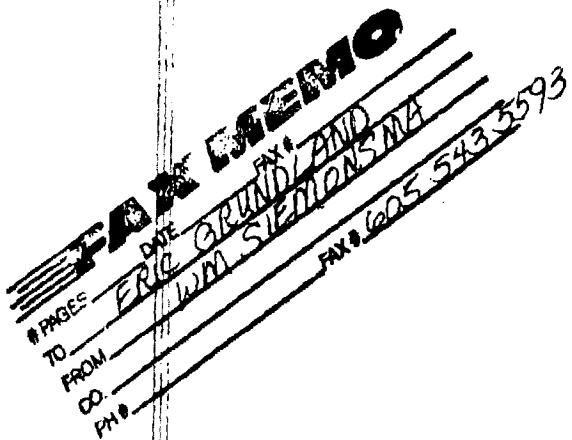
Middle Skunk Creek Water Assn.

Co } William H. Siemonsma Box 37 Lyons SD 57041
Chairman } Bob Dressen RR 2 Box 76 Dell Rapids SD 57022

Directors { Bob McMahon RR Colton SD 57018
Ronald Johnson RR 2 Hart Ford SD 57033
Don Fladmark RR 1 Box 50A Colton SD 57018

Sec Bill Pearson RR 2 Box 149 Hart Ford SD 57033

Fax 7736035



Representative Roger Hunt
RR 1, Box 875
Brandon, SD 57005

Representative Janice Nicolay
1401 Suburban Drive
Sioux Falls, SD 57103-3762

Senator Karen Muenster
117 N. Duluth
Sioux Falls, SD 57104-3023

Representative Patrick Kane
201 Security Building
Sioux Falls, SD 57102

Representative Mary Vanderlinde
1201 North Minnesota Ave.
Sioux Falls, SD 57104

Commissioner Jim Zweep
RR 2, Box 2235
Brandon, SD 57005

David Queal
Office of Planning & Zoning
Minnehaha County Courthouse
415 North Dakota Ave.
Sioux Falls, SD 57102

Lowen Schuett
City of Sioux Falls, Parks Dept.
600 E. 7th St.
Sioux Falls, SD 57102

Denny Christensen
RR 1, Box 877
Renner, SD 57055

Dean and Sandy Sorum
RR 1, Box 785
Renner, SD 57055

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

Senator Roberta Rasmussen
Rt 2, Box 23
Hurley, SD 57036-9666

Representative Juel S. Johnson
P.O. Box 536
Parker, SD 57053-0333

Representative Mike Wagner
115 Oak, Box 308
Baltic, SD 57003

Senator Pam Nelson
2505 South Marion Road
Sioux Falls, SD 57106

Representative Bill Sandness
4004 Watson Ave.
Sioux Falls, SD 57106

Representative Patricia Pilcher
3200 O'Gorman Dr.
Sioux Falls, SD 57105

Senator Keith Paisley
2409 S. Elmwood
Sioux Falls, SD 57105

Representative Robert E. Caselli
1405 S. Garfield Ave.
Sioux Falls, SD 57105

Representative Dave Munson
1009 S. Lyndale
Sioux Falls, SD 57105

Senator Richard Belatti
1212 S. Phillips Ave.
Sioux Falls, SD 57105

Representative Jack G. Rentschler
14401 Vista Lane
Sioux Falls, SD 57105

Representative John Timmer
1212 Elkhorn
Sioux Falls, SD 57104

Senator Linda Stensland
1800 O'Tonka Ridge
Sioux Falls, SD 57103

**PARTIES OF RECORD FOR NOTICE SENT OUT 12/17/91
ON FUTURE USE PERMIT 5522-3**

Mr. and Mrs. Bernard Burggraff, RR 2, Box 170, Hartford, SD 57033.

William J. Pearson, RR 2, Box 149, Hartford, SD 57033.

Wm. Siemonsma, Box 37, Lyons, SD 57041.

Elmer Burggraff, RR 2, Box 142, Hartford, SD 57033.

Ronald Johnson, RR 2, Box 141, Hartford, SD 57033.

Clifford Millsapps, Rt 2, Box 147, Hartford, SD 57033.

Robert McMahon, RR 1, Box 63, Colton, SD 57018.

Terry Bunde, Box 56, Lyons, SD 57041.

Rick Oyen, RR 1, Box 64, Colton, SD 57018.

Robert Dressen, RR 2, Box 76, Dell Rapids, SD 57022.

Armen Janjigian, 614 S. Willow, Sioux Falls, SD 57104.

Jerome B. Lammers, Attorney, Lammers, Lammers, Kleibacker & Parent,
P.O. Box 45, Madison, SD 57042.

PETITIONERS FILING FOR DECLARATORY RULING

Jack and Mary Kennedy, 6613 N Cliff Ave, Sioux Falls, SD 57104
Leann Niebuhrs, 6601 N Cliff Ave, Sioux Falls, SD 57104
Lyle Hanson, 5409 N Fairfax, Sioux Falls, SD 57104
Gene Heibult, 6421 N 10th Ave, Sioux Falls, SD 57104
Wayne Wipf, 6313 N Cliff Ave, Sioux Falls, SD 57104
Fred Vandersnick, RR 1, Box 741, Renner, SD 57055
Minnie Eggers, Box 813, Renner, SD 57055
Geneva M. Hofer, RR #10, Sioux Falls, SD 57104
Gwendalyn M. Farley, Rt Box 871, Renner, SD 57055
Diane Aspaas, Box 671, Renner, SD 57055
Elmer Christians, Hwy 115 N, Renner, SD 57055
Darrel Hoyer, RR 1, Box 679, Renner, SD 57055
Scott and Brenda Tough, 6413 N Cliff Ave, Sioux Falls, SD 57104
Ole Aspaas, Box 771, Renner, SD 57055
Kevin Briffett, RR 1, Box 729, Renner, SD 57055
Richard and Delores M. Christenson, RR 1, Box 819, Renner, SD 57055
Irvin Mekvold, Renner, SD 57055
Jerry Hendren, Box 30, Renner, SD 57055
Clarence Bos, Box 673, Renner, SD 57055
Robert and Shirley Chambers, 6501 N Cliff Ave, Sioux Falls, SD 57104
Nita Hover, 6601 N 10th Ave, Sioux Falls, SD 57104
Denny and Pat Christensen, RR 1, Box 877, Renner, SD 57055
Merlin and Marge Helmbolt, 6605 N Cliff Ave, Sioux Falls, SD 57104
Paul Skyberg, RR 1, Box 601, Renner, SD 57055
David and Edward Behrends, 5412 N French Ave, Sioux Falls, SD 57104
Mike Austad, 550 Renner Rd, Renner, SD 57055
JoAnn Plienis, 6405 N 10th Ave, Sioux Falls, SD 57104
Deb Finke, 6805 N Cliff Ave, Sioux Falls, SD 57104
Richard Walters, RR 1, Box 677, Renner, SD 57055
Ronald Kiger, Rt 1, Box 805, Renner, SD 57055
Bruce and Teresa Westergard, Rt 1, Box 669, Renner, SD 57055
Don Deraad, 6500 N 10th Ave, Sioux Falls, SD 57104
Loy Schildhauer, 6416 N 10th Ave, Sioux Falls, SD 57104
Verle Jucht, RR 1, Box 763, Renner, SD 57055
Curtis Nelson, 6500 N 9th Ave, Sioux Falls, SD 57104
Duane and Patricia Floren, 6513 N Cliff Ave, Sioux Falls, SD 57104
Jon Clauson, rR 1, Box 739, Renner, SD 57055
Robert DeGreef, RR 1, Box 823, Renner, SD 57055
Herman Knock, 6705 N Cliff Ave, Sioux Falls, SD 57104
Terry Schwebach, 6801 N 10th Ave, Sioux Falls, SD 57104
Ronald and Carole Pittenger, 6713 N 10th Ave, Sioux Falls, SD 57104
Lorraine Raaen, RR 1, Box 611, RFenner, SD 57055
Norman and Darleen Paulson, 6605 N 10th Ave, Sioux Falls, SD 57104
Paul Schloe, RR 1, Box 829, Renner, SD 57055
Don Ahlschlager, 6705 N 10th Ave, Sioux Falls, SD 57104
Steven and Teri Nyhaug, 6420 N 10th Ave, Sioux Falls, SD 57104
DAvid W. Myers, 6509 N 10th Ave, Sioux Falls, SD 57104
Clarence Machmiller, Rt 1, Box 631, Renner, SD 57055
Daniel D. Hansen, RR Box 851, Renner, SD 57055
Herman and Marvel Brende, Rt 10, Box 122, Sioux Falls, SD 57104
Mike and Audrey Spaeth, 6425 N 10th Ave, Sioux Falls, SD 57104
Charles Berg, 425 Silver Creek R&d, Renner, SD 57055

Betty Miller, 6812 N 10th Ave, Sioux Falls, SD 57104
Nick H. Ehlen, 6701 N Cliff Ave, Sioux Falls, SD 57104
Norman Wuebben, 6301 N Cliff Ave, Sioux Falls, SD 57104
Dean Bollinger, 6709 N Cliff Ave, Sioux Falls, SD 57104
Jerry and Nancy Zeig, 6700 N Fairfax Ave, Sioux Falls, SD 57104
Rick and Tamara K. Powell, 6600 N 9th Ave, Sioux Falls, SD 57104
Lorraine May, 6321 N French Ave, Sioux Falls, SD 57104
Agnes Schmiesing, 1100 E 64th St N, Sioux Falls, SD 57104
Jennie Hecht, 5404 N French Ave, Sioux Falls, SD 57104
Marvin and Shirley Sorum, Box 691, Renner, SD 57055
Genevieve Sorum, Box 787, Renner, SD 57055
Alan Aspaas, RR 1, Renner, SD 57055
Ernie Wevik, Jr., RR 1, Box 635, Renner, SD 57055
Bradley Danielson, P.O. Box 52, RFenner, SD 57055
Richard A. Vaughn, 6600 N 10th Ave, Sioux Falls, SD 57104
Donald and Linda A. Cose, RR 1, Box 647, Renner, SD 57055
Charles Moe and Carol Ann Horak, RR 1, Box 533, Renner, SD 57055
Clarence Oien, RR 1, Box 883, Renner, SD 57055
Juden Peterson, RR 1, Box 111, Baltic, SD 57003
Harold Borgen, RR 1, Box 701, Renner, SD 57055
Viola Borgen, Rt 1, Box 70, Renner, SD 57055
Douglas & Cynthia M. Scheid, 6704 N Fairfax Ave, Sioux Falls, SD 57104
Nick Meyer, 6309 N Cliff Ave, Sioux Falls, SD 57104
Matthew Balk, 6501 N 10th Ave, Sioux Falls, SD 57104

OTHER INTERESTED PARTIES

Commissioner Jim Zweep, RR 1, Box 2235, Brandon, SD 57005
David Queal, Office of Planning & Zoning, Minnehaha County Courthouse,
415 North Dakota Ave, Sioux Falls, SD 57102
Lowen Schuett, City of Sioux Falls, Parks Dept., 600 E 7th St, Sioux
Falls, SD 57102
Dean and Sandy Sorum, RR 1, Box 785, Renner, SD 57055
Senator Roberta Rasmussen, Rt 1, Box 23, Hurley, SD 57036-9666
Representative Juel S. Johnson, P.O. Box 536, Parker, SD 57053-0333
Representative Mike Wagner, 115 Oak, Box 308, Baltic, SD 57033
Senator Pam Nelson, 2505 South Marion Road, Sioux Falls, SD 57106
Representative Bill Sandness, 4004 Watson Ave, Sioux Falls, SD 57106
Representative Patricia Pilcher, 3200 O'Gorman Dr, Sioux Falls, SD
57105
Senator Keith Paisley, 2409 S Elmwood, Sioux Falls, SD 57105
Representative Robert E. Caselli, 1405 S Garfield Ave, Sioux Falls, SD
57105
Representative Dave Munson, 1009 S Lyndale, Sioux Falls, SD 57105
Senator Ricahrd Belatti, 1212 S Phillips Ave, Sioux Falls, SD 57105
Representative Jack G. Rentschler, 4401 Vista Lane, Sioux Falls, SD
57105
Representative John Timmer, 1212 Elkhorn, Sioux Falls, SD 57104
Senator Linda Stensland, 1800 O'Tonka Ridge, Sioux Falls, SD 57103
Representative Roger Hunt, RR 1, Box 875, Brandon, SD 57005
Representative Janice Nicolay, 1401 Suburban Dr, Sioux Falls, SD
57103-3762

Senator Karen Muenster, 117 N Duluth, Sioux Falls, SD 57104-3023
Representative Patrick Kane, 201 Security Building, Sioux Falls, SD
57102
Representative Mary Vanderlinde, 1201 North Minnesota Ave, Sioux
Falls, SD 57104



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* I N V O I C E *

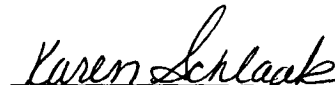
Invoice No. 20411 6-18-91

City of Sioux Falls
Lyle D. Johnson
ATTN: Shannon
224 W 9th
Sioux Falls SD 57102

Your Purchase Order #: 101106

Future Use Permit Application fee - Skunk Creek	\$ 227.50
Future Use Permit Application fee - Big Sioux Aquifer	227.50
New Permit Application fee - 1 well	325.00
New Permit Application fee - 1 well	275.00

Please pay this amount: \$1,055.00


KAREN SCHLAACK
Natural Resources Analyst
Water Rights Division
605 773-3352

Kittel De Jong, P.E.



FUTURE WATER RIGHTS AREA

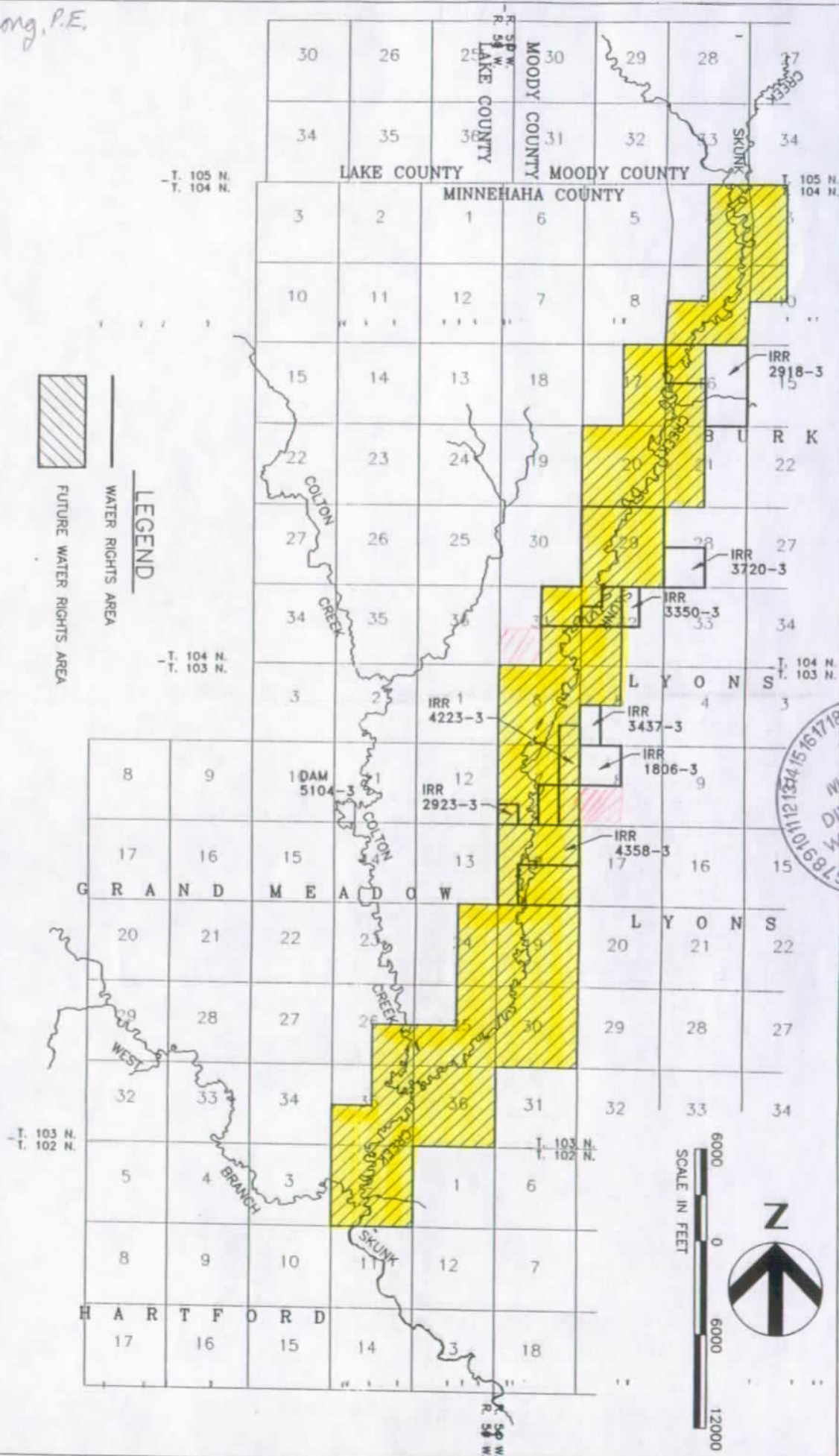


WATER RIGHTS AREA

LEGEND

HDR Engineering, Inc.

HDR

MIDDLE SKUNK CREEK AQUIFER
FUTURE USE WATER RIGHTS
 Date: FEB. 1991
 Figure: 6.7.1


CITY OF SIOUX FALLS — PURCHASE ORDER

P. O. NO. 101106

This Number Must Appear On All Invoices.

Dept. of Water and Natural Resources

Foss Building

523 East Capitol

Pierre, SD 57501-3131

DEPARTMENT	NUMBER	VENDOR NO.	DATE		
			MO.	DAY	YR.
WATER	75	65805	3	19	91

BASIC ACCOUNT	EXPENSE CLASS	PROJECT DIVISION	QTY	DESCRIPTION	UNIT PRICE	AMOUNT
675-750-5-22005		7507253		OTHER PROF. SERVICES AND FEES		\$ 1055.00
			1	Permit Fee Skunk Creek	227.50	
			1	Permit Fee Big Sioux Aquifer	227.50	
			1	Permit Fee - 1 new well (201)	325.00	
			1	Permit Fee 1 new well (202)	275.00	
				Fee for: Application (s) to appropriate water from the Big Sioux Aquifer and the Middle Skunk Creek Aquifer		

TOTAL ► \$ 1055.00

[Signature]

AUTHORIZED SIGNATURE

DUPLICATE COPY

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412734

City of Sioux Falls

Pierre, _____, July 11, 1991

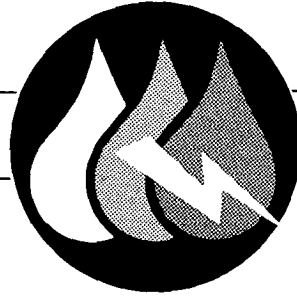
RECEIVED OF Western Bank, 224 West 9th St., Sioux Falls, SD 57102

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

Fee for Application for Permit No. <u>5522-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	227	50
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	227 80

By John Hatch
Chief Engineer

Sioux Falls UTILITIES



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023

March 15, 1991



Ron Duvall
DWNR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

Enclosed are the following applications:

1. Permit application for two wells numbered 201 and 202 with two copies of Form 2A for each well.
2. Future Use Permit application for the Middle Skunk Creek Aquifer.
3. Future Use Permit application for the Big Sioux Aquifer.

I am sending you these applications now, even though they have not yet been signed so that you can begin reviewing them. The City Commission will approve and sign the applications on March 25 and I will send you the signed copies on March 26th. A purchase order will also be included at that time.

The Future Use application for the Big Sioux Aquifer is on bordering property in our existing Future Use Permit Number FU449-3. Would it be possible to amend the existing Future Use Permit to include this property? Please contact me if this would be possible.

Thank you for your consideration in this matter and please do not hesitate to contact me if you should have any questions.

Sincerely,

Keith DeJong, P.E.
Water Superintendent

KD:seh

Enclosures

224 W. 9th Street • Sioux Falls, SD 57102 • TDD (605) 339-7039



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

Keith DeJong, P.E.
Water Superintendent
224 W 9th Street
Sioux Falls SD 57102

Dear Mr. DeJong:

This letter is in response to your water permit applications received on March 18, 1991. The following information is needed to complete the applications:

- 1) The application for well Nos. 201 and 202 needs to include a pump rate from the wells. As we discussed, the diversion rate should be the maximum sustainable pump rate under optimal operating conditions.
- 2) The legal descriptions of the wells should be more precise. One well appears to be located near the center of the section and the other well near the N1/4 corner; both in section 28-T102N-R49W. Please confirm these legal descriptions or make revisions.
- 3) The maps submitted with two of the applications appear to have an error regarding labeling of the ranges. I believe R50W and R49W need to be reversed.
- 4) The legal description of the future use area for the Big Sioux Aquifer also needs to match the area outlined on the map (E1/2 section 7; W1/2 section 8; E1/2 section 18; all in T103N-R49W). Please confirm if you agree with this legal description.
- 5) I believe the legal description of a portion of the future use area for the Middle Skunk Creek Aquifer needs to be corrected. The township should be T103N instead of T102N for sections 30, 19, 18, 7, 6, and 5(b).

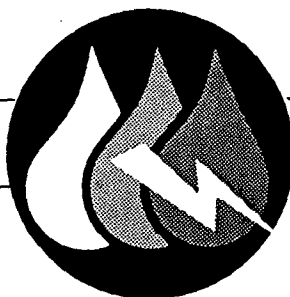
The future use permit for an additional 1,000 acre-feet from the Big Sioux Aquifer can not be an amendment to your existing future use permit. By statute, an amendment can not increase the volume of water to be appropriated.

Please complete the above items and send the signed and notarized applications with the well logs.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

Sioux Falls UTILITIES



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023

March 25, 1991



Ron Duvall
DWNR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

Enclosed are the following items:

1. Water Permit Application for Well #201 in the Big Sioux Aquifer with two copies of Form 2A and one copy of our test drilling information;
2. Water Permit Application for Well #202 in the Big Sioux Aquifer with two copies of Form 2A and one copy of our test drilling information.
3. Future Use Permit Application for the Middle Skunk Creek Aquifer;
4. Future Use Permit Application for the Big Sioux Aquifer; and,
5. A copy of Purchase Order #101106 for the cost of the applications.

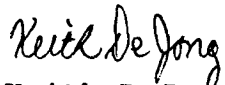
The applications have been approved by the City Commission and signed by the Mayor.

The application for Well #202 is for water reserved in our existing Future Use Permit Number FU448-3 and the application for Well #201 is in a new area outside of any future use permits.

We do not have a signed drillers log for either well, but we do have test hole boring information at each site. The well capacity is based on this information. We also have existing wells within one mile of these applications if more information is necessary.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Keith DeJong".

Keith DeJong, P.E.
Water Superintendent

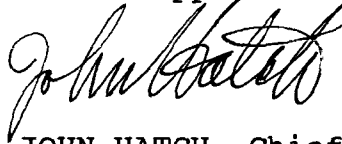
Enclosures

KD:seh

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5522-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit Application No. 5522-3, City of Sioux Falls, 224 West 9th St., Sioux Falls, SD 57102.

The Chief Engineer is recommending DEFERRAL of Application No. 5522-3 to allow additional time to review the application.

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

JOHN HATCH, Chief Engineer
May 18, 1991

FUTURE USE APPLICATION NO. 5522-3
CITY OF SIOUX FALLS
JUNE 26, 1991

Application No. 5522-3 is to appropriate for future use 10,000 acre feet of water annually from the Middle Skunk Creek Aquifer. The area reserved for future use, is to be located within Sec.2, T02N-R51W; NE 1/4, SW 1/4, SE 1/4 Sec. 35; Sec. 36; NE 1/4, SW 1/4, SE 1/4 Sec. 25, SE 1/4 Sec. 26; NE 1/4 SE 1/4 Sec. 24; all in T103N-R51W; Sec. 30, 19, 18, 7, 6, NW 1/4 Sec. 5; all in T103N-R50W; NE 1/4 SE 1/4 Sec. 31; NW 1/4 SW 1/4 Sec. 32, 29, 20, NW 1/4 SW 1/4 Sec. 21; NE 1/4, SE 1/4 Sec. 17; NW 1/4, SW 1/4 Sec. 16; NE 1/4, SW 1/4 SE 1/4 Sec. 9; NW 1/4 Sec.10; NW 1/4, SW 1/4 Sec. 3; NE 1/4, SW 1/4 Sec. 4; all in T104N-R50W.

AQUIFER: Big Sioux: Middle Skunk Creek

AQUIFER CHARACTERISTICS:

General:

The Middle Skunk Creek Management Unit of the Big Sioux Aquifer is an alluvium mantled, glacial outwash deposit, restricted to approximately 18,300 acres along the Skunk Creek Alluvial Valley. The management unit's northern boundary is the Northern Skunk Creek Aquifer and the southern boundary of the management unit is an outcrop of Sioux Quartzite. The sand and gravel is approximately 1 mile wide in most places and has a maximum thickness of approximately 60 feet. The average saturated thickness of the Middle Skunk Creek Aquifer is estimated to be 30 feet (HDR, 1991). The saturated thickness of the aquifer is 20 feet or less over an area of approximately 4,000 acres, or 22% of the areal extent of the aquifer. The aquifer is under unconfined conditions and the average specific yield of the Middle Skunk Creek Management Unit is assumed to be 20 percent (Ohland, 1990). Estimates for hydraulic conductivity of the aquifer range from 80 - 1980 ft/day with the average hydraulic conductivity estimated to be 400 ft/day (HDR, 1991). The recoverable water in storage in the Middle Skunk Creek Aquifer is estimated to be 41,180 acre-feet (Hedges, 1982).

The Division of Water Rights monitors 7 observation wells completed into the Middle Skunk Creek Aquifer. Water level measurements indicate fluctuations in response to seasonal and climatic variations. Hydrographs of three wells are included in this report (figures 1-3). The highest annual water level occurs around April, and the lowest annual water level occurs around August. The decline of water levels during the summer months is due to increased evapotranspiration and pumpage. Water levels rise during the late winter and spring due to recharge, if available. Since no long-term water level declines have occurred in the aquifer, it is apparent that existing development has not adversely affected the aquifer.

Recharge:

Recharge to the Middle Skunk Creek Aquifer occurs primarily through direct infiltration of precipitation. It is estimated that 24% of the precipitation which falls on the surface of the Middle Skunk Creek Aquifer recharges the aquifer (Ohland, 1987). Recharge due to

precipitation is therefore estimated to average 6 inches per year, or a total of 9,150 acre-feet per year (ac-ft/yr). Although a groundwater obstruction or constriction has been identified between management units, groundwater inflow from the Northern Skunk Creek Management Unit also provides a minor amount of recharge to the Middle Skunk Creek Aquifer. Ohland, (1987) estimates that recharge from this inflow averages 14 acre-feet/year. The Middle Skunk Creek Aquifer is hydraulically connected to Skunk Creek and the West Branch of Skunk Creek, resulting in gaining and losing stream conditions. The aquifer discharges to the streams when the hydraulic gradient is toward the streams and the streams recharge the aquifer when water levels in the aquifer are below stream stage. High stage levels in Skunk Creek and the West Branch of Skunk Creek follow precipitation and/or snowmelt runoff, which coincide with high water levels in the aquifer due to direct infiltration of precipitation. In general, gaining stream conditions prevail between the Middle Skunk Aquifer and area streams.

Withdrawals:

Natural discharge from the Middle Skunk Creek Aquifer occurs primarily through evapotranspiration. The maximum evapotranspiration rate from the aquifer has been estimated to be 32 inches per year (in/yr), and the evapotranspiration extinction depth is assumed to be 5 feet (Ohland, 1990). Natural discharge from the aquifer also occurs to Skunk Creek and the West Branch tributary, and minor amounts of leakage may occur to the underlying Sioux Quartzite.

The Division of Water Rights has records for 23 domestic wells completed into the Middle Skunk Creek Aquifer, and 9 Water Permits/Rights appropriating water from the aquifer. Permits/rights appropriating water from the Middle Skunk Creek Aquifer aquifer include:

Permit#	Owner	Location	CFS	AC-FT/YR
1806-3	R. Thompson	103N50W08	1.80	378
2918-3*	R. Dressen	104N50W16	6.52	1371
2923-3	M. Tellinghuisen	103N50W07	1.70	360
3350-3	J.P. Burggraff	104N50W32	1.22	396
3437-3	R. Thompson	103N50W05	1.10	240
3720-3	J.P. Burggraff	104N50W28	2.00	312
4223-3	D.J. Fladmark	103N50W06	1.11	285
4358-3	McCrossan Foundation Inc.	103N50W18	3.71	780
5104-3	Tri-Valley School	103N51W11	0.10	72.4

* Permit application was contested by several parties concerned with water availability and interference

Appropriative rights from the Middle Skunk Creek Aquifer represent a total combined diversion rate of 19.26 cubic feet per second. Irrigation permits or rights authorize the irrigation of 1,426 acres.

SDCL 46-5-6 allows up to 2.0 acre-feet per acre (ac-ft/ac), (3.0 ac-ft/ac) prior to July 1, 1978) to be applied each irrigation season. The total annual irrigation appropriation from the Middle Skunk Creek Aquifer could be up to 4,122 ac-ft. Use of this amount of water each

year is unlikely. Maximum reported irrigation use since 1979 was 724 ac-ft in 1988.

Reported pumpage for irrigation from the Middle Skunk Creek for irrigation is shown below.

YEAR	PUMPAGE REPORTED (AC-FT)
1989	494.1
1988	724
1987	260
1986	117
1985	497
1984	176
1983	372.57
1982	131.15
1981	620
1980	221
1979	91

The only non-irrigation permit from the Middle Skunk Creek Aquifer is Permit No. 5104-3, Tri-Valley School District, for 0.10 cfs. Correspondence on file (Water Rights Division, 1991), indicates that the school discontinued use of the well prior to 1988 due to unacceptable water quality. The School is currently supplied water by the Minnehaha Rural Water System. Unless the well is maintained for standby purposes, this permit may be subject to cancellation. If the permit is cancelled, the total appropriation from the Middle Skunk Creek Management Unit would be 4,122 ac-ft/yr.

Although authorized annual withdrawals could exceed 4,000 ac-ft/yr, the actual annual withdrawals under existing Water Rights/Permits from the Middle Skunk Creek will probably not exceed 1,000 ac-ft/yr.

Discussion:

SDCL 46-2A-10 states "A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." Projected water demand verses current water resources suggest that the reservation represented by this future use will be needed by Sioux Falls, and there is little question that municipal use is a beneficial use and in the public interest.

Water Availability:

The availability of unappropriated water in the Middle Skunk Creek Management Unit can be evaluated by considering SDCL 46-6-3.1 which requires that " No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

This application proposes to withdraw 10,000 ac-ft of water annually from the Middle Skunk Creek. This additional appropriation would exceed the current estimates for average annual recharge to the aquifer (9,150 ac-ft/yr). The storage capacity of the Middle Skunk

Creek Aquifer is relatively small (41,180 ac-ft of recoverable water), in comparison to the amount of water available in the Skunk Creek Drainage Basin. At times more water is available to recharge the Middle Skunk Creek Aquifer than can be stored in the aquifer. Lowering the water level of the aquifer will increase the storage available to accept recharge, and therefore, increase recharge to the aquifer from area streams.

A numerical (computer simulated) ground-water flow model was developed for the Middle Skunk Creek Management Unit, to be used as a management tool. The model predicts the hydraulic effects of selected stresses applied to the hydrologic system. There are certain limitations inherent to the model; however, owing to approximations of hydrologic and geologic data. The model is based on estimates of average recharge, hydraulic conductivity, and other hydrologic parameters that may result in misrepresentation of the aquifer. A maximum steady state yield from the Middle Skunk Creek aquifer of 10.8 million gallons per day (MGD), (16.7 cfs or 33.1 acre-feet per day), was predicted by the model. This estimate was based on drawdowns of as much as 50 % of the saturated thickness of the aquifer near any production well. The model predicted that 15 wells pumping 500 gallons per minute each, (10.8 MGD total), would increase recharge to the aquifer from Skunk Creek by 5.46 MGD, (includes the assumption that surface water flows are available), decrease discharge from the aquifer to Skunk Creek by 1.63 MGD, and decrease evapotranspiration losses by 3.71 MGD. The increased recharge from Skunk Creek, along with decreased discharge to Skunk Creek would cause an estimated 18% decrease in streamflow based on an average streamflow of 44,900 ac-ft/yr. The model also predicted that in times of severe drought, (i.e. no recharge from precipitation and no flow in Skunk Creek), the Middle Skunk Creek Management Unit could provide 20 MGD for 3 months, or 15 MGD for 12 months, with nearly complete recovery within one year.

The model basically treats streamflow in Skunk Creek as excess water in the system and therefore, a potential source of increased recharge to the Middle Skunk Creek Aquifer. Baseflow measurements for Skunk Creek immediately south of the Middle Skunk Creek Aquifer are not available. A gaging station along Skunk Creek, located approximately 13 miles southeast of the management unit is the best data available. The station has been in operation since May, 1948. Streamflow records indicate the maximum discharge at the station was 29,400 cfs on June 17, 1957, and no flow has been observed at times in some years. The median of yearly mean discharges is 32 cfs or 23,200 acre-ft/yr (Burr, 1990). A flow duration hydrograph for the Skunk Creek gaging station is included with this report (figure 4).

Affect on Existing Rights:

Although a future use permit is a reservation of a definite amount of water with a specified priority date, it does not authorize construction or putting the water to beneficial use. SDCL 46-5-38.1 requires that before the holder of a future use permit initiates construction of the works to put reserved water to beneficial use, a water permit application must be approved. One requirement or permit approval required by SDCL 46-2A-9, is that there must be a reasonable probability that the proposed diversion can be developed without

unlawful impairment of existing rights. It may not be prudent to reserve water for future use, if it is likely that development of the future use could not occur because the development would impair existing rights.

The major obstacle to development of the Middle Skunk Creek Management Unit under the assumption that increased withdrawals from the aquifer will increase the recharge to the aquifer, is the dependence on water being available when aquifer storage is available. As with any aquifer or system, recharge is not instantaneous to withdrawal, and water must be withdrawn from storage in the interim. Fluctuations observed in Division of Water Rights observation wells, identify changes in storage of the aquifer ranging from 21% to 44% of the total storage capacity of the aquifer. Current pumpage from the Middle Skunk Creek Aquifer is relatively small in comparison to the amount of estimated water in storage in the aquifer (less than 1,000 ac-ft/yr maximum reported or 2.4 % of the water in storage). Increased pumpage from the aquifer may lead to greater depletions from storage. A significant lowering of the water levels of the Middle Skunk Creek Aquifer could affect the water supplies to some existing wells.

In the past, the Water Management Board has qualified water permits to assure development without the unlawful impairment of existing rights. Qualifications for groundwater permits typically require the well owner to control withdrawals so there is not a reduction of needed water supplies in adequate wells. As stated previously, the saturated thickness of the Middle Skunk Creek Aquifer is estimated to be 20 feet or less over a fairly large portion of this aquifer. Completion reports on file with the Division of Water Rights for this area indicate that 7 of the 23 wells penetrate less than 20 feet of saturated thickness, and in one case the log indicates only 9 feet of saturated thickness penetrated. If the thickness of the aquifer is less than 20 feet and the inlet of the pump can be placed as near the bottom of the aquifer as is practical, the wells would be adequate pursuant to Board rules. If the aquifer thickness is greater than the thickness penetrated by the particular well, the well may not be adequate. It is not clear from the completion reports, if the aquifer thickness is less than 20 feet at these locations. If the water level is lowered even a minor amount in an adequate well completed where the aquifer is thin, the water supply to that well may be reduced, and therefore, unlawfully impaired.

Unlawful impairment of groundwater rights may be due to "well interference", which is the overlapping of drawdown cones of depression of two or more wells; or by the lowering of the water level throughout the entire aquifer, as the result of an extended interim between withdrawal and recharge causing a large "overdraft" from storage. In either case mitigation may be necessary, if the pumping authorized by junior priority rights is to continue.

The total development of this future use permit may lead to increased losses from Skunk Creek to the aquifer and to decreased discharge from the aquifer to Skunk Creek. Skunk Creek supports domestic users and one appropriative right downstream of this area. Permit No. 5148-3 authorizes diversion of 1.11 cfs with an annual appropriation of 1.6 ac-ft/yr. Permit No. 5148-3 was approved because it was reasonable

that unappropriated water was available from Skunk Creek for the diversion, even though water availability may be restricted at times due to low or no flow occurrences which can develop on the creek for several months in dry years. Increased frequency or duration of low or no flow in Skunk Creek due to increased development of the Middle Skunk Creek Aquifer aquifer may have an adverse affect on down stream surface water rights.

Qualifications placed on permits to assure development without the unlawful impairment of existing surface water rights, typically require that low flows must be by-passed as needed for downstream domestic use, including livestock watering, and prior water rights. However, if surface water rights are unlawfully impaired because development of the Middle Skunk Creek Aquifer has induced more recharge and therefore reduced streamflow, mitigation may be necessary.

There is some question about the priority between domestic use rights in this area. SDCL 46-1-5(1) states that the established policy of this state is that the use of water for domestic purposes is the highest use of water and takes precedence over all APPROPRIATIVE RIGHTS, if exercised in a manner consistent with the public interest as provided in SDCL 46-1-2.

SDCL 46-5-8.2 requires that water distribution systems (definition includes municipalities) obtain a water permit if more than 18 gallons per minute are diverted.

SDCL 46-1-6(4) [subsection changed to 46-1-6(7) in 1991 Volume 13B Pocket Supplement of SDCL], defines the use of water by a water distribution system for drinking, washing, sanitary, culinary and other ordinary household purposes; noncommercial irrigation of no more than 1 acre; for occupants of schools, hospitals and other custodial care facilities and for fire protection to be a domestic use as against appropriative rights having a priority after June 30, 1978. The statute goes on to state that "use of groundwater by water distribution systems, except for irrigation purposes is a domestic use except where groundwater and water in flowing streams constitute the same water supply source, but only to the extent the water was actually used prior to July 1, 1978." The last part of this statute is subject to legal interpretation.

The intent of the above statutes has been discussed at several Board meetings. Applying the Water Management Board's previous interpretation of these statutes to this permit application is as follows:

Although part of the water supplied by Sioux Falls is for domestic use, the city appropriates water as required by law under the city's water rights. Therefore, private individual domestic use has preference over municipal rights.

Sioux Falls can claim preference over other appropriative rights with priority dates after June 30, 1978, for city domestic use; however, such preference claims for domestic use would require that compensation be made to the affected water right owner. To

require another water right owner (i.e. irrigation water right), to shutoff to provide water for domestic use within the city while the city continues to provide water for non-domestic uses would be a "taking" unless compensation is made.

Permit qualifications such as requirements of spacing between wells and from Skunk Creek, and a requirement to control individual pumping rates may be necessary on any permit to put water to use. However, any permit which would authorize withdrawal of water in excess of the current estimated average annual recharge may need to be qualified to assure that an excessive "overdraft" from aquifer storage does not impair prior water rights, including domestic wells.

Affect on Future Permits:

The future use area proposed by this application encompasses the entire Middle Skunk Creek Management Unit with the exception of approximately 4,000 acres, (figure 5). Since the future use area includes all portions of the aquifer which may yield high capacity wells, it is unlikely that additional appropriations could be approved from the aquifer for subsequent applicants.

CONCLUSIONS:

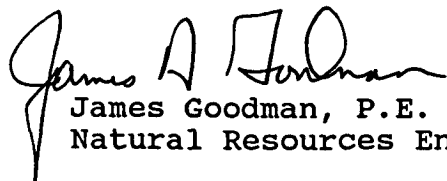
1. The Middle Skunk Creek Management Unit of the Big Sioux Aquifer is fairly thin and underlies a relatively limited area.
2. Recharge available to the Middle Skunk Creek Aquifer exceeds the capacity of the aquifer to store the recharge.
3. Average annual recharge is estimated to be 9,150 ac-ft/yr.
4. A 10,000 acre-feet/year appropriation, along with present withdrawals would exceed current estimated average annual recharge.
5. The appropriation proposed by this future use application is approximately 24% of the estimated recoverable water in storage in the Middle Skunk Creek Management Unit.
6. Average annual recharge to the aquifer could be increased with an increased withdrawal.
7. Increased withdrawals from the Middle Skunk Creek Management Unit will generally be offset by decreased evapotranspiration, decreased groundwater discharge to area streams, and increased recharge from Skunk Creek.
8. In general, the area to be reserved by this future use permit would be the entire Middle Skunk Creek Management Unit.
9. Adequate wells in this aquifer can exist where only a few feet of saturated thickness is present; even though these wells may not be able to supply all of the water supplies needed by the user.
10. There is not a reasonable probability that development from this future use permit in excess of current average annual recharge

estimates, can be withdrawn without impairment of existing water rights.



Ken Buhler
Natural Resources Engineer

approved by



James Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Burr, M.J., R. Bensen, D. Hansen, 1990, Water Resources Data, South Dakota Water Year 1989, U.S. Geological Survey Water-Data Report SD-89-1, Huron, SD, 57350

Division of Water Rights, 1980-1990, "Irrigation Summary by Aquifer", DENR-Division of Water Rights, Joe Foss Building, Pierre, SD, 57501

Division of Water Rights, 1991, "Observation Well Files", SD DENR-Division of Water Rights, Joe Foss Building, Pierre, SD, 57501

Division of Water Rights, 1991, "Water Permit Files", SD DENR-Division of Water Rights, Joe Foss Building, Pierre, SD, 57501

HDR Engineering, Inc., 1991, Middle Skunk Creek Aquifer Study, prepared for City of Sioux Falls South Dakota

Hedges, L.S., S.Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD Dept. of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069

Ohland, G.L., 1990, Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, South Dakota, U.S.G.S. Water Resources Investigations Report 87-4156

Figure 1

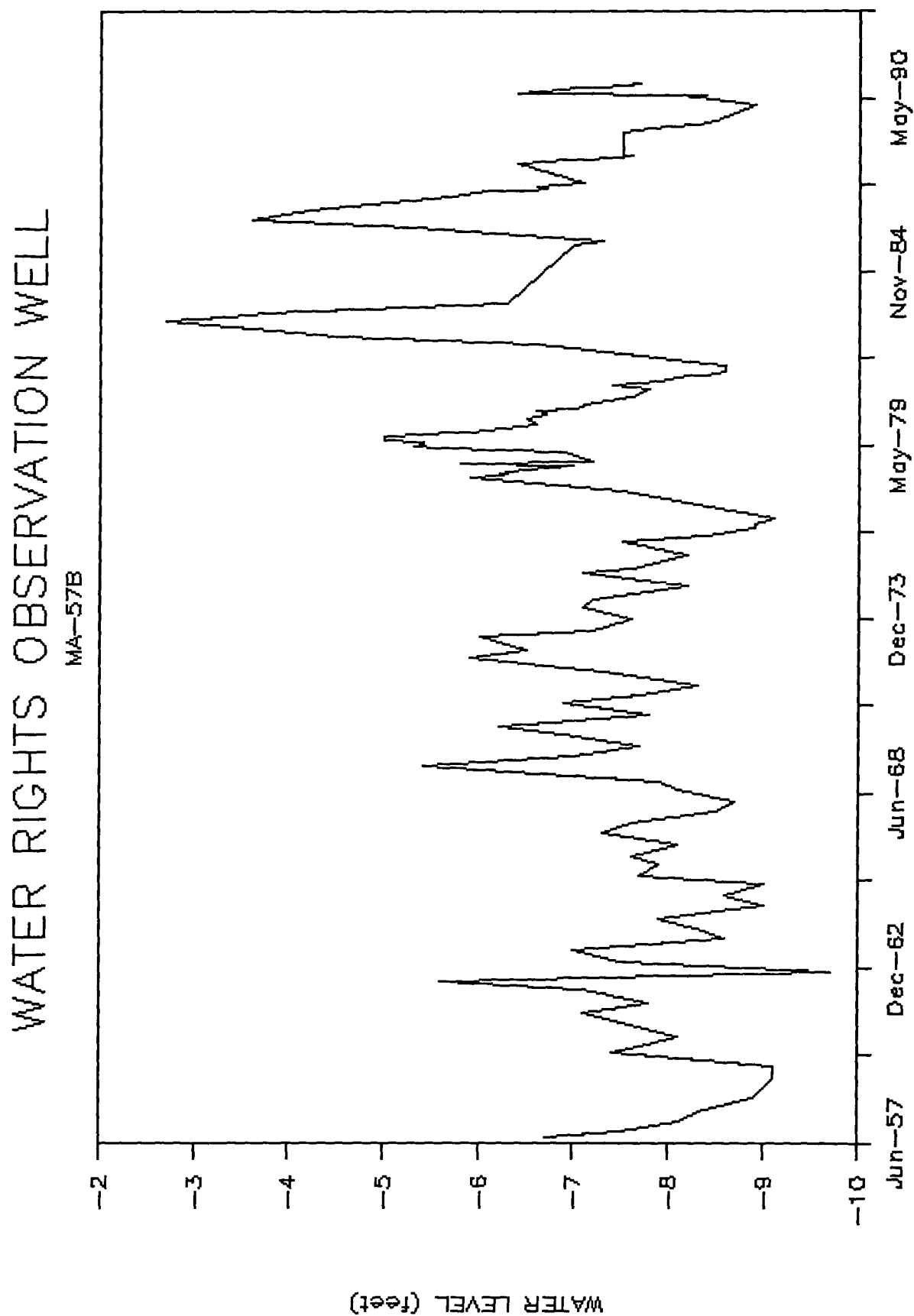


Figure 2

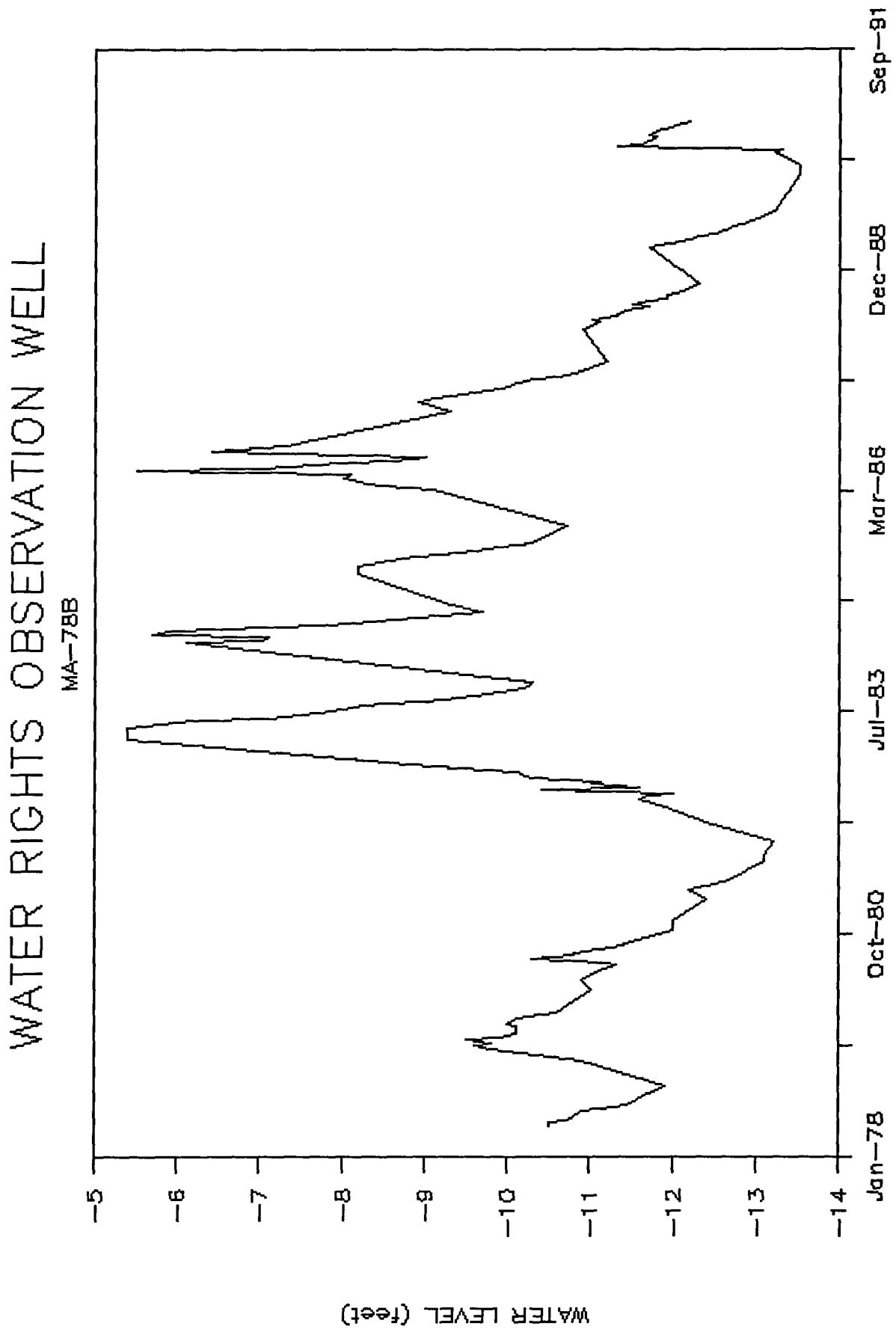
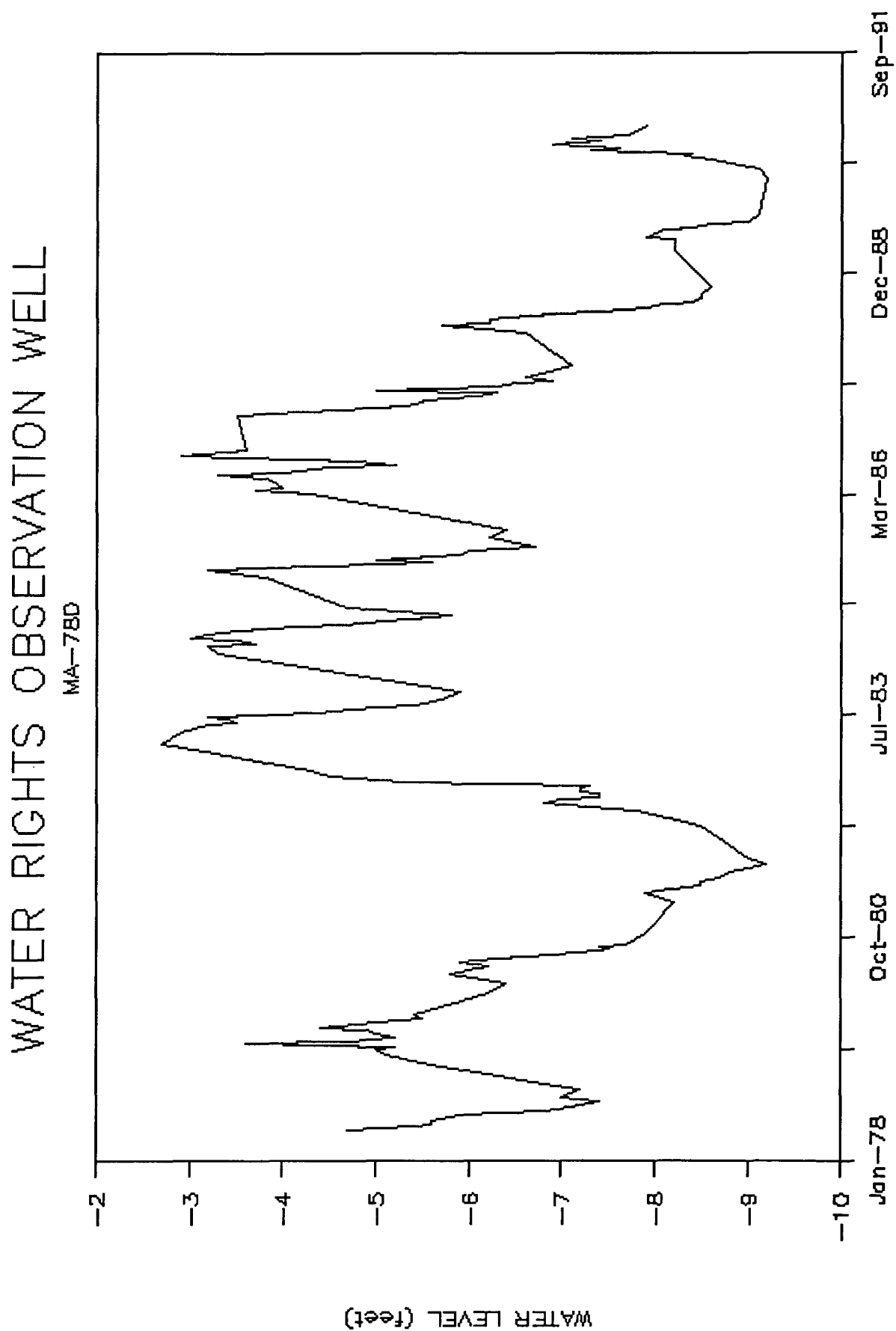
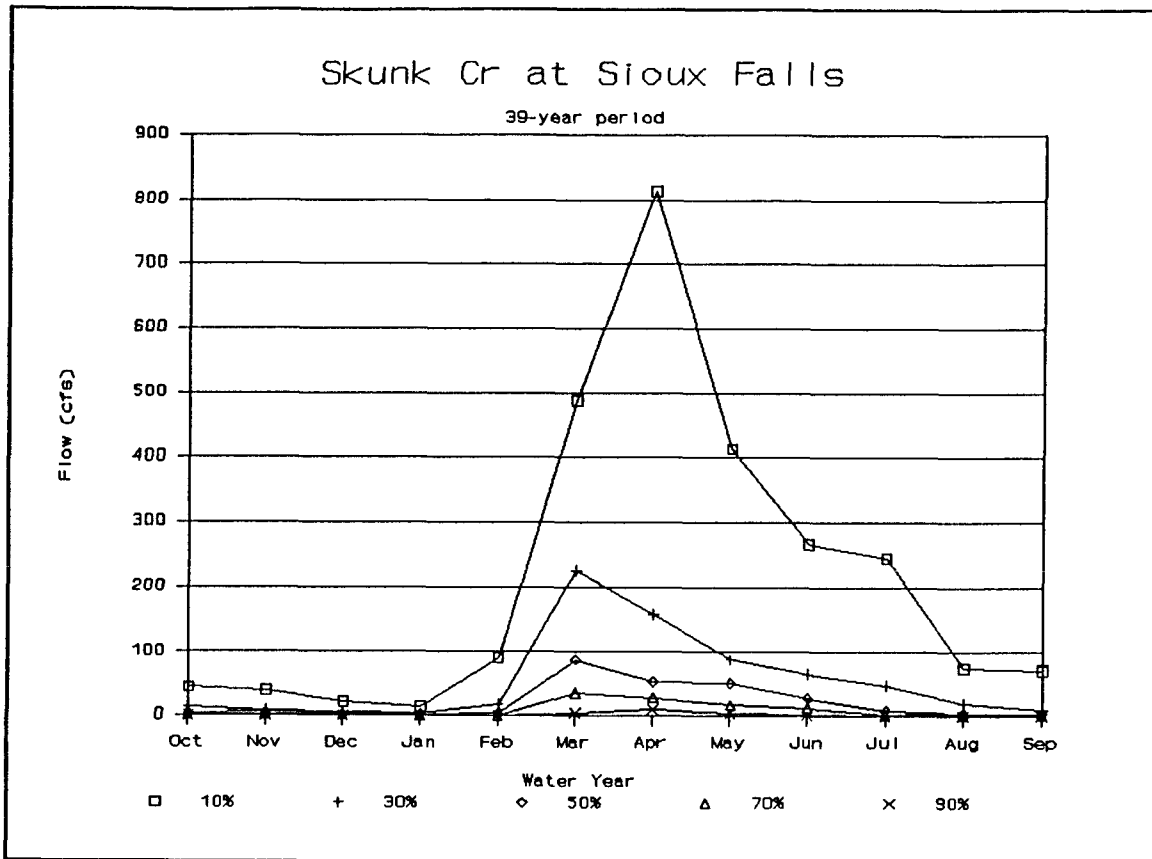


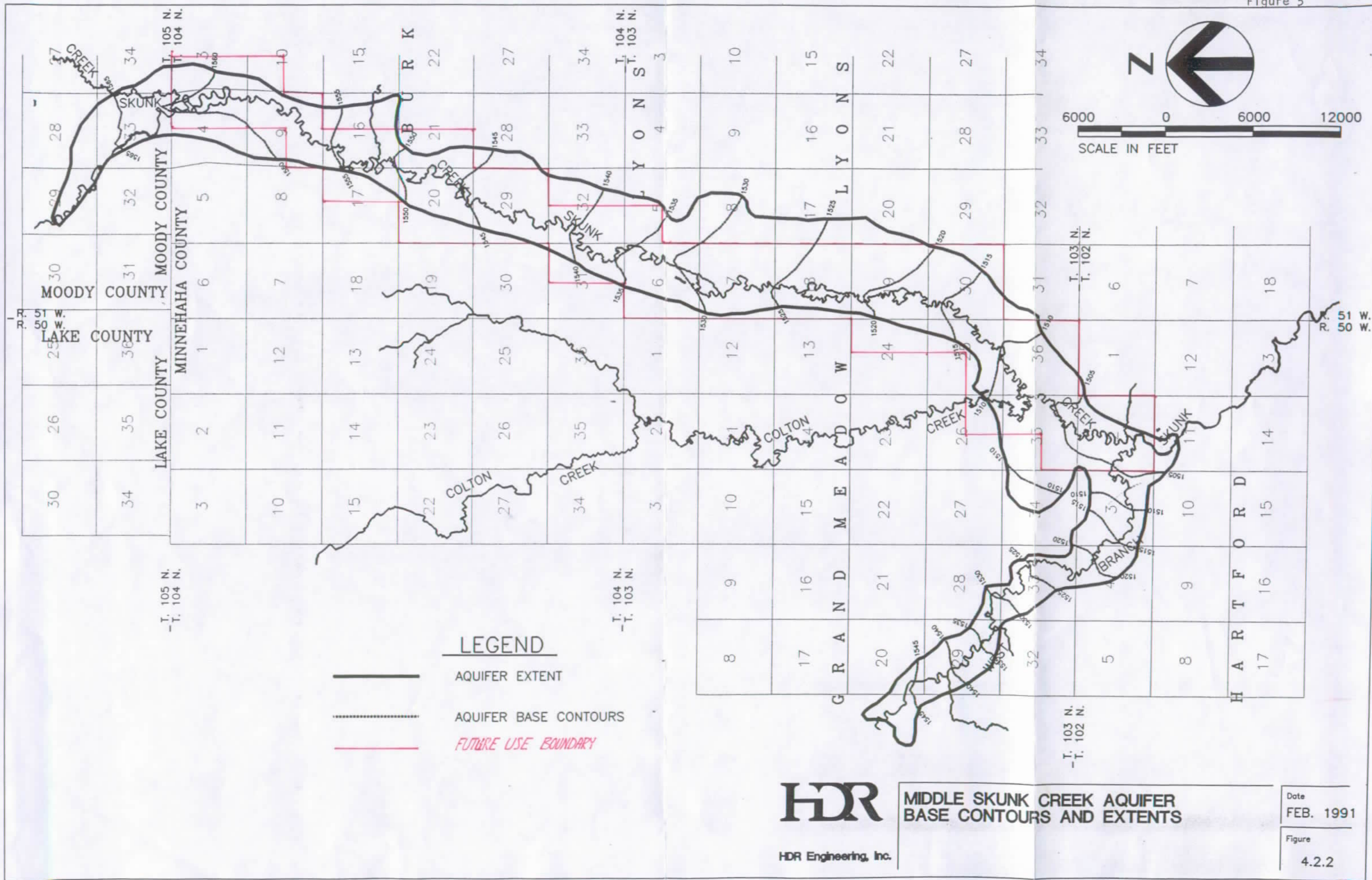
Figure 3





Skunk Creek at Sioux Falls SD
39-year period

	10%	30%	50%	70%	90%
Oct	45.06	15.28	4.37	1.53	0.43
Nov	39.5	8.51	5.32	2.65	0.6
Dec	22.13	5.77	3.43	2.38	0.57
Jan	14.01	3.32	1.87	0.93	0.21
Feb	90.42	17.89	4.2	1.23	0.17
Mar	488.18	225.87	87.98	36.58	4.68
Apr	813.26	158.5	53.8	28.7	10.43
May	414.03	88.45	51.67	17.44	4.5
Jun	266.26	65.43	28.69	12.94	1.7
Jul	245.77	47.32	8.35	2.94	0.43
Aug	75.74	20.43	5.25	1.48	0.22
Sep	71.06	10.67	4.03	1.32	0.28



REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT APPLICATION NO. 5522-3, City of Sioux Falls

Pursuant to SDCL 46-2A-2, the following is the REVISED recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5522-3, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending APPROVAL of Application No. 5522-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the quantity of water reserved will be needed by the City of Sioux Falls, 3) the proposed use will be a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of Permit No. 5522-3 reserves 8,000 acre feet annually.
2. That Future Use Permit No. 5522-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. This permit is approved for groundwater from the Middle Skunk Creek aquifer. Wells will be approximately 60 feet deep.
5. If development and pumping of Middle Skunk Creek aquifer water reserved by Future Use Permit No. 5522-3 results in impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

See report on application for additional information.

NOTE: Although 10,000 acre feet is requested by this application, the recommendation for approval reduces this amount to 8,000 acre feet because average annual recharge is 9,150 acre feet and to allow for use by existing water rights.



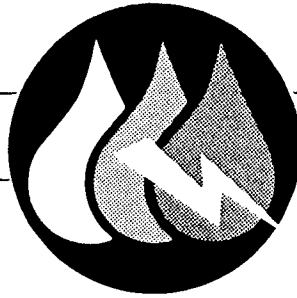
JOHN HATCH, Chief Engineer
August 12, 1991

Sioux Falls UTILITIES



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023



August 20, 1991

Mr. Ken Buehler
Division of Water Rights
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Middle Skunk Creek Aquifer and Big Sioux Aquifer
Future Use Permit Requests

Dear Mr. Buehler:

After reviewing the test drilling information gathered in the past few months, we would like to request the following modifications to our original future use permit applications:

1. On the Big Sioux Aquifer future use application, please change the location of point of diversion to the following:

Township 103N, Range 49W, Sections 6, 7, 8, 18, and the SW 1/4 of Section 5, Township 104N, Range 49W, East 1/2 of Section 31 and all of Section 32.

2. On the Middle Skunk Creek Aquifer future use application, please add the following two locations to the list of locations of point of diversion:

Township 104N, Range 50W, Section 31, C (SW 1/4 Section)
Township 103N, Range 50W, Section 8, C (SW 1/4 Section)

Thank you for your consideration of these amendments and feel free to contact me if you have any questions.

Sincerely,

Keith DeJong
Keith DeJong, P.E.
Water Superintendent

cc Commissioner Hanson
Lyle Johnson
Glenn Dostal

KD:seh



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 29, 1991

Gary Hanson, City Commissioner
City of Sioux Falls
224 W 9th St
Sioux Falls, SD 57102

Dear Mr. Hanson:

Water Permit Application Nos. 5521-3, 5522-3, 5523-3, and 5533-3 for municipal use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notices of hearings have been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD. For your information, a copy of the notices, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notices 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 Notices of Hearings and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices 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 applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

cc: Lyle Johnson, Water Super., City of Sioux Falls, 224 W 9th St, Sioux Falls, SD 57102



August 29, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

ATTENTION: Legal Department

Enclosed are Notices of Hearings on Application Nos. 5521-3, 5522-3, 5523-3, and 5533-3 to be published twice. Please publish the first notices on September 4, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICES ARE TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

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 notices 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 applications until proof of publication has been received.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1991

Canton Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5521-3, 5522-3, 5523-3, and 5533-3, and request for declaratory ruling to be published twice. Please publish the first notices on September 5, 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 City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

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 _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1991

NOTICE

TO: Water Permit/Right Holders for the Middle Skunk Creek
Aquifer

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

SUBJECT: Water Management Board Hearings on Declaratory Ruling
Requests and City of Sioux Falls Water Permit Applications
from the Sioux Falls Management Unit of the Big Sioux
Aquifer, and the Middle Skunk Creek Aquifer

The Water Management Board at its meeting October 2, 1991 in Sioux Falls will consider the following issues:

- 1) A request for a declaratory ruling on the decline of the water levels in private domestic wells in the Renner area north of Sioux Falls.
- 2) A request for a declaratory ruling to establish a maximum annual withdrawal limitation for the Big Sioux Aquifer: Sioux Falls Management Unit. This aquifer (groundwater) is located between Sioux Falls and Dell Rapids.
- 3) Future Use Application No. 5523-3 by the City of Sioux Falls to reserve 10,000 acre feet of water from the Sioux Falls Management Unit of the Big Sioux Aquifer.
- 4) Water Permit Application Nos. 5521-3, 5533-3, and 5556-3 by the City of Sioux Falls from the Sioux Falls Management Unit of the Big Sioux Aquifer.
- 5) Future Use Application No. 5522-3 by the City of Sioux Falls to reserve 10,000 acre feet of water from the Middle Skunk Creek Aquifer.

Enclosed is a copy of the notice of hearing for Future Use Application No. 5522-3 to be published in the Sioux Falls Argus Leader for two consecutive weeks. Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses must file a written petition with the Chief Engineer by September 23, 1991.

The Board will consider these issues on October 2, 1991, beginning at 8:30 am at the Embassy Rooms 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. If you require further information or have questions regarding the upcoming hearing, please contact Eric Gronlund at 605 773-3352.

cc: Diane Best, Assistant Attorney General

enclosure

1806-3 Ronald Thompson
 RR 1, Box 47
 Colton, SD 57018

2918-3 Robert Dressen
 RR 2, Box 76
 Dell Rapids, SD 57022

2923-3 Marvin Tellinghuisen
 Box 102
 Lyons, SD 57041

3350-3 J. P. Burggraff
 RR 1, Box 43
 Colton, SD 57018

4223-3 Donald Fladmark
 RR 1, Box 50A
 Colton, SD 57018

4358-3 McCrossan Foundation, Inc.
 % Norwest Trust
 101 N. Phillips Ave.
 Sioux Falls, SD 57101

5104-3 Tri Valley School No. 49-6
 Box 8
 Lyons, SD 57041

CERTIFICATION

I hereby certify that on September 3, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Water Management Board Hearings on Declaratory Ruling Requests and City of Sioux Falls Management Unit of the Big Sioux Aquifer, and the Middle Skunk Creek Aquifer, along with a copy of the publication notice addressed as stated on the attached list.

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

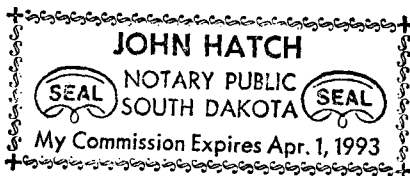
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of September, 1991.

John Hatch
Notary Public



Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Sioux Falls applications and declaratory ruling

ADDRESS: _____ COUNTY: Minnehaha

DATE: 9/3/91 TELEPHONE: _____

RE: _____

COMMENTS:

Copies on the August 30, 1991 Notice regarding the Water Management Board's October 2, 1991 meeting to consider the Sioux Falls issues were sent to the Parties of Record sheet compiled from the petition requesting a declaratory ruling from the people in the Renner area. There were 4 people whose last name was illegible from the petition and the notice was not sent to them (Mary Kennedy was supposed to have gotten back to us on these people's last name but had not).

The people who signed the petition requesting a declaratory ruling are not currently parties of record to the City of Sioux Falls water permit application or future use applications.

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 Lundberg

Instruction to Newspaper - Publish first Notice on September 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 5522-3 and 5523-3
to Appropriate Water for Future Use

Notice is given that the City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102 has filed applications for water permits to appropriate water for future use.

Application No. 5522-3 is to appropriate for future use 10,000 acre feet of water annually from the Middle Skunk Creek Aquifer. The area reserved for future use, is to be located within Section 2-T102N-R51W; NE 1/4, SW 1/4, SE 1/4 Section 35; Section 36; NE 1/4, SW 1/4, SE 1/4 Section 25, SE 1/4 Section 26; NE 1/4, SE 1/4 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8, NW 1/4 Section 5; all in T103N-R50W; NE 1/4, SW 1/4, SE 1/4 Section 31; NW 1/4, SW 1/4 Section 32, 29, 20, NW 1/4 SW 1/4 Section 21; NE 1/4, SE 1/4 Section 17; NW 1/4, SW 1/4 Section 16; NE 1/4, SW 1/4, SE 1/4 Section 9; NW 1/4 Section 10; NW 1/4, SW 1/4 Section 3; NE 1/4, SE 1/4 Section 4; all in T104N-R50W.

Application No. 5523-3 is to appropriate for future use 10,000 acre feet of water annually for the Big Sioux Aquifer. The area reserved for future use, is to be located within the SW 1/4 Section 5, Sections 6, 7, 8, 18; all in T103N, R49W and E 1/2 Section 31, Section 32; all in T104N, R49W. The water for both applications is to be reserved for the purpose of providing future water supplies for the City of Sioux Falls. These applications are not for construction of works or to put the water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application Nos. 5522-3 for 8,000 acre feet of water annually and 5523-3 for 5,200 acre feet of water annually with qualifications 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 applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 September 23, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider these applications October 2, 1991, at 9:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 W 8th Street, Sioux Falls, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The October 2, 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 applications. The request for an automatic delay must be filed by September 23, 1991. If an automatic delay is requested, the hearing will be rescheduled for the December 4 & 5, 1991, Board meeting in Pierre, SD.

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 these applications or to assure access to the hearing by the handicapped.

These applications are 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

CERTIFICATION

I hereby certify that on September 3, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Water Management Board Hearings on Declaratory Ruling Requests and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer, and the Middle Skunk Creek Aquifer, along with a copy of the Declaratory Ruling for Sioux Falls, a copy of the Publication Notice from Water Permit Nos. 5521-3, 5533-3, and 5556-3, and a copy of Publication Notice from Future Use Nos. 5522-3 and 5523-3 addressed as stated on the attached list.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of September, 1991.



John Hatch
Notary Public

CERTIFICATION

I hereby certify that on September 4, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notices dated August 30, 1991, regarding Sioux Falls Water Permit Application Nos. 5521-3, 5533-3, 5556-3; Future Use Water Permit Application Nos. 5522-3 and 5523-3; and Water Management Board Hearings on Declaratory Ruling Requests and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer, and the Middle Skunk Creek Aquifer addressed to:

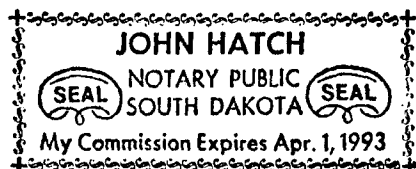
Water Permit/Right Holders for the Sioux Falls Management Unit of the Big Sioux Aquifer (see attached list).

Jace R. Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of September, 1991.



John H. Baker
Notary Public

CERTIFICATION

I hereby certify that on September 9, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Water Management Board Hearings on Declaratory Ruling Requests and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer, and the Middle Skunk Creek Aquifer, along with a copy of the Publication Notice of Hearing for Declaratory Ruling, and a copy of the Publication Notice for Application Nos. 5521-3, 5522-3, 5523-3, 5533-3, and 5556-3 addressed as stated below:

Sioux Falls Development Foundation, 315 S. Phillips Ave., Sioux Falls,
SD 57102.

Cheryl F. Front

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of September, 1991.



John H. Bates
Notary Public

FROM: Eric Gronlund

TO: John Hatch

DATE: 09-11-91

TIME: 17:01

CC: DianeB

SUBJECT: Rep. Jerry Lammers Phone Conversation

PRIORITY:

ATTACHMENTS:

Rep. Lammers (representing Middle Skunk Creek Aquifer users) called wondering about postponing October 2, 1991 meeting regarding Middle Skunk Creek issues. He stated he had a conflict because the Legislature is holding a special session on October 3 & 4 and he needed to be in Pierre later in the day October 2 for meetings to prepare for the session. He wanted to know about the possibility of a special meeting in Sioux Falls later in October or early in November. I explained that would take a formal request and tried to explain the intricacies in setting up a special meeting. He was going to get ahold of you to discuss the possibility of a special meeting. With the number of Middle Skunk Creek users that want to appear at the hearing, he feels it is unrealistic to automatic delay this hearing to the December 4 & 5 meeting in Pierre.

It sounds like we're looking at a real long day on October 2. One possible option to suggest to Rep. Lammers is to charter a flight. Remember that the we're tentatively scheduled to hear the Lacreek National Wildlife Refuge applications and I believe the well construction rules at the December 4 & 5 mtg.

TO:
CC:
SUBJECT:
PRIORITY:
ATTACHMENTS:

DATE: 09-11-91
TIME: 12:08

TO: John Hatch
CC: Jim Goodman
Ken Buhler

DATE: 09-11-91
TIME: 11:30

SUBJECT: Sioux Falls Appl. from Middle Skunk Cr.
PRIORITY:
ATTACHMENTS:

Mr. Willie Siemonsma (543-5523) called today in regards to the City of Sioux Falls future use application from the Middle Skunk Creek. He stated that they were setting up a meeting for Monday night (September 16) with users from the Middle Skunk Creek Aquifer, Lyle Johnson, and representatives of the county commission to discuss the aquifer users concerns and have the city explain their plans. He wanted to invite us to attend this meeting. I stated that Ken and Jim who had prepared the report and have the technical background are out of the office this week and that I did not know their schedules for next week. I also stated that I did not know your schedule and could not committ to the meeting, however, I did state that I felt is was good that city and involved parties are going to sit down to discuss the issue. Mr. Siemonsma understood why it would be hard for us to have staff at this meeting which was called at the last minute but said if someone was going to attend to give him a call.

Mr. Siemonsma indicated that they plan to file a petition on this application. They have retained Rep. Lammers as legal counsel. Supposedly, Rep. Lammers also represents the Minnehaha Community Water System. As a side note, Mr. Siemonsma stated that none of the law firms from Sioux Falls were willing take them on as clients. He felt these law firms were scared of the city.

LAMMERS, LAMMERS, KLEIBACKER & PARENT
LAWYERS

108 NORTH EGAN - P. O. BOX 45
MADISON, SOUTH DAKOTA 57042-0045

J. H. LAMMERS (1893-1983)
JEROME B. LAMMERS
WILSON M. KLEIBACKER
PHILIP R. PARENT



256-6677
AREA CODE 605
FAX NUMBER
(605) 256-6679

September 12, 1991

Mr. John Hatch, Chief Engineer
Water Rights Division
Foss Building
523 East Capitol
Pierre, SD 57501

Dear John:

RE: Application No. 5522-3 (Middle Skunk Creek Aquifer)

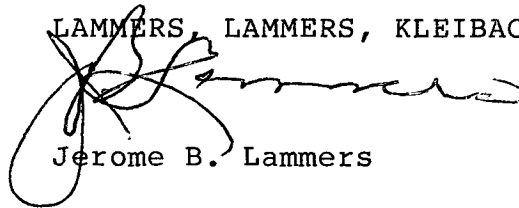
Please be advised that I have visited with Eric Granlund of your department concerning my representation of a group of persons concerned with the above application. I will endeavor to visit with you by telephone concerning a hearing date.

Meanwhile, it would be appreciated if you could provide me with some basic facts concerning the application, the existing appropriated water in that aquifer, and any other pertinent facts that might give me some basis upon which to work.

Thank you.

Yours very sincerely,

LAMMERS, LAMMERS, KLEIBACKER & PARENT

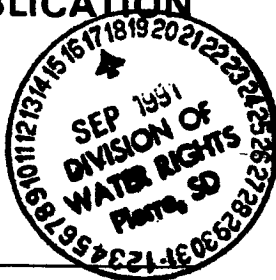


Jerome B. Lammers

JBL/ke

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of MINNEHAHA) ss.



I, MARY DEVISH

certify that the attached printed Notice was taken
from the SIOUX FALLS 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:

WEDNESDAY, SEPTEMBER 4, 1991

WEDNESDAY, SEPTEMBER 11, 1991

Mary Devish
(Signature)

Controller
(Title)

9/12/91
(Date Signed)

Cost of Printing: 124.95

310 lines

City Commission Actions Reported By City Finance Department

NOTICE OF HEARING on
Application Nos. 5522-3 and 5523-3
to Appropriate Water for
Future Use

Notice is given that the City of
Sioux Falls, 224 West 9th St, Sioux
Falls, SD 57102 has filed applica-
tions for water permits to appro-
priate water for future use.

Application No. 5522-3 is to ap-
propriate for future use 10,000 acre
feet of water annually from the
Middle Skunk Creek Aquifer. The
area reserved for future use, is to
be located within Section 2-T102N-
R51W; NE 1/4, SW 1/4, SE 1/4
Section 35; Section 36; NE 1/4, SW
1/4, SE 1/4 Section 25, SE 1/4
Section 26; NE 1/4, SE 1/4 Section
24; all in T103N-R51W; Sections
30, 19, 18, 7, 6, SW 1/4 Section 8,
NW 1/4 Section 5; all in T103N-
R50W; NE 1/4, SW 1/4, SE 1/4
Section 31; NW 1/4, SW 1/4 Section
32, 29, 20, NW 1/4 SW 1/4
Section 21; NE 1/4, SE 1/4 Section
17; NW 1/4, SW 1/4 Section 16; NE
1/4 SW 1/4, SE 1/4 Section 9; NW
1/4 Section 10; NW 1/4, SW 1/4
Section 3; NE 1/4, SE 1/4 Section
4; all in T104N-R50W.

Application No. 5523-3 is to ap-
propriate for future use 10,000 acre
feet of water annually for the Big
Sioux Aquifer. The area reserved
for future use, is to be located
within the SW 1/4 Section 5,
Sections 6, 7, 8, 18; all in T103N,
R49W and E 1/2 Section 31,
Section 32; all in T104N, R49W.
The water for both applications is to
be reserved for the purpose of
providing future water supplies for
the City of Sioux Falls. These
applications are not for construction
of works or to put the water to
beneficial use.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Future Use Application
Nos. 5522-3 for 8,000 acre feet of
water annually and 5523-3 for 5,200
acre feet of water annually with
qualifications because 1) unappro-
priated water is available, 2) ex-
isting 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 applications or the
applicant files a petition contesting
the chief engineer's recommenda-
tions, the Water Management
Board will NOT CONDUCT a
HEARING to consider these appli-
cations and the chief engineer will
issue the permits as recommended.
Petitions filed in support of the
applications will NOT require the
Board to hear the applications.

Any person interested in op-
posing or supporting these applica-
tions 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 recommendations.
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 September 23,
1991. The petition may be informal,
but must include a statement de-
scribing the petitioner's interest in
the applications, the petitioner's
reasons for opposing or supporting
the applications, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained.

preme Court as provided by law.
Contact the Water Rights Division
to request copies of information
pertaining to these applications or
to assure access to the hearing by
the handicapped.

These applications are made pur-
suant 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; 46-6-3, 46-6-3.1, 46-
6-6.1, 46-6-10, 46-6-13, 46-6-14,
46-6-26; 46-5-38 thru 46-5-40; and
Board Rules ARSD 74:02:01:01
thru 74:02:01:15; 74:02:01:24 thru
74:02:01:25.
2443

Sept. 4, 11, 1991

If a petition is filed opposing the
applications or the applicant files a
petition contesting the chief engi-
neer's recommendations, the Board
will consider these applications Oc-
tober 2, 1991, at 9:00 am, Embassy
1 & 2, Holiday Inn City Centre, 100
W 8th Street, Sioux Falls, SD. If a
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neer's recommendations are not
final or binding upon the Board.
The Board is authorized to 1)
approve, 2) approve with qualifica-
tions, 3) defer, or 4) deny these
applications based on the facts
presented at the public hearing.
The October 2, 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 applications. The re-
quest for an automatic delay must
be filed by September 23, 1991. If
an automatic delay is request, the
hearing will be rescheduled for the
December 4 & 5, 1991, Board
meeting in Pierre, SD.

Any hearing will be an adversary
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forfeited if not exercised. Decisions
of the Board may be appealed to
the Circuit Court and State Su-

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lincoln) ss.

I, Sandra Lundstrom

certify that the attached printed Notice was given
 from the SIOUX VALLEY NEWS

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

City _____ of _____ Canton _____

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

September 5, 1991

September 12, 1991

Sandra Lundstrom
 (Signature)

Bookkeeper

(Title)

9-12-91
 (Date Signed)

Cost of Printing: \$62.87

Vernon R. Thorson

VERNON R. THORSON
 My commission expires
 January 20, 1995.

NOTICE OF HEARING
on Application Nos. 5522-3
and 5523-3 to Appropriate
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 Sioux Falls, 224 West 9th St, Sioux
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 feet of water annually from the Mid-
 dle Skunk Creek Aquifer. The area re-
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 within Section 2-T102N-R51W;
 NE1/4, SW 1/4, SE 1/4 Section 35;
 Section 36; NE 1/4, SW 1/4, SE 1/4
 Section 25, SE 1/4 Section 26; NE1/4,
 SE 1/4 Section 24; all in T103N-
 R51W; Sections 30, 19, 18, 7, 6, SW 1/4
 Section 8, NW 1/4 Section 5; all in
 T103N-R50W; NE 1/4, SW 1/4, SE 1/4
 Section 31; NW 1/4, SW 1/4 Section
 32, 29, 20, NW 1/4 SW 1/4 Section 21;
 NE 1/4, SE 1/4 Section 17; NW 1/4, SW
 1/4 Section 16; NE 1/4, SW 1/4, SE 1/4
 Section 9; NW 1/4 Section 10; NW 1/4,
 SW 1/4 Section 3; NE 1/4, SE 1/4 Sec-
 tion 4; all in T104N-R50W.

Application No. 5523-3 is to ap-
 propriate for future use 10,000 acre
 feet of water annually for the Big
 Sioux Aquifer. The area reserved for
 future use, is to be located within the
 SW 1/4 Section 5, Sections 6, 7, 8, 18;
 all in T103N, R49W and E 1/2 Section
 31, Section 32, all in T104N, R49W.
 The water for both applications is to
 be reserved for the purpose of provid-
 ing future water supplies for the City
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 not for construction of works or to put
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 No. 5522-3 for 8,000 acre feet of water
 annually and 5523-3 for 5,200 acre
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 support of the applications will NOT
 require the Board to hear the applica-
 tions.

Any person interested in opposing or supporting these applications 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 recommendations. 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 September 23, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider these applications October 2, 1991, at 9:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 W. 8th Street, Sioux Falls, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to: 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The October 2, 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 applications. The request for an automatic delay must be filed by September 23, 1991. If an automatic delay is requested, the hearing will be rescheduled for the December 4 & 5, 1991, Board meeting in Pierre, SD.

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 these applications or to assure access to the hearing by the handicapped.

These applications are 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 1991

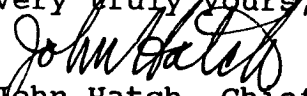
Jerome B. Lammers, Attorney
Lammers, Lammers, Kleibacker & Parent
P.O. Box 45
Madison, SD 57042-0045

Dear Mr. Lammers:

Following up on our telephone conversation September 13, 1991, I have enclosed a copy of the report and recommendation for the City of Sioux Falls Future Use Application No. 5522-3 from the Middle Skunk Creek Aquifer. The report contains the information you requested regarding the application, existing water permits, and water availability from the Middle Skunk Creek Aquifer. Also enclosed is a copy of Lyle Johnson's Memorandum.

If you need any further information on the future use application, please contact Eric Gronlund or myself.

Very truly yours,


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

enclosure



MEMORANDUM

DATE: September 11, 1991

TO: Sioux Falls City Commissioners
Minnehaha County Commissioners

FROM: Lyle Johnson, Sioux Falls Water/Wastewater
Manager

SUBJECT: Sioux Falls Wellfield Expansion

The City of Sioux Falls is planning to expand its wellfield into the Middle Skunk Creek Aquifer in 1992. A public meeting has been scheduled for Monday, September 16, 1991 at 7:30 p.m. at the Lyon's Fire Hall in Lyons, SD to discuss the project with area residents.

You are invited to attend the meeting. If you have any questions or need further information, please contact me at 339-7025.

cc Dave Queal, Minnehaha County Planning Director
John Hatch, DENR Water Rights Division

LJ:seh

Skunk Creek Property Owners

J.C. McGee, RR 1, Box 53, Colton, SD 57018
Marv Tellinghuisen, Box 102, Lyons, SD 57041
Ron Thompson, RR 1, Box 47, Colton, SD 57018
Eldon R. Johnson, RR 2, Box 141, Hartford, SD 57033-9554
Bill Bunde, Box 27, Lyons, SD 57041
Bernard Burggraff, RR 2, Box 170, Hartford, SD 57033
Gertie Vanderhoff, RR 2, Box 161, Hartford, SD 57033-9558
Ronald L. Johnson, RR 2, Box 141, Hartford, SD 57033
John Enoch Johnson, 1330 Warren Avenue, Belvidere, IL 61008
Virgil Page, RR 1, Box 60, Colton, SD 57018
Rick Oyen, RR 1, Box 64, Colton, SD 57018
Carol Bormann, Box 277, Stickney, SD 57375
Vernell Johnson, Box 68, Lyons, SD 57041
Keith Egan, RR 1, Box 20, Colton, SD 57018-9706
Robert McMahon, RR 1, Box 63, Colton, SD 57018
Delia Linge, RR 1, Box 49, Colton, SD 57018-9725
Aldo E. Janjigran, 614 S. Willow, Sioux Falls, SD 57104
Melvin Brakke, 1807 S. 6th Avenue, Sioux Falls, SD 57105
Clarion Engstrom, 311 East 7th Street, Miller, SD 57362
Scott Burggraff, Box 25, Lyons, SD 57041
Ed Ahlquist, RR 2, Box 168, Hartford, SD 57033
Todd Bunde, Hartford, SD 57033

LAMMERS, LAMMERS, KLEIBACKER & PARENT
LAWYERS

108 NORTH EGAN - P. O. BOX 45
MADISON, SOUTH DAKOTA 57042-0045

J. H. LAMMERS (1893-1983)
JEROME B. LAMMERS
WILSON M. KLEIBACKER
PHILIP R. PARENT



September 17, 1991

Mr. John Hatch, Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501

Dear John:

RE: Future Water Use Application No. 5522-3
Middle Skunk Creek Aquifer

Please find enclosed original of Petition opposing the granting of the above captioned application on behalf of certain affected persons whom we represent.

There is some possibility that we may be able to arrive at some kind of a compromise settlement with the city of Sioux Falls, and for that reason we are hereby requesting an automatic delay pursuant to notice of hearing on this application. If at all possible, we would appreciate a future hearing being scheduled at Sioux Falls, but we can cross that bridge when we get to it.

I appreciate your letter of September 13 with enclosures.

Yours very sincerely,

LAMMERS, LAMMERS, KLEIBACKER & PARENT

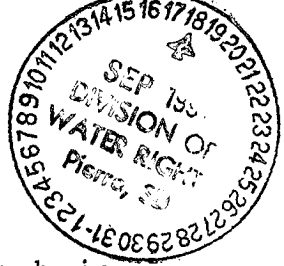
Jerome B. Lammers

JBL/ke

pc: Bill Pearson
Lyle D. Johnson

Enclosure

PETITION



We, the undersigned petitioners, state that each is a resident of Minnehaha County, South Dakota, within an area affected by Application No. 5522-3, to appropriate water from the Middle Skunk Creek aquifer, and that each petitioner opposes the granting of said application upon the following grounds:

(1) That the proposed future use will impair the beneficial use of and existing rights to that water by petitioners.

(2) That there is insufficient unappropriated groundwater in said aquifer to support the said application.

(3) That the public interest is not served by granting said application.

The undersigned petitioners further state that they are represented by Jerry Lammers, attorney at law, of Lammers, Lammers, Kleibacker & Parent, Post Office Box 45, Madison, South Dakota 57042, who is authorized to request an automatic delay for said hearing provided that such delay does not result in the delayed hearing being conducted in Pierre, South Dakota.

Dated this 16th day of September, 1991.

- | | |
|--------------------------------|--------------------------------|
| 1. <u>Harold Boer</u> | 25. <u>Dick Van Heerde</u> |
| 2. <u>William Pearson</u> | 26. <u>Judith Pearson</u> |
| 3. <u>William J. Siemonson</u> | 27. <u>Ronald D. Johnson</u> |
| 4. <u>Wendell Johnson</u> | 28. <u>Lanice T. McGee</u> |
| 5. <u>Robert E. Bocklund</u> | 29. <u>Latina Benson</u> |
| 6. <u>Alon Helken</u> | 30. <u>Lakone Gladmark</u> |
| 7. <u>Novell E. Larson</u> | 31. <u>Robert Ohlsson</u> |
| 8. <u>Egner Anderson</u> | 32. <u>Alice Burggraf</u> |
| 9. <u>Dorinda Stokke</u> | 33. <u>Shirley Amundson</u> |
| 10. <u>Dale Anderson</u> | 34. <u>Bud Amundson</u> |
| 11. <u>Hilding Anderson</u> | 35. <u>Jeff Amundson</u> |
| 12. <u>Jerry Benson</u> | 36. <u>Robert McMahon</u> |
| 13. <u>Don Gladmark</u> | 37. <u>Anita Fredericksen</u> |
| 14. <u>J. C. McGee</u> | 38. <u>Wendy Fredericksen</u> |
| 15. <u>Helen Boer</u> | 39. <u>Tony Heiberger</u> |
| 16. <u>Marlene Siemonson</u> | 40. <u>Virginia Heiberger</u> |
| 17. <u>Logan L. Benson</u> | 41. <u>Paul Heiberger</u> |
| 18. <u>Robert M. Benson</u> | 42. <u>Ced Heiberger</u> |
| 19. <u>Mal-in Brakke</u> | 43. <u>Darlene Estep</u> |
| 20. <u>Duane Vanderhoff</u> | 44. <u>Clifford C. Maltrop</u> |
| 21. <u>Gertie Vanderhoff</u> | 45. <u>Theodore Linge</u> |
| 22. <u>Edna Baker</u> | 46. <u>Joyce Linge</u> |
| 23. <u>Mike Loppert</u> | 47. <u>Linda Meyerink</u> |
| 24. <u>Alon Lunde</u> | 48. <u>Steven Meyerink</u> |

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 335-3890

TELECOPIER (605) 339-3357

Francis M. Smith
 Merle A. Johnson
 Arlo D. Sommerfeld
 Richard O. Gregerson
 John E. Simko
 William C. Taylor
 William P. Fuller
 Stuart L. Tiede
 Gary P. Thimmes
 Bradley C. Crounburg
 James M. Wiederrich
 Comet H. Haraldeen
 Richard J. Corrigan
 J. C. Shultz
 Roger W. Damgaard
 Barbara Anderson Lewis
 Frederick M. Entwistle
 David C. Kroon
 Sara L. Borsene
 Michael M. Billion
 Mark J. Welner
 A. Russell Janklow

Merle T. Woods (1869-1965)
 Howell L. Fuller (1909-1981)
 John B. Shultz (1912-1975)



FACSIMILE TRANSMISSION
 COVER LETTER

DELIVER TO:

John Hatch

FROM:

Michael Billion

TOTAL NUMBER OF PAGES:

3

(Including cover sheet)

PLEASE CALL US AS SOON AS POSSIBLE IF YOU DO NOT RECEIVE ALL PAGES:

(605) 336-3890 and ask for

*Barb F.*Sent to Fax No. *773-6035*



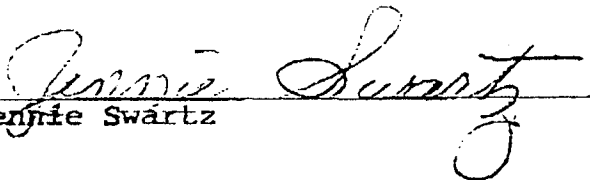
NOW, THEREFORE, she prays that she be allowed to intervene in the above referenced matters, and requests that all notices be sent to her attorneys of record, Michael M. Billion and William



- 2 -

Taylor of Woods, Fuller, Shultz & Smith P.C., 310 South First Avenue, Sioux Falls, South Dakota 57102.

Dated this 23 day of September, 1991.


Jennie Swartz

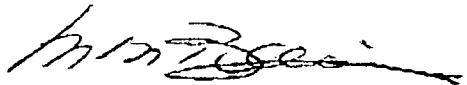
CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September, 1991, I sent by first-class mail, postage prepaid, a true and correct copy of the foregoing Notice to Intervene to each of the following:

Mr. John Hatch
Chief Engineer
Division of Water Rights
S.D. Department of Water and Natural Resources
State Capitol Building
Pierre, South Dakota 57501

Mr. Lyle Johnson
Waste Water Superintendent
Sioux Falls City Water Department
2100 North Minnesota Avenue
Sioux Falls, South Dakota 57104

WOODS, FULLER, SHULTZ & SMITH P.C.

By 

Michael M. Billion
310 South First Avenue
Sioux Falls, South Dakota 57102
Attorneys for Jennie Swartz

2244-3 Mrs. Dale (Jennie) Swartz

Approved: 5-22-75 for 2.5 cfs from 3 wells to irrigate 175 acres.

Completion of Works: 5-22-80

Point of diversion: SE 1/4 Sec 21-T103N-R49W

Land to irrigated: E 1/2 SW 1/4, SE 1/4 Sec 21-T103N-R49W

Qualification: Subject to development of Sioux Falls Future Use Permits.

Inspected but never licensed.

2-1-91 sent notice to amend permit because IQ was not received but IQ was submitted before deadline date.

Irrigation Questionnaire - 1980 reported 175 ac irrigated
 - 1989 reported 135 ac irrigated
 - 1990 reported 100 ac irrigated



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1991

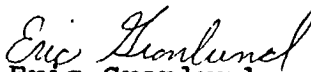
Gary Hanson, City Commissioner
City of Sioux Falls
224 W 9th St.
Sioux Falls, SD 57102

Dear Mr. Hanson:

Enclosed is a copy of the petition of opposition filed with this office on the City of Sioux Falls Future Use Permit Application Nos. 5522-3 and 5523-3 and Water Permit Application Nos. 5521-3, 5533-3 and 5556-3. The petition also supports the declaratory ruling for establishment of a maximum annual withdrawal limitation from the Big Sioux Aquifer:Sioux Falls Management Unit. I am sending the petition to you in the event that the petitioners inadvertently did not provide you a copy.

If you have any questions regarding the submittal of this petition, please feel free to contact this office.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure

cc: Lyle Johnson
Janet Brekke, Assistant City Attorney



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

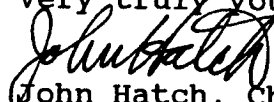
September 24, 1991

Water Management Board:

Several of the agenda items (City of Sioux Falls) scheduled for the October 2 meeting in Sioux Falls have been automatically continued. Due to the significance and local interest generated by the City of Sioux Falls agenda items, a special Board meeting should be held in Sioux Falls.

I am suggesting that a special meeting be held in Sioux Falls on November 5 and 6, 1991. Setting a special meeting date is scheduled for 8:30 am at the October 2, 1991 Board meeting. The Board may also be requested to set times for filing prehearing legal briefs, and to determine any other procedural issues at the October 2 meeting. John Guhin has a conflict November 7. If the parties believe the hearings will exceed two days; other meeting dates may be necessary.

Very truly yours,


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

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



2

Dear John Hatch, Chief Engineer

We are opposing the applications filed #5521-3, #5523-3, #5533-3, #5522-3 and #5556-6 we do not want any new water permits until our water problems are resolved in the Renner and Meadow Veiw area.

We are supporting the declaratory ruling that anual withdrawals of the Big Sioux Aquifer be limited to 32,200 acre feet of water per year.

Lauren Nichols 334-0455 6601 N. Cliff Ave SF, SD
David W. Myers 338-7996 6509 North 10th Ave SF, SD
Gudy Myers 338-7996 6509 N 10th Ave SF, SD
Nita Nauman 6601 10th Ave SF SD 336-8735
Kermit Hoover 6601 10th Ave SF SD 336-8735
Rehman Vang 6600 N. 10th SF SD 338-7191
Rachleen Vang 6600 N. 10th SF SD 338-7191
Sherryl Barton 6505 N 10th SF SD 338-9401
Mrs Matthew Balk 6501 North 10th Ave SF SD 334-2132
Margaret Balk 6501 North 10th Ave SF SD 334-2132
Linda Baad 6500 N. 10th Ave SF SD 332-0564
Betty De Baad 6500 N. 10th Ave SF SD 332-0564
Steven Nyhaug 6420 N 10th SF SD 334-5484
Nori Nyhaug 6420 N 10th SF SD 334-5484
Julie Neubert 6421 N. 10th Ave SF SD 335-8105
John Plenis 6405 N. 10th Ave SF SD 334-5503
Barb Van Laan 6316 N. 10th Ave SF SD 338-7180
Curtis Eng 6400 N 10th Ave SF SD 339-2012
Ray Eng 6313 N Cliff SF SD 332-2683
Deane Meyer 6309 N Cliff SF SD 338-2059
Patricia Weebken 6301 N. Cliff SF SD 339-2292
Norman Weebken 6301 N. Cliff SF SD 339-2293

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



3

Dear John Hatch, Chief Engineer

We are opposing the applications filed: #5521-3, #5523-3, #5533-3, #5522-3 and #5556-6 we do not want any new water permits until our water problems are resolved in the Renner and Meadow Veiw area.

We are supporting the declaratory ruling that anual withdrawals of the Big Sioux Aquifer be limited to 32,200 acre feet of water per year.

Randy Ziesen RR1 Box 737 Renner 335-5868
Genevieve Sorum RR1 Box 787 Renner, SD
Jury Mose RT1 Box 623 543-5643 Renner, SD
Sinda Cosg RR1 Box 647 Renner 543-5858
Mort Shur RR1 Box 765 Renner 332-0850
Candy Hender Box 30 Renner 332-7663
Lz Vonne Bernelt RR1 Box 807 Renner 338-0150
Stelly Jumbleson RR1 Box 567 Renner 543-5623
Ronald J. Peterson RR1 Box 653 Renner SD 332-0458
Don Smith RR1 Box 865 Renner SD 339-0575
Doris Clauson RR1 Box 739 Renner, SD 332-6164
Kandy Jensen Box 68 Renner, SD 9-1353
Herbert Swason RR1 Box 783 Renner, SD
Kelly B. Egan RR1 Box 645 Renner S.D. 543-5924
Linda Egan RR1 Box 645 Renner S.D. [↑] Same 334-5659
Dean E. Sorum RR1 Box 754 Renner, SD 332-0214
Dandy K. Sorum RR1 Box 754 Renner, SD 334-5659
Jim A. Kretel RR1 Box 655 Renner, SD 339-0470
Annette Meyer RR1, Box 675 Renner SD 334-4054
Lloyd France RR1 Box 955 Renner SD 543-5226
Clarence Bar RR1 Box 673 Renner SD 332-0118
Don Clauson RR1 Box 739 Renner SD 332-6164

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



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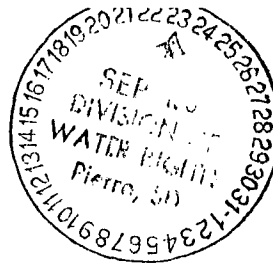
Dear John Hatch, Chief Engineer

We are opposing the applications filed: #5521-3, #5523-3, #5533-3, #5522-3 and #5556-6 we do not want any new water permits until our water problems are resolved in the Renner and Meadow Veiu area.

We are supporting the declaratory ruling that anual withdrawals of the Big Sioux Aquifer be limited to 32,200 acre feet of water per year.

ROGER CHRISTENSON - 1100 E 84th ST. SIOUX FALLS S.D. 57106 332-0614
Duane Egger 603 E 3rd ST. COLTON S.D. 57001 446-3281
Myron & Nohava 210 Douglas Blvd. Baltic, SD 57001 529-5600
Jeffrey Pedersen R.R. 2, Box 49B COLTON S.D. 57001 446-3922
ROGER L. Benson Box 23 LYONS S.D. 57050 543-5548
Selmer Johnson Box 35 Sherman, S.D. 57081 591-3578
Karl L. Johnson R.R. 11 Box 1200 Sioux Falls SD 57106 334-6217
Erik Christenson 1100 E. 84th ST. N. Sioux Falls, S.D. 57106 332-0614

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



Dear John Hatch, Chief Engineer

We are opposing the applications filed #5521-3, #5523-3, #5533-3, #5522-3 and #5556-6 we do not want any new water permits until our water problems are resolved in the Renner and Meadow Veiw area.

We are supporting the declaratory ruling that anual withdrawals of the Big Sioux Aquifer be limited to 32,200 acre feet of water per year.

Erwin Mehlold Renner 33.987 RR#1

Faye Hanson 5409 N. 10th Ave. S.F. S.D.

Herman Knock 6705 N. Cliff Sioux Falls S.D.

Dean Bollinger 6709 N. Cliff Ave. Sioux Falls S.D.

Marian Nilsson 6801 N. Cliff Ave. Sioux Falls, S.D.

Deb Fite 6805 N. Cliff Sioux Falls S.D.

Betty L. Miller 6812 No. 10th Ave, S. Falls, S.D. 57104

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

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

Dane Nanson 6812 N. 10th Ave, Sioux Falls, SD 57104

Dean Renner 6805 N. 10th Ave Sioux Falls, SD 57104

Lorraine Renner 6805 N. 10th Ave, Sioux Falls, SD 57104

Joan Monahan 6701 N. 10th Ave, Sioux Falls S.D. 57104

Eugene Nilsson 6700 N 10th Sioux Falls SD 57104

Karen Cody Rt. 1 Box 841 Renner, SD 57055

Rich Ehlert 6701 N. Cliff Ave S.F. S.D. 57104

Jack Kennedy 6613 N. Cliff Sioux Falls S.D. 57104

Mary M. Kennedy 6613 N. Cliff Sioux Falls S.D. 57104



GREAT FACES. GREAT PLACES.

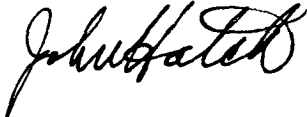
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1991

NOTICE

TO: Gary Hanson, City Commissioner
City of Sioux Falls
224 W 9th Street
Sioux Falls, SD 57102
and Parties of Record (see attached list)

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

SUBJECT: Automatic Delay of Hearing on Future Use Permit Application
No. 5522-3, City of Sioux Falls from Middle Skunk Creek
Aquifer

A petition opposing Future Use Permit Application No. 5522-3 has been filed by Jerome B. Lammers, attorney acting on behalf of 71 Middle Skunk Creek Aquifer water users. The petition also requests postponement of the hearing. Therefore, the hearing on Application No. 5522-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 2, 1991. Petitions in opposition or to intervene have also been received from the Renner area domestic well owners and Michael M. Billion, Attorney for Jennie Swartz.

I am requesting the Water Management Board to schedule a special, early November meeting in Sioux Falls to consider this application. A request for declaratory ruling on the decline of the water levels in private domestic wells in the Renner area north of Sioux Falls and the City of Sioux Falls water permit applications from the Sioux Falls Management Unit of the Big Sioux Aquifer will be considered at the same meeting. Discussion on the dates and procedure for this special meeting will take place before the Board at 8:30 am on October 2, 1991 in the Embassy Rooms 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. On October 2, 1991, the Board may also set times for filing prehearing legal briefs and determine any other procedural issues. No evidence will be presented on Future Use Application No. 5522-3.

After October 2, 1991, notice will be provided to any parties of record, of the date, time and place of the hearing before the Water Management Board regarding Future Use Application No. 5522-3. If you have any questions regarding this automatic delay, please contact Eric Gronlund at 773-3352.

cc: Water Management Board
John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Lyle Johnson, Utility Manager
Janet Brekke, Assistant City Attorney



GREAT FACES. GREAT PLACES.

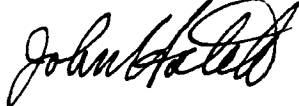
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1991

NOTICE

TO: - Water Permit/Right Holders for the Sioux Falls Management Unit of the Big Sioux Aquifer
 - Persons Petitioning the Water Management Board for a Declaratory Ruling to Resolve Problems with Domestic Wells in the Renner Area
 - Other Interested Persons

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

SUBJECT: Automatic Delay of Hearing on the request for a Declaratory Ruling on the Decline of the Water Levels in Private Domestic Wells in the Renner Area North of Sioux Falls and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer.

A hearing was scheduled on October 2, 1991, before the Water Management Board to consider the request for a declaratory ruling on private domestic well problems in the Renner area north of Sioux Falls. The City of Sioux Falls, a party to this proceeding, has requested that the hearing on this declaratory ruling request be automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5. Therefore, the hearing on this declaratory ruling request will not be held on October 2, 1991.

A petition from the following petitioners requests an automatic delay of the hearings on City of Sioux Falls Water Permit Applications No. 5523-3, 5521-3, 5533-2, and 5556-3, all for Sioux Falls Management Unit, Big Sioux Aquifer Water.

Minnehaha Rural Water Corporation
 represented by Jerry Lammers
City of Dell Rapids
City of Baltic
City of Hartford
Minnehaha County Economic Development Association
Minnehaha County Rural Mayors Association
City of Humboldt
City of Garretson

The hearings on Application Nos. 5523-3, 5521-3, 5533-2 and 5556-3 will not be held October 2, 1991.

I am requesting the Water Management Board to schedule a special, early November meeting in Sioux Falls to consider the declaratory ruling request and City of Sioux Falls Water Permit Applications. Discussion on the dates and procedure for this special meeting will take place before the Board at 8:30 am on October 2, 1991 in the Embassy Rooms 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. On October 2, 1991, the Board may also set times for filing prehearing legal briefs, and determine any other procedural issues. No evidence will be presented on the declaratory ruling request or City of Sioux Falls applications.

After October 2, 1991, notice will be provided to any parties of record (persons who have filed petitions in response to previous notices) of the date, time and place of the hearings before the Water Management Board regarding the declaratory ruling request and City of Sioux Falls applications. If you have any questions, please contact Eric Gronlund at 773-3352.

Since no opposition petitions have been filed, the Water Management Board will still consider the Chief Engineer's request for declaratory ruling to establish a maximum annual withdrawal limitation of 32,200 acre feet annually from the Sioux Falls Management Unit, Big Sioux Aquifer and cancellation of six City of Sioux Falls vested water right claims and one water right as scheduled October 2, 1991.

Enclosed for your information is a copy of the October 2, 1991 Board Meeting Agenda.

cc: Water Management Board
John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Gary Hanson, City Commissioner
Lyle Johnson, Utility Manager
Janet Brekke, Assistant City Attorney
Jerome Lammers, Attorney

CERTIFICATION

I hereby certify that on September 25, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Automatic Delay of Hearing on Future Use Permit Application No. 5522-3, City of Sioux Falls from Middle Skunk Creek Aquifer, a Notice of Automatic Delay of Hearing on the request for a Declaratory Ruling on the Decline of the Water Levels in Private Domestic Wells in the Renner Area North of Sioux Falls and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer, and a copy of the Agenda of the Sixty Fourth Water Management Board Meeting to be held October 2, 1991 addressed as stated on the attached list.

Sent Inter-office To:

John Guhin, Deputy Attorney General, Capitol Building.

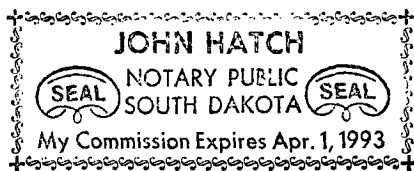
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of September, 1991.



John H. Bates
Notary Public

CERTIFICATION

I hereby certify that on September 24, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Automatic Delay of Hearing on Future Use Permit Application No. 5522-3, City of Sioux Falls from Middle Skunk Creek Aquifer, Notice of Automatic Delay of Hearing on the request for a Declaratory Ruling on the Decline of the Water Levels in Private Domestic Wells in the Renner Area North of Sioux Falls and City of Sioux Falls Water Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer, and a copy of the October Agenda Sixty Fourth Water Management Board Meeting to be held October 2, 1992 addressed:

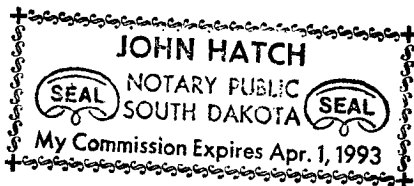
Michael Billion and William Taylor, Attorneys
Woods, Fuller, Shultz & Smith, P.C.
310 South First Avenue
Sioux Falls, SD 57102

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of September, 1991.



John Hatch
Notary Public

CERTIFICATION

I hereby certify that on September 24, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Automatic Dealy of Hearing on Future Use Permit Application No. 5522-3, City of Sioux Falls from Middle Skunk Creek Aquifer, and a copy of the October Agenda Sixty Fourth Water Management Board Meeting to be held October 2, 1991 addressed as stated below and on the attached list:

Gary Hanson, City Commissioner, City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102.

Lyle Johnson, Utility Manager, 224 W. 9th St., Sioux Falls, SD 57102.

Janet Brekke, Assistant City Attorney, 224 W. 9th St., Sioux Falls, SD 57102.

Jerry Lammers, Lammers, Lammers, Kleibacker & Parent, P.O. Box 45,
Madison, SD 57042-0045.

Middle Skunk Creek Water Association:

Co-Chairmen: William H. Siemonsma, Box 37, Lyons, SD 57041.
Bob Dressen, RR 2, Box 76, Dell Rapids, SD 57022.

Directors: Bob McMahon, RR, Colton, SD 57018.
 Ronald Johnson, RR 2, Hartford, SD 57033.
 Don Fladmark, RR 1, Box 50A, Colton, SD 57018.

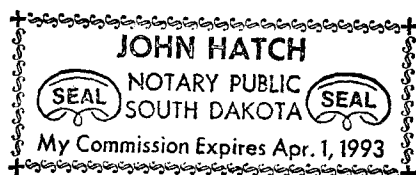
Secretary: Bill Pearson, RR 2, Box 149, Hartford, SD 57033.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of September, 1991.



John H. Stetson
Notary Public

BEFORE THE WATER MANAGEMENT BOARD

STATE OF SOUTH DAKOTA

IN THE MATTER OF CITY OF)
SIOUX FALLS WATER PERMIT)
APPLICATION NO. 5522-3,)
MIDDLE SKUNK CREEK AQUIFER)

NOTICE
AND ORDER

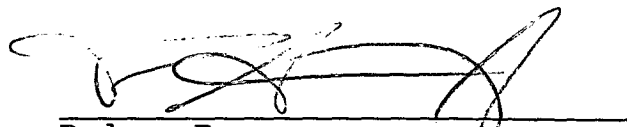


On October 2, 1991, the South Dakota Water Management Board (Board) met to set its date for hearing and make other procedural determinations in the above-entitled administrative proceeding. At this public meeting, the Board determined that the hearing in the above-entitled case will be held at 8:30 a.m. on November 14, 1991, in the Starlite Room on the 9th Floor, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, South Dakota.

In addition to the above determination, the Board appointed the undersigned Board member to serve as prehearing officer in the above-entitled case and to give notice of the appointment as well as of the above procedural determination.

As ordered by the Board, NOTICE IS HEREBY GIVEN that the undersigned Board member has been appointed to serve as prehearing officer in the above-entitled case. Prehearing issues (discovery & procedural requests) will be heard upon notice to all parties in the case involved. Issues involving the merits will not be addressed by the prehearing officer, but are reserved for the hearing before the Board.

Dated this 2nd day of October, 1991.


Rodney Freeman
Prehearing Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 9, 1991

NOTICE

TO: Gary Hanson, City Commissioner
City of Sioux Falls
224 W. 9th Street
Sioux Falls, SD 57102
and Parties of Record

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

SUBJECT: Rescheduling of Hearing on Future Use Permit Application
5522-3, City of Sioux Falls, from Middle Skunk Creek Aquifer
and Establishment of a Procedural Order for the Hearing

The Water Management Board will consider Future Use Permit Application No. 5522-3 from the Middle Skunk Creek Aquifer on November 14, 1991 at 8:30 am in the Starlite Room on the Ninth Floor, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD 57102. The hearing on Application No. 5522-3 was automatically delayed from the October 2, 1991 Board meeting pursuant to SDCL 46-2A-4 and 46-2A-5. Enclosed is an agenda for the November 13 and 14, 1991 special meeting of the Water Management Board. The agenda time to consider No. 5522-3 may be delayed due to prior agenda items.

If agenda issues scheduled for November 13, 1991 extend into the second day of the Board meeting, then the Board will continue hearing these issues prior to consideration of Application No. 5522-3.

Applicable provisions of the notice of hearing published September 4 and 11, 1991 in the Sioux Falls Argus Leader and September 5 and 12, 1991 in the Sioux Valley News will still apply at this hearing.

A procedural order is enclosed which sets the hearing date, location and times of hearing for Application No. 5522-3 and gives notice of the appointment of a pre-hearing officer.

If you have any question regarding the upcoming hearing, please contact Eric Gronlund at 773-3352.

cc: Diane Best, Assistant Attorney General
Janet Brekke, Assistant City Attorney
Jerome B. Lammers, Attorney
Lyle Johnson, Utility Manager

enclosures

BEFORE THE WATER MANAGEMENT BOARD

STATE OF SOUTH DAKOTA

IN THE MATTER OF CITY OF)
SIOUX FALLS WATER PERMIT)
APPLICATION NO. 5522-3,)
MIDDLE SKUNK CREEK AQUIFER)

NOTICE
AND ORDER

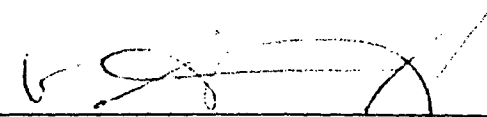


On October 2, 1991, the South Dakota Water Management Board (Board) met to set its date for hearing and make other procedural determinations in the above-entitled administrative proceeding. At this public meeting, the Board determined that the hearing in the above-entitled case will be held at 8:30 a.m. on November 14, 1991, in the Starlite Room on the 9th Floor, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, South Dakota.

In addition to the above determination, the Board appointed the undersigned Board member to serve as prehearing officer in the above-entitled case and to give notice of the appointment as well as of the above procedural determination.

As ordered by the Board, NOTICE IS HEREBY GIVEN that the undersigned Board member has been appointed to serve as prehearing officer in the above-entitled case. Prehearing issues (discovery & procedural requests) will be heard upon notice to all parties in the case involved. Issues involving the merits will not be addressed by the prehearing officer, but are reserved for the hearing before the Board.

Dated this 2nd day of October, 1991.


Rodney Freeman
Prehearing Officer

CERTIFICATION

I hereby certify that on October 9, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing on Future Use Permit Application 5522-3, City of Sioux Falls, from Middle Skunk Creek Aquifer and Establishment of a Procedural Order for the Hearing and a copy of Proposed Agenda Special Water Management Board Meeting to be held November 13 & 14, 1991 addressed as stated below and on the attached list:

Gary Hanson, City Commissioner, City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102.
Janet Brekke, Assistant City Attorney, City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102.
Jerome B. Lammers, Attorney, 108 N. Egan, P.O. Box 45, Madison, SD 57042-0045.
Lyle Johnson, Utility Manager, City of Sioux Falls, 224 W. 9th Street, Sioux Falls, SD 57102.
William H. Siemonsma, Box 37, Lyons, SD 57041.
Bob Dressen, RR 2, Box 76, Dell Rapids, SD 57022.
Bob McMahon, RR, Colton, SD 57018.
Ronald Johnson, RR 2, Hartford, SD 57033.
Don Fladmark, RR 1, Box 50A, Colton, SD 57018.
Bill Pearson, RR 2, Box 149, Ha
Commissioner Jim Zweep, RR 1, Box 2235, Brandon, SD 57005.
David Queal, Office of Planning & Zoning, Minnehaha County Courthouse, 415 North Dakota Ave., Sioux Falls, SD 57102.
Michael Billion and William Taylor, Woods, Fuller, Shultz & Smith, 310 South First Avenue, Sioux Falls, SD 57102.

Sent Inter-office 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 10th day of October, 1991.

John H. Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1991

Dear :

I am writing to let you know that a special meeting of the Water Management Board will be held in Sioux Falls beginning at 8:30 am in the Starlite Room on the Ninth Floor of the Holiday Inn City Centre on November 13 and 14, 1991 to consider the following declaratory ruling requests and City of Sioux Falls permit applications.

- 1) A declaratory ruling request to establish a maximum annual withdrawal limitation of 32,200 acre feet annually from the Sioux Falls Management Unit of the Big Sioux Aquifer (deferred at the October 2, 1991 Board meeting).
- 2) A declaratory ruling request on the decline of the water levels in private domestic wells in the Renner area north of Sioux Falls.
- 3) City of Sioux Falls Future Use Permit Application No. 5523-3 for the Sioux Falls Management Unit of the Big Sioux Aquifer.
- 4) City of Sioux Falls Future Use Permit Application No. 5522-3 from the Middle Skunk Creek Aquifer.
- 5) City of Sioux Falls Water Permit Application Nos. 5521-3, 5533-3 and 5556-3 from the Sioux Falls Management Unit of the Big Sioux Aquifer.

During the past months, copies of the public notices and other relevant correspondence have been sent to you to keep you informed about these water issues that may have an impact on your constituents. The Minnehaha Community Water Corporation; five cities - Dell Rapids, Hartford, Baltic, Humboldt, and Garretson; the Minnehaha County Economic Development Association; Minnehaha County County Rural Mayors Association; and 128 persons in the Renner area have petitioned to intervene in the hearings concerning the Sioux Falls Management Unit of the Big Sioux Aquifer. There have been 164 persons who have petitioned to intervene in the hearing concerning the Middle Skunk Creek Aquifer application. Petitioning enables these citizens and

groups to provide testimony to the Board. The Board will hear testimony on November 13 and 14, 1991, consider the evidence, and ultimately, make rulings on the two declaratory rulings and the permit applications.

Enclosed is a copy of the proposed agenda for this special Board meeting. If you have any questions regarding these water issues, please feel free to contact me.

Very truly yours,

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

enclosure

Senator Roberta Rasmussen
Rt 1, Box 23
Hurley, SD 57036-9666

Representative Mike Wagner
115 Oak, Box 308
Baltic, SD 57033

Representative Bill Sandness
4004 Watson Ave.
Sioux Falls, SD 57106

Senator Keith Paisley
2409 S. Elmwood
Sioux Falls, SD 57105

Representative Dave Munson
1009 S. Lyndale
Sioux Falls, SD 57105

Representative Jack G. Rentschler
4401 Vista Lane
Sioux Falls, SD 57105

Senator Linda Stensland
1800 O'Tonka Ridge
Sioux Falls, SD 57103

Representative Janice Nicolay
1401 Suburban Dr.
Sioux Falls, SD 57103-3762

Representative Patrick Kane
201 Security Building
Sioux Falls, SD 57102

Representative Juel S. Johnson
P.O. Box 536
Parker, SD 57053-0333

Senator Pam Nelson
2505 South Marion Road
Sioux Falls, SD 57106

Representative Patricia Pilcher
3200 O'Gorman Dr.
Sioux Falls, SD 57105

Representative Robert E. Caselli
1405 S. Garfield Ave.
Sioux Falls, SD 57105

Senator Richard Belatti
1212 S. Phillips Ave.
Sioux Falls, SD 57105

Representative John Timmer
1212 Elkhorn
Sioux Falls, SD 57104

Representative Roger Hunt
RR 1, Box 875
Brandon, SD 57005

Senator Karen Muenster
117 N. Duluth
Sioux Falls, SD 57104-3023

Representative Mary Vanderlinde
1201 North Minnesota Ave.
Sioux Falls, SD 57104

Francis M. Smith
Merle A. Johnson
Arlo D. Sommervold
Richard O. Gregerson
John E. Simko
William C. Taylor
William P. Fuller
Stuart L. Fiede
Gary P. Thimsen
Bradley C. Grossenbutg
James M. Wiederrich
Gomer H. Haraldson
Richard J. Corcoran
J. G. Shultz
Roger W. Damgaard
Barbara Anderson Lewis
Frederick M. Entwistle
David C. Kroon
Michael M. Billion
Mark J. Welter
A. Russell Janklow
James E. Moore

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

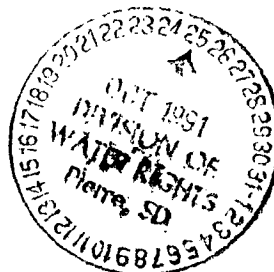
SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890
TELECOPIER (605) 339-3357

Melvin T. Woods (1899-1983)
Howell L. Fuller (1909-1981)
John B. Shultz (1912-1975)

William J. Janklow
Of Counsel

October 21, 1991



Via FAX

Mr. John Hatch
Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
State Capitol Building
Pierre, South Dakota 57501

Re: Jennie Swartz

Dear Mr. Hatch:

Mrs. Swartz is no longer retaining Woods, Fuller, Shultz & Smith to represent her in this matter. Kindly address future notices directly to her at:

Rural Route 1
Box 104
Baltic, South Dakota 57003

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Michael M. Billion

cc: Mrs. Jennie Swartz

LAMMERS, LAMMERS, KLEIBACKER & PARENT
LAWYERS

108 NORTH EGAN - P. O. BOX 45
MADISON, SOUTH DAKOTA 57042-0045

J. H. LAMMERS (1893-1983)
JEROME B. LAMMERS
WILSON M. KLEIBACKER
PHILIP R. PARENT



256-6677
AREA CODE 605
FAX NUMBER
(605) 256-6679

October 22, 1991

Mr. John Hatch, Chief Engineer
Division of Water Rights
Department of Environment and Natural Resources
Foss Building
Pierre, SD 57501

Dear John:

RE: Renner Area Private Domestic Wells/Declaratory Ruling

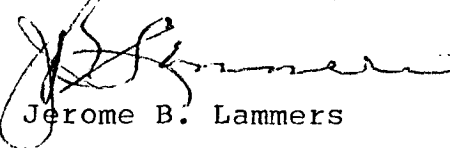
Please let this confirm my telephone conference yesterday with Eric Gronlund of your office whereby I advised him that I was representing approximately thirty-seven people involved in the above captioned matter and would appear on their behalf before the Water Mangement Board on November 13 and 14.

Mr. Gronlund has agreed to forward to me copies of all pertinent documentation, including, but not limited to, the petition, affidavits, your data, reports and recommendations.

If there is anything else that you need from me, please do not hesitate to contact me.

Yours very sincerely,

LAMMERS, LAMMERS, KLEIBACKER & PARENT



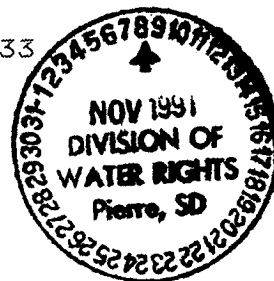
Jerome B. Lammers

JBL/ke

pc: Richard Vaughn

Middle Skunk Creek Aquifer Future Use Permit Response 11-7-91

Clifford C Millsapps
Rt 2 Box 147
Hartford SD 57033
605-528-6473



John Hatch, Chief Engineer
Dept of Environment and Natural Resources
Joe Foss Bldg
Pierre SD 57501-3181

Dear Mr Hatch:

I would like to pass on to you some of my concerns about Sioux Falls' request for a 10 million gallon per day future water use permit on the Middle Skunk Creek Aquifer. I am very interested in this request and have spent most of my free time the past month trying to understand it. I work as a Hydrologist for the Weather Service, so I have a good understanding of surface water. I've tried to pick up the geohydrology necessary to fully fathom the studies that have been done by the United States Geological Survey (USGS) and the Sioux Falls contractor, but I keep coming back to what I know well, surface hydrology.

The Middle Skunk Creek Aquifer and the Skunk Creek basin that drains the area above the aquifer has the following approximate characteristics, relative to the Big Sioux:

	SKUNK CREEK (abv West Branch)	BIG SIOUX (at Dell Rapids)
Drainage area:	300 sq mi	4500 sq mi
Annual Discharge:	25,000 acre ft / yr	232,000 acre ft / yr
Median Discharge:	12,000 acre ft / yr	145,000 acre ft / yr
	=11 million gal/ day	=130 million gal/ day
No Flow occurred:	'51 '54 '55 '57 '58	'76
	'59 '62 '77	

The size of the Skunk Creek drainage is about 1/10 that of the Big Sioux.

The volume of water that can be stored in the Middle Skunk Creek Aquifer is about 41,000 acre ft, relative to a storage in the Big Sioux River Aquifer between Dell Rapids and Sioux Falls of about 100,000 acre ft.

I was alarmed by the size of the Sioux Falls future water use request of 10 million gallons per day! I knew that Sioux Falls had become very worried over the water supply in the Big Sioux Aquifer in 1976 when they were pumping around 13 million gallons per day. I wondered why, if they have had trouble getting 13 million gallons per day out of 3 times the aquifer and 10 times the river, are they asking for 10 million gallons per day out of the Middle Skunk Creek Aquifer?

The answer I came up with is, that because of the city's growth, they now have a desire for 31 million gallons per day during mid summer, and 19 million gallons per day average usage, with larger amounts needed in the future. The period 1977 to 1986 was very gracious water supply wise, being the state's wettest 10 years on record. The Big Sioux had more water then we knew what to do with, and the water supply problem, being out-of-sight, was out-of-mind. The drier weather in 1987-1990 has brought the city's vulnerability to the front, and they are scrambling to find a quick cure.

This irresponsible band-aid request was passed through the South Dakota Water Rights people who recommended approval of 8 million gallons per day. The state's recommendation was largely based on a 1985 USGS study that suggested that these high water supply numbers were conceivable. From an engineering point of view I suppose that the aquifer could possibly be manipulated so as to supply 8 million gallons per day, without mineing, if we didn't care what the 8 million gallons per day cost the people living in the area.

The base flow in the river, or the average amount of water that the aquifer supplies to the river, is about 2 million gallons per day. To get more water into the aquifer, so you can take more out, the groundwater gradient has to be changed. By pumping water wells hard, and piping water out of the basin, the water table and soil moisture can be reduced, especially along the narrow flood plain ribbon. The streambed and aquifer having a larger capacity to absorb water, will take more from the stream when high flows occur.

Limitations of this enhanced recharge idea is that the high water recharge comes in a few brief spurts during the year. Most of the flood flows will have insufficient time to soak in. 90 percent of the yearly water volume comes down the river in these few spurts, and to capture even 25 percent of these high flows would seem very optimistic to me.

Note: I will try to stay with the gallons per day units in this letter to avoid confusion, even though acre ft per year of cubic ft per second may be the more technically correct units:

If we take everything that is now going from the **Skunk Creek Aquifer** to keep the stream running year around or..... **2 million gallons per day**

Add to that the amount of the high flows that could conceivably be captured by a dry, absorbent stream bed or...

median flow.....	11 million gallons per day
minus base flow.....	2 million gallons per day
high or flood flow.....	9 million gallons per day

25% of the flood flow $9 * .25 = 2.25$ million gallons per day.

adding the year around flow to the 25 percent enhanced recharge, we get **4.25 million gallons per day** being harvested.

Without a dam to catch the surges, most of the median yearly volume of water will still continue down the river.

To strengthen this argument, I will use the Big Sioux Data above. Sioux Falls has been pumping from the Big Sioux Aquifer since the 1890s, and numerous studies since have resulted in a much clearer picture of this aquifer. The state is estimating that 32,000 acre ft per year is the maximum allocation of water in the **Big Sioux Aquifer** in the Dell Rapids to Sioux Falls area. That converts to **28 million gallons per day** on a stream that has an annual median flow of 145,000 acre ft per year (**130 million gallons per day**). Because of the large size of the Big Sioux Basin, high flows are spread out in longer, flatter crests, and heavy isolated summer rains at different times, and at different locations in the basin, make conditions more favorable for natural aquifer recharge from the river. It would make sense to me that if allocating 1/10th of the median annual flow that reaches the Big Sioux Aquifer below Dell Rapids is the maximum to be allowed, that allocating 1/2 of the median annual flow that reaches the Middle Skunk Creek Aquifer is irresponsible. If we used the 1/10th figure for the Middle Skunk Creek Aquifer area then we would be only permitting 2 million gallons per day.

We live in a semi-arid variable continental climate and to live at the limit of our water resources is irresponsible. Sioux Falls is in a fix, and I can understand them going after all the water that they can, but I don't believe that the resources in the rural communities surrounding Sioux Falls should be raped to rescue Sioux Falls' from their short-sightedness. The greatest value of this Middle Skunk Creek Aquifer to the historic users currently using this water would be to protect themselves against long term drought.

If we export unrealistically large amounts of water from the basin, the result will be a dry streambed, or one incapable of providing sufficient water for livestock, aquatic life and wildlife. The people in this area also find the flowing creek a source of great satisfaction, in addition to their reliance upon it.

There is some resignation in the area about the futility of fighting city hall. The city has further pacified objections to their proposal by talking about hooking domestic well owners up to rural water, supplying tanks and water to cattle, and installing fire hydrants along their main supply line. As I see it, if after two plus years of planning, the city can't provide a **written** offer to offset these people's possible losses, then the likelihood is nil that they will.

If Sioux Falls would change their request to a responsible one, then especially during wet years, they would be welcome to use Middle Skunk Creek water as a buffer against contamination of their existing well fields. A problem exists when the city of Sioux Falls has, along with elaborate, expensive pumping systems, an unreasonably high pumping limitation during a prolonged drought. Will they have the irrigators' and historic water users' best interests in mind?

It has been the general plan that future water needs by towns and businesses in rural areas like the Skunk Creek area be supplied by Rural Water Systems. The Minnehaha Community Water Corporation is currently concerned about its ability to supply current users,

and since Sioux Falls is trying to lock up the very last of the allocatable water in the Big Sioux Aquifer below Dell Rapids, they will likely be unable to extend or expand services to rural areas.

To **prevent** the illegal mining of water in this aquifer, a more responsible allocation amount needs to be arrived at. The wording of any permits should also be adequate to minimize mitigation based on **if** historic users can show that they have an adequate well, and **if** they can prove the damage is occurring, and **if** they can prove that the damage is directly connected to the city's pumping, and **if...** Anyway, it would also be comforting to have the allowed withdrawals tied to, and automatically reduced by, some index of precipitation, stream runoff, and well levels. It makes a great deal of sense to prevent damage rather than fix it.

Review of the studies being used to support the Sioux Falls future use permit.

Sioux Falls has done a fairly extensive, and expensive, study on the logistics of locating the best well sites, determining the best well spacing, and on designing the pipe lines to carry water to the ditches north of Sioux Falls. One plan is to spread the water into drainage ditches north of Sioux Falls to recharge the Big Sioux Aquifer in the area of the Sioux Falls water supply wells. The "rob Peter to pay Paul" rationale is that there are sufficient unused water resources in the Middle Skunk Creek Aquifer to allow and make it worth while for Sioux Falls to build facilities to tap this water.

A United States Geological Service (USGS) study, conducted primarily in 1985, has been used as the basis of estimating how much water is available in the Middle Skunk Aquifer. This study was adequate in providing gross estimates of water resources when no competition for water existed, but if the state is now allocating the remainder of the Skunk Creek Aquifer resource, then we should have a much clearer idea of the size of the entire resource before doing so. The USGS study had obvious money and time limitations and now the need is for more accurate data to allocate the water resources fairly.

The most obvious limitation for using the USGS study for the matter at hand is that we need to see if the model's results match reality in a dry period as well as during a wet period. The original study measured well levels and streamflow data for 1985 at the end of the wettest 10 years on record. For 1985, two extra river gages were installed, and a fairly intensive well level measuring program was conducted. Also, the very scanty existing historic information for the time period 1978 to 1985 was incorporated into the study.

Ideally, several years of comprehensive data would be used to give a preliminary mathematical model. The modelers would then adjust within reason the numbers that represent the different variables until the model gave results that followed fairly closely to what really happened. Then, for verification, the modelers would take comprehensive data from a climatically different period of years and see if the model data still followed the measured data. The USGS study on the Skunk Creek was limited to calibrating and

then verifying the model, essentially with the same 1985 data. Sioux Falls, however, had no problems with what seems to me to be very optimistic water supply values.

Sioux Falls has taken the USGS model as being sufficient and has run it for a hypothetical dry period similar to the one that occurred in 1976. The hypothetical 1976 drought was started from the **steady state, or average conditions**, for the 1978-1985 period. It is interesting to note that, when similar 1976 hypothetical model studies were done for the Big Sioux, the USGS started with the **base conditions in place at the end of 1975**. By looking at annual precipitation data, you can see there was an extended period of **drier** than normal conditions leading up to 1976, whereas the conditions leading up to 1985 were **wetter** than normal. If we are only concerned about a one year drought similar to the one we know caused concern, we should at least initiate the model from the conditions that led up to that drought.

The Sioux Falls model run on the Middle Skunk Creek Aquifer predicted that, **if** the aquifer was allowed to rest after pumping near maximum allowable amounts, the aquifer would recover to near normal conditions within a year's time. No modeling of long term drought was found in the Sioux Falls study, which is disappointing, especially in light of problems in Southern California and other areas.

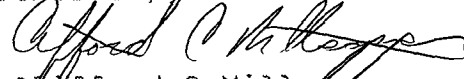
In my work with the National Weather Service, I have seen many times when the intricate models and high tech answers are relied on as the best forecast, when a better forecast could have been made using a little common sense and by looking out the window. I think this is the situation here.

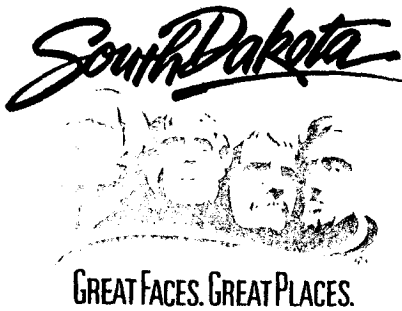
Intuitively, increasing pumping by more than 90 percent in the Middle Skunk Creek Aquifer, just never washed with the idea of little or no adverse affects. The idea that we can export 8-10 million gallons per day from an aquifer that has historically only maintained a supply of 2 million gallons per day to its drain is hard to swallow. I realize that if we could capture all the short-lived high and flood flows, then we could average a catch of 10 times as much water; the 5-7 million gallon per day idea would seem possible, if increased water surface evaporation didn't consume too much. This would require a surface reservoir, however.

I'm not advocating a reservoir; I'm not saying that Sioux Falls can't harvest some of this water; I'm just asking for responsible allocation. Also, what may be possible from an engineering point of view may be hard to swallow from a best management for all concerned point of view.

Please feel free to contact me about the above in the evening at 528-6473 or during normal working hours at 330-4246. I would like to present my views at the hearing on November 14th at the Holiday Inn in Sioux Falls.

Sincerely,


Clifford C. Millsapps



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 1991

NOTICE

TO: Gary Hanson, City Commissioner
City of Sioux Falls
224 West 9th Street
Sioux Falls, SD 57102 (and Parties of Record)

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

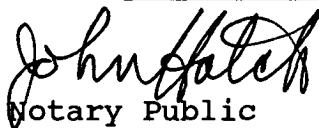
SUBJ: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Future Use Permit 5522-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, March 4, 1992, Floyd Matthew Training Center, 523 East Capitol, Pierre, SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by February 13, 1992. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by February 24, 1992.

The public hearing was completed on November 14, 1992. No additional testimony will be received on March 4, 1992.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Lyle Johnson, Utility Manager, City of Sioux Falls
Janet Brekke, Assistant City Attorney



PARTIES OF RECORD

(alphabetized)

FUTURE USE PERMIT APPLICATION NO. 5522-3

CITY OF SIOUX FALLS

November 7, 1991

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5522-3. DTF

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R J Zing
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Sioux Falls SD 57104

Parties of Record to Future Use Application No. 5522-3 Continued

APPLICANT:

City of Sioux Falls
224 West 9th St.
Sioux Falls, SD 57102

OPPOSITION:

Jerome B. Lammers, Attorney
Lammers, Lammers, Kleibacker & Parent
P.O. Box 45
Madison, SD 57042-0045

REPRESENTING:

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William Pearson
William H. Siemonsma
Vernell Johnson
Robert Froehlich
Don Gelderman
Newell E. Larson
Esther Anderson
Linda Stobbe
Sally Anderson
Hilding Anderson
Leroy Benson
Don Fladmark
J. C. McGee
Helen Boer
Marilyn Siemonsma
Roger L. Benson
Robert M. Clark
Marlyn Brakke
Duane Vanderhoff
Gertie Vanderhoff
Elmont Baker
Mike Geppert
Alan Surdez
Dick VanHeerde, Jr.
Judith Person
Ronald L. Johnson
Eunice T. McGee
LaVina Benson
LaVonne Fladmark
Robert Dressen
Alice Burggraff
Shirley Amundson
Bud Amundson
Jeff Amundson
Robert McMahon

Anita Fredrickson
Donley Fredrickson
Tony Heiberger
Virginia Heiberger
Paul Heiberger
Carol Heiberger
Darlene Estep
Clifford C. Millsapp
Theodore Linge
Joyce Linge
Linda Meyerink
Steven Meyerink
Scott Burggraff
Gail Carlson
Richard Oyen
Bill Boodwine
Terry Bunde
Dennis Jensen
Ruth Elverson
Stanley Elverson
Vera Burggraff
Kevin Burggraff
J. P Burggraff
Bernard Burggraff
Marvin Tellinghuisen
Ralph R. White
Dolores White
James Wrage
Micheal Mullany
Scott Hargen
Allen R. Canote
Wm. F. Bunde
Keith A. Hiberger
Vince Homar
Rudy Jung

Michael Billion and William Taylor, Attornies
Woods, Fuller, Shultz & Smit, P.C.
310 South First Avenue
Sioux Falls, SD 57102
Representing: Jennie Swartz

March 7, 1992
Clifford C Millsapps
Rt 2 Box 147
Hartford SD 57033
605-528-6473



Rodney Freeman, Jr
P.O. Box 176
Huron, SD 57350-0176

Dear Mr. Freeman

I am unsure of the formalities, but I would like to submit additional information into the current and future water allocation process of the aquifers on Skunk Creek. I am a hydrologist, and I have a fair understanding of, and have access to, the available literature; since my family and friends live near Skunk Creek, I've been digging a little deeper into the literature than most. I felt fortunate that the board didn't allot the full future use request on the Middle Skunk Creek Aquifer, especially considering the contesting parties' lack of preparation. I realize that this is a long letter, but please read at least the first seven summary paragraphs; I hope that the points I raise will lead you to read the "detail" portion, where hopefully any vagueness will be cleared up.

I recently received the "Findings of Fact," and I'm irate about "Division Witness Buhler's" preoccupation with substantiating the Division's hallowed recommendation. I challenge the change of wording in Findings of Fact XI to read that "The annual recharge of the aquifer could be increased to about 12,000 acre feet per year through induced recharge from Skunk Creek". This is an irresponsible abuse of the available data, and provokes me into responding on this, and a few other points.

The USGS Study, "Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, South Dakota" (Ohland, 1987), and the associated model were used almost exclusively to support the position of Sioux Falls and the state representatives. Mr. Buhler has evidently extracted numbers indiscriminately from this study, as the 12,000 acre feet stream recharge from the USGS model was for BOTH induced recharge from Skunk Creek, AND increased water due to reduced evaporation, NOT JUST "INDUCED RECHARGE FROM SKUNK CREEK". This estimate occurred when about 16,000 acre feet per year were pumped from BOTH the Lower and Middle Skunk Creek Aquifers, NOT JUST THE MIDDLE SKUNK CREEK AQUIFER. The Lower Skunk Creek Aquifer makes up at least 1/3rd the total length of the two aquifers; it would make sense to me that about a third of the pumping and stream recharge would have to be attributed to that lower aquifer, leaving an estimated 8,000 acre feet per year of enhanced water occurring in the Middle Skunk Creek Aquifer. Of this enhanced water, some was due to reduced evapotranspiration, and perhaps 2/3rds was due to "induced recharge from Skunk Creek." This would amount to about 5,500 acre feet per year, NOT 12,000 ACRE FEET PER YEAR.

Then comes the question: is it realistic to manipulate and alter the hydrology of the Skunk Creek Basin enough to force recharge of even 5,500 acre feet per year on the Middle Skunk Creek Aquifer from Skunk Creek? Let's compare this aquifer to the Big Sioux Aquifer above Sioux Falls, which is a very similar sized aquifer, of very similar type. This Big Sioux Aquifer has been highly developed with wells for many years, and, therefore, we have a great deal more confidence about its stream recharge characteristics. Estimates of stream recharge range from around 10,000 to 20,000 acre feet per year, 10,000 with pumping similar to what's currently occurring, up to about 20,000 acre feet per year if we doubled the current pumping (Koch 1982). Common sense tells us that the much smaller Skunk Creek, with maybe 1/10 the amount of water to recharge with, and much less stream bed area to recharge through, will have less than 1/10 the recharge potential of the Big Sioux River. This tells me that an "induced recharge from Skunk Creek" of less than 2,000 acre feet per year would occur under RESPONSIBLE pumping on the Middle Skunk Creek Aquifer.

The greedier we are in demanding water from the aquifer, the greater the stream recharge, but also the greater the associated damages. If we are reluctant to incur the damages of extreme pumping on the Big Sioux Aquifer above Sioux Falls, why would we consider pumping extreme amounts on the Middle Skunk Creek Aquifer?

(I will continue to round off values below in an attempt to maintain the idea that we are working with very rough estimates). Some other interesting points concerning the availability of water for development: The USGS study (Ohland, 1987) estimated the gains to the deep aquifer portion along the stream (core) 30 square miles of both aquifers to be: precipitation recharge of approximately 9,500 acre feet per year, and stream recharge of approximately 1,000 acre feet per year. From this 10,000-11,000 acre feet per year gain, losses of 5,000 acre feet per year went to evapotranspiration, and 5,500 acre feet per year went to support streamflow.

The representatives from Sioux Falls and the State of South Dakota, relying almost entirely upon this study and its model, contend that 10,000 acre feet per year could be withdrawn with little or no problems. In using the recharge assumptions from the study, they came up with about 10,000 acre feet per year recharge from precipitation. They never pointed out that the USGS study went on to estimate that half of the water captured from precipitation was later pulled back to the surface and used (largely by crops and vegetation) for evapotranspiration. The remaining 5,500 acre feet per year would seem more in line with POTENTIAL water development, and that wouldn't take into account any maintained streamflow or water for future local water development.

It would have also been easy for the Sioux Falls contractor to run the USGS Modflo model to get an estimate of the streamflow that would have been left, under different levels of well withdrawal. It appeared to me that any information that might support large withdrawals was indiscriminately drawn out of the USGS study, and any information that might encourage lesser allocations was

withheld. I was complacent over the 5,000 acre feet per year allotment because of an attitude that it was futile to "fight City Hall" any further. But now, if I can do so with this letter, I protest the issuance of a 5,000 acre feet per year allotment to the City of Sioux Falls as being excessive, on the basis of the arguments in this letter. Please inform me of any additional formal procedures necessary.

Detail

The Lower and Middle Skunk Creek Aquifers were formed by melting glaciers. Rivers of melt water flowed through the glacier, washing the small rock, sand, and soil away, and leaving behind the larger rock. Two of these elongated rocky areas are today's Lower and Middle Skunk Creek Aquifers. These are buried by a thin mantle of soil, with Skunk Creek cutting through the top of the aquifers. These aquifers have large pores, are deep, and hold a sufficient volume of water to make them attractive for well development.

With the aquifers' good well development potential, it is especially important to understand the refilling or recharging mechanisms. The main recharge mechanisms are: the seeping down through the soil of precipitation from the overlying land; and the occasional movement of water downward from the streambed into the aquifer. Usually the aquifer's water table is higher than the stream surface, so water seeps from the aquifer to the stream. In its natural state, a large part of this aquifer recharge is lost in supporting evapotranspiration of crops and vegetation, and the remainder is expended in keeping the stream flowing.

The most common objective tool for investigating an aquifer/stream system is a physical model. The U.S. Geological Survey has developed the only currently available physical model (Modflo) on this area, and has modeled 30 square miles of the core Lower and Middle Skunk Creek Aquifers. The output is summarized in a tabular form below.

My own cross-check of the USGS's estimates used the popular contention that the aquifers have fairly insignificant underground gains or losses to other areas. The movement of unused water out of the aquifer, being primarily above ground, should allow measured stream flow entering and leaving the aquifers to reveal valuable information about the complex interactions within the aquifers. Forty-two years of river gage data is available from near the downstream end of the two aquifers, and three years of river gage data is available from just above the Middle Skunk Creek Aquifer.

The flow gained through a stretch of river should be a good first guess of the average water that flows from the aquifers to the stream. The average base flow is representative of this, and at the downstream location is about 2000 acre feet per year. Above the aquifers in question, the base flow is about 500 acre feet per year. A rough intuitive guess of unused water leaving the Middle and Lower Skunk Creek Aquifers would be 1500 acre feet per year.

TABLE OF USGS MODFLOW RESULTS AND ASSUMPTIONS

Average or Normal Conditions, Lower and Middle Skunk Creek Aquifers

Gains

Average aquifer recharge rate..... 24 percent of the
Average annual precipitation..... 25 inches
Equals..... 6 inches/year (.5 ft/yr)
The surface area overlying the aquifers.. 30 sq mi. (19,000 acres)

19,000 acres x .5 ft/yr = Precip Recharge 9,500 acre feet per year
Stream Recharge.....1,000 acre feet per year
Seepage underground into the aquifers.....500 acre feet per year
equals Total Recharge.....about 11,000 acre ft/yr
Minus Evapotranspiration.....- 5,000 acre feet per year
Minus Existing Irrigation.....- 400 acre feet per year
equals LOWER AND Middle Skunk Creek
Water for streamflow or ???.....5,500 acre feet per year

HYPOTHETICAL HEAVILY PUMPED AQUIFER

Amount evapotranspiration was reduced.. 4,000 acre feet per year
Increased recharge from stream.....+ 7,500 acre feet per year
Total enhanced water about 12,000 acre feet per year

The pumping model above indicates to me that if we allow for a Skunk Creek Basin significantly different from what we have today, a larger amount of water could be harvested. By heavily pumping both the Lower and Middle Skunk Creek Aquifers, an estimated extra 12,000 acre feet per year of water could possibly be redirected, at the expense of reduced evapotranspiration, and reduced stream flow. The evapotranspiration decrease from 5,000 to 1,000 acre feet per year, if possible in reality, should be of great concern to farms with crops and pasture over this aquifer. Lowering the water table in the aquifer by increased pumping would decrease the number of plants whose roots would be able to pull water from the phreatic fringe (the area in the soil above the water table that is moistened by capillary action).

Also, common sense tells us that if an estimated 7,500 acre feet per year was diverted from streamflow by heavily pumping these aquifers, it would virtually kill the stream that has a base flow of only 2,000 acre feet per year. We could probably expect a dry stream, except directly following heavy rains and snowmelt. We can alter and manipulate these aquifer systems to yield more water, but we need to understand the sacrifices, costs, and losses before redirecting this scarce resource.

A few brief notes concerning the methods used in the existing USGS Modflo study follows: calibration of this model assumed that an average of the hydrologic conditions during a wet period from 1978-1985 (primarily 1985) could be used to determine the model coefficients for the steady state (average conditions) portion of the model. The main hydrologic parameters were: the aquifer's

water levels, precipitation, evapotranspiration, stream flow and well pumping. These parameters were adjusted within a plausible range until the model gave results consistent with observation.

The predictive potential of the Modflo model was used to estimate what would happen in a hypothetical extremely heavy pumping situation. The hypothetical pumping situation used the steady state (average) conditions, and added 19 hypothetical wells pumping 500 gal/min spread over the Lower and Middle Skunk Aquifers. This would pump a hypothetical 16,000 acre feet a year from the two aquifers. Well spacing was determined by trial and error until the simulated aquifers reached a new equilibrium (the amount of water being removed equaled the natural plus the induced recharge).

The USGS physical model data was completed to give a preliminary broad picture of the water resources of the area, and since it's all that is available, we used it to apportion water. Ideally, a model would be calibrated during one period of historical record, then verified against another period of record. This model was tested (verified) by comparing what the model predicted would happen in 1985 against data that was primarily from 1985.

The tremendous predictive capability of these models can produce a serious potential for estimates to become fact in the minds of people who don't understand the model's limitations. It's even obvious that people who should be familiar with the model's limitations are lulled by the clean slick outputs that modern technology has provided us. The model can only be as good as the data and effort that went into it. I think that the Water Board realizes this and has allocated water conservatively based on the information presented to them. Unfortunately, I don't think the state representatives have presented a clear, impartial picture. I felt it important to broaden the perspective.

Sincerely,



Clifford C. Millsapps

Primary References:

Koch, N.C., 1982, A Digital Computer Model of the Big Sioux Aquifer in Minnehaha County, South Dakota: U.S. Geological Survey Water-Resources Investigation Report 82-4064, 49p.

Ohland, G.L., 1990, Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, South Dakota: U.S. Geological Survey Water-Resources Investigation Report 87-4156, 54p.

CHURCHILL, MANOLIS, FREEMAN, KLUDT & KAUFMAN
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WILLIAM S. CHURCHILL
GEORGE N. MANOLIS
RODNEY FREEMAN, JR.
DOUGLAS E. KLUDT
GERALD L. KAUFMAN, JR.

March 12, 1992



TELEPHONE
605-352-8624

FAX
605-352-2205

Mr. John Hatch, Chief Engineer
Department of Environment & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: City of Sioux Falls

Dear John:

Enclosed please find the letter I received from Clifford C. Millsapps and it appears that the original and only copy was sent directly to me. Thus, I am forwarding it on to you but would advise that I did not receive the same prior to our meeting last week. You might want to give this to John Guhin.

Thank you.

Very truly yours,

Rodney Freeman, Jr.
of Churchill, Manolis, Freeman, Kludt & Kaufman

RF/ps
Enclosure

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	FINDINGS OF FACT,
APPLICATION FOR FUTURE USE	)	CONCLUSIONS OF LAW AND
WATER PERMIT NO. 5522-3, CITY	)	FINAL DECISION
OF SIOUX FALLS.	)	

FINDINGS OF FACT

I

This is an application of the City of Sioux Falls for a future use permit for 10,000 acre feet of water from the Middle Skunk Creek Management Unit of the Big Sioux Aquifer.

II

The purpose of the application is to provide for future water supplies for the City of Sioux Falls.

III

The City's written application is for 10,000 acre feet but the City has agreed to reduce its request to 9,000 acre feet.

IV

The City of Sioux Falls regards the water sought under this application to be an important part of its comprehensive plan for dealing with the growth of the City of Sioux Falls but has also indicated that the water is a "secondary" source. The City of Sioux Falls has expressed a desire to spread out development of its water supplies to various locations so as to keep yields from all wells which it will employ within safe and sustainable limits and so as not to cause a net drawdown of any aquifer.

V

The City of Sioux Falls will also utilize water under this permit to deal with contamination problems. The City, however, appropriately draws the attention of the Board to the fact that the amount of the water available under this application would not allow the City to deal with a long-term contamination problem.

VI

The City has indicated that the maximum amount that it would withdraw under this application by the year of 2030 in the event of an extreme drought is 4,382 acre feet per year. The City has also indicated that, by the year 2030, the amount it would withdraw in a normal river flow year is 841 acre feet. These estimates assumed full development of the permits requested for the Big Sioux Aquifer including its Application No. 5523-3. The Board's tentative decision on 5523-3, however, indicates that substantially less than the full amount sought under that permit will be granted to the City.

VII

The City did not introduce direct testimony regarding the precise amount of water which would be withdrawn under this permit in the year 2030 in either a normal river year or a drought year given the amount of water which will actually be available under 5523-3. The City did appear to agree that approximately 1,000 acre feet more than the 4,382 acre feet would be needed in either a

normal year or a drought year because of the Board's action with regard to other requested permits.

VIII

The Board finds that the City has not shown sufficient justification for reserving more than 5,000 acre feet per year with regard to this permit.

IX

The average annual recharge in the Middle Skunk Creek Management Unit is appropriately estimated to be 9,150 acre feet per year.

X

Average annual recharge to the aquifer could be increased by increased withdrawal from the aquifer because such increased withdrawal induces recharge from Skunk Creek.

XI

The annual recharge of the aquifer could be increased to about 12,000 acre feet per year through induced recharge from Skunk Creek.

XII

Appropriative rights in the Middle Skunk Creek aquifer represent a combined diversion rate of 19.26 cubic feet per second. Total irrigation from this aquifer under existing permits could be up to 4,122 acre feet per year but use of this volume of water is unlikely. The maximum reported irrigation use since 1979 was 724 acre feet in 1988. Nonetheless, the Board must give appropriate consideration to the potential for an expansion of

irrigation under existing permits in considering the amount of water to grant under this permit.

XIII

The Board finds that it is in the public interest to reserve from appropriation at this time a significant amount of water for development by other entities, including individual users, in the area.

XIV

The Board is in particular concerned with the potential for industrial growth in the City of Lyon, with an expanding use in farmsteads, and with increasing consumption by hog, dairy and cattle operations.

XV

The Board also finds that it is prudent to, at this time, grant a permit for only a portion of the application because of the limited thickness of the aquifer in question. The average thickness of the aquifer is only 30 feet and the saturated thickness of the aquifer is 20 feet or less over an area of approximately 4,000 acres. Wells in the area of the aquifer with very little thickness are subject to drawdowns caused by withdrawals which might be considered in other conditions to be not substantial. Thus, the Board finds it to be prudent and consistent with the public interest and the protection of prior water rights to limit the future use permit to protect domestic users and any prior rights in the shallower portions of the aquifer.

CONCLUSIONS OF LAW

I

The Board has jurisdiction of this matter.

II

There is a reasonable probability that there is 5,000 acre feet of unappropriated water available for the applicants proposed use.

III

There is a reasonable probability that 5,000 acre feet of water per year will be needed by the City of Sioux Falls for municipal purposes under this permit.

IV

The proposed use for municipal purposes is a beneficial use.

V

The proposed use of 5,000 acre feet per year is in the public interest as qualified below. The Board concludes, however, that the grant of a larger amount of water to the City of Sioux Falls at this time would not be in the public interest because of the limited amount of water available in the aquifer and because of the public interest in maintaining the availability of a certain amount of water for individual and other use within the area. A grant of a larger amount of water is also not in the public interest because of the shallow thickness of the aquifer and the concomitant necessity of more vigilant protection of existing users. Finally, a grant of a larger amount of

water is not in the public interest because water should, consistent with the public interest, be reserved to provide for expanded use under existing irrigation permits.

VI

The Board concludes that the City of Sioux Falls has failed to show a reasonable probability that more than 5,000 acre feet of water per year will be needed by the City of Sioux Falls for municipal purposes from the Middle Skunk Creek aquifer.

VII

The Board concludes that, pursuant to SDCL 46-6-3.1, (insofar as it is applicable to this case), it is probable that the quantity of water which may be withdrawn annually from the Middle Skunk Creek Management Unit under this permit together with other permits already granted will not exceed the quantity of average estimated annual recharge.

FINAL DECISION

The application for Water Permit No. 5522-3, City of Sioux Falls, is approved subject to the following qualifications:

1. Approval of Permit No. 5522-3 reserves 5,000 acre feet annually.
2. That future use Permit No. 5522-3 is approved with the stipulation that the permit to appropriate water is subject to review by the Water Management Board as to

accomplishment thereunder upon expiration of seven (7) years.

3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

4. This permit is approved for groundwater from the Middle Skunk Creek aquifer. Wells will be approximately 60 feet deep.

5. If development and pumping of Middle Skunk Creek aquifer water reserved by Future Use Permit No. 5522-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

BY THE BOARD:

Francis E. Brink

DATED: 3/26/92



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 1992

NOTICE

TO: Gary Hanson, City Commissioner
City of Sioux Falls
224 West 9th Street
Sioux Falls, SD 57102
(and Parties of Record)

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

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Future Use Permit 5522-3 (Middle Skunk Creek Aquifer) at the March 4, 1992, meeting.

A copy of the signed final Decision, Findings and Conclusions is enclosed for Commissioner Hanson, Lyle Johnson, Janet Brekke and Jerry Lammers. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that decisions of the Board may be appealed to the Courts.

cc: Diane Best, Assistant Attorney General
Lyle Johnson, Utility Manager, City of Sioux Falls
Janet Brekke, Assistant City Attorney

CERTIFICATION

I hereby certify that on March 27, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated March 27, 1992, regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision on Future Use Permit 5522-3 (Middle Skunk Creek Aquifer) and 5523-3 (Sioux Falls Management Unit:Big Sioux Aquifer) addressed to:

Gary Hanson, City Commissioner
City of Sioux Falls
224 West 9th Street
Sioux Falls, SD 57102

and Parties of Record (as shown on the attached list)

Copies of the Notice were also sent to:

Lyle Johnson, Utility Manager, City of Sioux Falls
Janet Brekke, Assistant City Attorney, City of Sioux Falls

A copy of the Notice was sent through inter-office mail to:

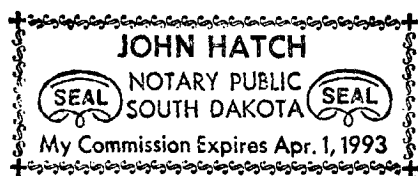
Diane Best, Assistant Attorney General

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of March, 1992.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1992

NOTICE

Clifford Millsapps
Rt 2, Box 147
Hartford, SD 57033

Dear Mr. Millsapps:

I am writing in response to your March 13, 1992 letter to Rodney Freeman regarding the City of Sioux Falls' Water Permit No. 5522-3 from the Middle Skunk Creek Aquifer. The Water Management Board took final action on this application March 4, 1992 by adopting Findings of Fact, Conclusion of Law and Final Decision (copy enclosed). The Water Management Board can not consider additional testimony on this Permit. Your letter will be included in the Permit file as being late filed.

The Decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. You have 30 days from the March 26, 1992 date the Final Decision was signed to initiate appeal procedures.

If you have any questions, please contact Eric Gronlund at 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

enclosure

CERTIFICATION

I hereby certify that on April 1, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 1, 1992, regarding Water Permit No. 5522-3, (Middle Skunk Creek Aquifer), along with a copy of the Findings of Fact, Conclusions of Law and Final Decision in the Matter of the Application for Future Use Water Permit No. 5522-3, City of Sioux Falls addressed as stated below:

Clifford Millsapps, Rt 2, Box 147, Hartford, SD 57033.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of April, 1992.

John Hated
Notary Public



Box 56
Lyons, SD 57041

John Hatch, Chief Engineer
Dept. of Environment! Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dated March 27, 1992, we recieved a letter notifying us that a Final Decision, including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Future Use - Permit 5522-3.

It was indicated that, upon request, we could recieve a copy of this Final Decision. Please send me this copy. We are extremely concerned that the needs of water for life and livelihood not be confused with watering lawns and golf fields. courses.

Thank you.

Deb Bunde
Farmer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 1992

Terry & Deb Bunde
PO Box 56
Lyons, SD 57041

RE: Future Use Water Permit No. 5522-3, City of Sioux Falls

Dear Mr. & Mrs. Bunde:

Thank you for your letter we received April 27, 1992. Enclosed please find a copy of the signed Findings of Fact, Conclusions of Law and Final Decision you requested in regard to the above-referenced matter.

Sincerely,

A handwritten signature in cursive script that reads 'Jaci R Konop'.

Jaci R Konop
Water Rights Division
(605) 773-3352

Enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Sioux Falls Future Use Permit No. 5523-3

ADDRESS: _____ COUNTY: _____

DATE: 5/12/92 TELEPHONE: _____

RE: Priority date for Future Use Permit Nos. 5522-3 and 5523-3

COMMENTS:

The priority date for Future Use Permit Nos. 5522-3 and 5523-3 for the City of Sioux Falls is based on the letter received from Keith DeJong on August 22, 1991. This letter amended the future use area on the application.

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 Gronlund



AUG 7 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lyle Johnson, WS
City of Sioux Falls
224 West Ninth Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

Enclosed is Future Use Water Permit No. 5522-3, as approved by the Water Management Board.

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

Very truly yours,

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

Enclosure

**Water Rights Division – DENR
FILE DOCUMENTATION**

NAME: Lyle Johnson, City of Sioux Falls FILE: No. 5522-3

DATE: April 14, 1994

TELEPHONE: 339-7088

RE: Connection of residents of Lyons to Minnehaha Community Water Corporation

Lyle Johnson with the Sioux Falls Water Department was contacted concerning my phone conversation with William Siemonsma on April 13, 1994. According to Mr. Johnson, the Water Department has made an offer to the Middle Skunk Creek Water Association to pay for hooking up the residents to rural water. The terms of the agreement are to pay the \$650 membership fee and then an average expense of \$2,000 per hookup for 28 connections. In addition, the city will be supplying raw water to stock tanks in the area at a cost of \$0.20/1,000 gallons. The water will not be metered but will be based on number of livestock.

Mr. Johnson indicated that the agreement has not been approved by the city commission, but it is supported by Commissioner Hanson and approval should not be a problem. According to Mr. Johnson, the proposed agreement has not been taken to the city commission because there has been no need to disburse the funds. A sign up list of persons agreeing to the city's offer has not been received by the city. Mr. Johnson indicated that once a list has been received, then approval from the city commission will be sought and the \$650.00 membership fee will be forwarded to John Buss, manager, of Minnehaha Community Water Corporation. After the work is completed, the city will disburse the remaining funds as work invoices are provided. Mr. Johnson also indicated that the city and the Middle Skunk Creek Water Association have agreed that negotiating with Minnehaha Community Water Corporation will be the responsibility of the water association.

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall, Natural Resources Engineer
Water Rights Division

**Water Rights Division -- DENR
FILE DOCUMENTATION**

NAME: William Siemonsma, Lyons SD
Chairman of the Middle Skunk
Creek Water Association

FILE: FU Permit No. 5522-3

DATE: April 13, 1994

TELEPHONE: 543-5523

RE: Connection of residents of Lyons to Minnehaha Community Water Corporation

Mr. Siemonsma called concerning assurances that were made to residents of Lyons SD during the November 13 - 15, 1991, Water Management Board hearing on Future Use Permit No. 5522-3. According to Mr. Siemonsma, the City of Sioux Falls agreed to provide water service to the residents. In the board minutes on page 42, Lyle Johnson with the City of Sioux Falls did indicate that Sioux Falls would provide service and a draft agreement was entered into the hearing record (page 45 of the minutes). Mr. Siemonsma indicated that he had a document indicating that Sioux Falls was willing to pay \$2,600.00 per hookup for a total of 30 hookups (\$78,000.00).

Mr. Siemonsma believed that Sioux Falls had made an acceptable proposal but the Minnehaha Community Water Corporation (MCWC) was not acting on the offer and providing water service. Several contacts with John Buss, manager, of MCWC since January 1994 have not resulted in any action on the part of the rural water system. According to Mr. Siemonsma, MCWC made an initial request of \$186,000.00 to complete the 30 hookups. Mr. Siemonsma believes this amount is unreasonable based on other recent work performed in Lyons. Approximately \$1,600 was charged per hookup to connect a few people that needed water quickly. The work was also completed in the winter when the ground was frozen.

Mr. Siemonsma is requesting that we contact John Buss, and Gary Hanson, city commissioner, to discuss what is causing the hookup delays and encourage them to address this issue in the near future. According to Mr. Siemonsma, permits were approved by the board based on an understanding that water would be delivered to Lyons. Construction of water supply wells is now happening, but Lyons is not being supplied.



Ron Duvall, Natural Resources Engineer
Water Rights Division

**Water Rights Division -- DENR
FILE DOCUMENTATION**

NAME: John Buss, Manager FILE: No. 5522-3
Minnehaha Community Water Corporation

William Siemonsma, Chairman
Middle Skunk Creek Water Association

DATE: April 18, 1994 TELEPHONE: 428-3374

RE: Connection of residents of Lyons to Minnehaha Community Water Corporation

John Buss, Manager of Minnehaha Community Water Corporation (MCWC), was contacted concerning my phone conversation with William Siemonsma on April 13, 1994. Mr. Buss compared the situation between Sioux Falls, Middle Skunk Creek Water Association, and MCWC to the John Morrell situation involving Sioux Falls and the state (MCWC was not consulted in advance of the announcement by the city that the water association would be supplied water). Mr. Buss told Gary Hanson, city commissioner, that MCWC can not drop other rural water system plans to accommodate obligations made by the city to the water association.

According to Mr. Buss, MCWC will eventually provide service to the Lyons area. The current plan involves running a 10-12 inch line west of Baltic through Lyons and over to Crooks. On April 29, 1994, Mr. Buss will discuss running this supply line with his Board of Directors. If sufficient funds can be found, the work could proceed this fall.

Conversation with William Siemonsma:

I contacted William Siemonsma concerning my conversations with Lyle Johnson and John Buss. Mr. Siemonsma believes that MCWC is being evasive and will not give an answer on when water service will be provided and how much will be charged to provide the service. Lyle Johnson, city of Sioux Falls, can not be supplied a list of hookups until MCWC provides some cost estimates. Mr. Siemonsma does not want to obligate anyone to a hookup without knowing up front what the costs will be to receive the service. The concern exists that if Sioux Falls is provided a list of hookups and pays the membership fee (\$650.00) to MCWC, then MCWC will assess a hookup charge higher than Sioux Falls will pay and homeowners will back out forfeiting the membership fee to MCWC.

Mr. Siemonsma wants the Water Management Board to be made aware that obligations made at the November '91 Board meeting are not being met. I told Mr. Siemonsma that no permit conditions or qualifications are involved and the issue can not be brought before the board through that route. I also indicated that I did not believe a declaratory ruling could be requested since there is no point of water law in question. I did let Mr. Siemonsma know that MCWC is applying for another permit and that anyone may intervene and become a party to a hearing on that application. As I told Mr. Siemonsma, whether the board will consider Mr. Siemonsma's concerns is up to the board to decide.

Prior to taking any further action, Mr. Siemonsma indicated that he would wait until after the April 29 meeting of the Board of Directors of MCWC. The issue may be resolved at that time.



Ron Duvall, Natural Resources Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1996

Terry and Deb Bunde
Box 56
Lyons, SD 57041

Dear Mr. and Mrs. Bunde:

Thank you for your recent letter. After receiving your letter, we have reviewed Future Use Permit No. 5522-3, the City of Sioux Falls, that was issued for 5000 acre feet per year. The numbers cited in your letter are in the Findings of Fact for Future Use Permit No. 5522-3 and were cited there as reasons for the approval of the permit along with many other findings. However, the final decision approved the permit for 5000 acre feet annually. I have enclosed a copy of the water permit for your review.

Since Future Use Permit No. 5822-3 was issued, the City of Sioux Falls has obtained five water permits to use the reserved water. The permits are:

<u>Permit No.</u>	<u>Wells</u>	<u>Annual Volume</u>	<u>Diversion Rate *</u>
5611-3	4 wells	1460 acre feet	4.23 cfs
5612-3	4 wells	1275 acre feet	4.12 cfs
5613-3	2 wells	605 acre feet	2.40 cfs
5614-3	2 wells	570 acre feet	2.14 cfs
5615-3	2 wells	907 acre feet	3.34 cfs

* 1.0 cfs (cubic feet per second) equals 449 gallons per minute

The city of Sioux Falls has 183 acre feet remaining in the Future Use Permit No. 5522-3. Other permit action in the Big Sioux Middle Skunk Creek aquifer has been Water Permit No. 5726-3 for the City of Sioux Falls. This permit authorizes the City to move one of the wells (under Water Permit No. 5613-3) and also transfers Water Right No. 2923-3, for irrigation use to municipal use by the City. The actual volume of transfer was 66 acre feet annually. No other water permit applications have been processed for the Big Sioux Middle Skunk aquifer.

Terry and Deb Bunde

March 13, 1996

Page 2

The City of Sioux Falls has reported a water use from the Big Sioux Middle Skunk Creek aquifer of 152 acre feet in 1994 and 1702.64 acre feet in 1995.

You have asked if any studies have been done on the potential effect on farm ground and production due to pumping. I can only answer this by referring to a copy of a hydrograph for an observation well from this aquifer. The water levels do show good correlation with climatic conditions. The water levels rise dramatically in wet years and decline during dry years. The total fluctuation from these extremes is about 10 feet. With this already occurring under natural conditions, it would be difficult to demonstrate affects caused by pumping.

Concerning the use of Missouri River water, the Lewis and Clark Water System is continuing to work on this project and Sioux Falls is part of this process. With only 183 acre feet still remaining reserved by Water Permit No. 5522-3, the options for additional permits by Sioux Falls from the Big Sioux Middle Skunk aquifer are limited. The aquifer is not fully appropriated, but the City is limited by existing permits.

Again, thank you for writing.

Very truly yours,

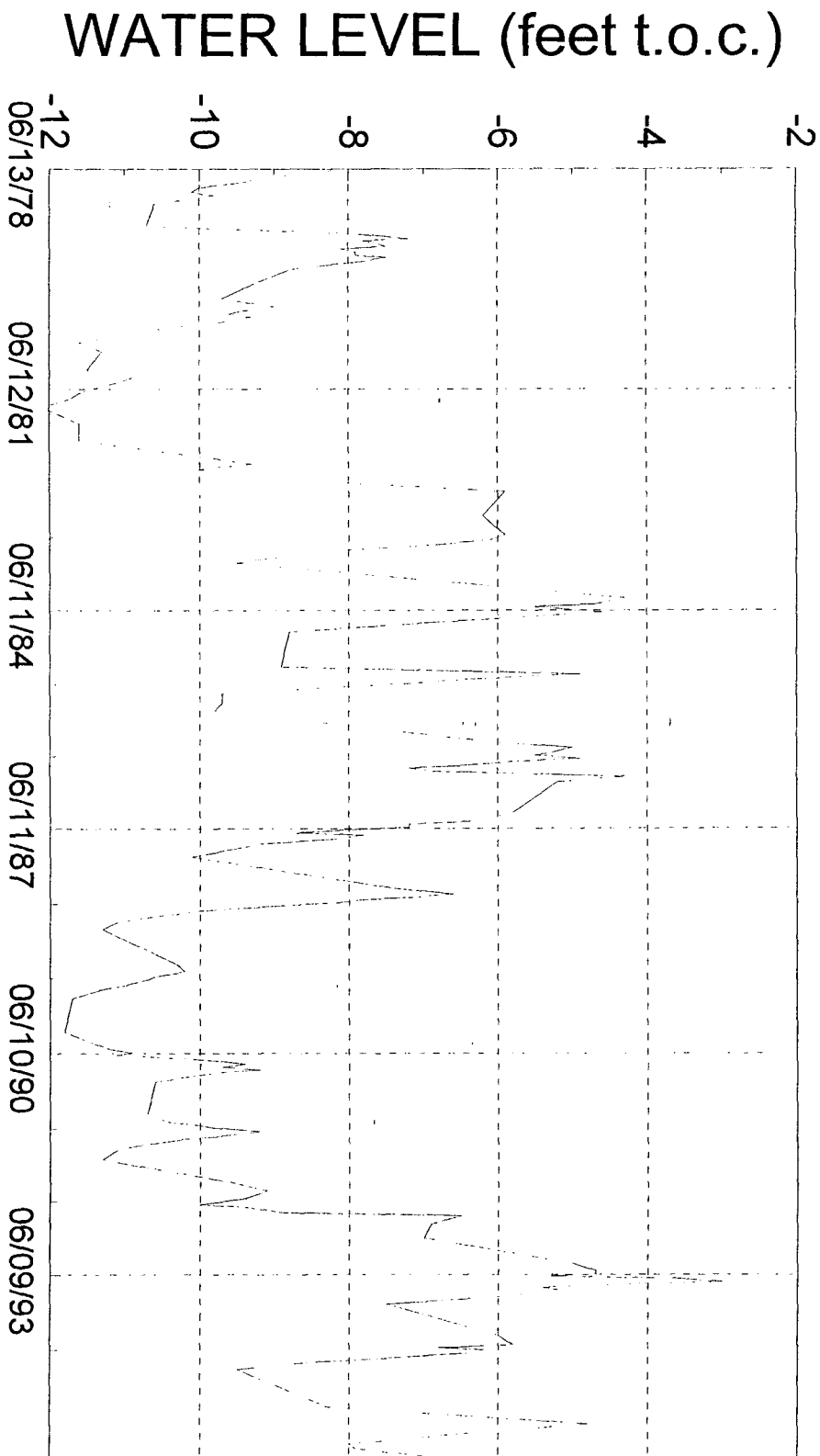
A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

WATER RIGHTS OBSERVATION WELL

MA-78E



SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5522-3

Date of first receipt of application March 18, 1991.

Date of return to applicant for corrections, amendments or changes March 19, 1991.

Date of receipt of corrected application August 22, 1991.

The Water Management Board approved Water Permit Application No. 5522-3 on March 4, 1992 for the City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102 appropriates water for future use subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 5522-3 appropriates for future use 5,000 acre feet of water annually from the Middle Skunk Creek Aquifer. The area reserved for future use, is to be located within Section 2-T102N-R51W; NE 1/4, SW 1/4, SE 1/4 Section 35; Section 36; NE 1/4, SW 1/4, SE 1/4 Section 25, SE 1/4 Section 26; NE 1/4, SE 1/4 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8, NW 1/4 Section 5; all in T103N-R50W; NE 1/4, SW 1/4, SE 1/4 Section 31; NW 1/4, SW 1/4 Section 32, 29, 20, NW 1/4 SW 1/4 Section 21; NE 1/4, SE 1/4 Section 17; NW 1/4, SW 1/4 Section 16; NE 1/4, SW 1/4, SE 1/4 Section 9; NW 1/4 Section 10; NW 1/4, SW 1/4 Section 3; NE 1/4, SE 1/4 Section 4; all in T104N-R50W
2. The water appropriated shall be used for the purpose of supplying future water for the City of Sioux Falls and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The date from which applicant may claim right is August 22, 1991.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 5522-3 reserves 5,000 acre feet annually.
2. That Future Use Permit No. 5522-3 is approved with th stipulation that the permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. This permit is approved for groundwater from the Middle Skunk Creek Aquifer. Wells will be approximately 60 feet deep.

(continued)

5. If development and pumping of Middle Skunk Creek Aquifer water reserved by Future Use Permit No. 5522-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: _____

John H. Hatcher
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

AUG 7 1992

(date)

Box 56
Lyons SD 57041
March 5, 1996



John Hatch
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre South Dakota 57501-3181

Dear Mr. Hatch:

In March of 1992, we were given a copy of the Findings of Fact, Conclusions of Law and Final Decision concerning the Application for Future Use, Water Permit No. 5522-3 by the City of Sioux Falls. Because my husband and I farm on the Skunk Creek bottom and because the City of Sioux Falls obtained easements from both my father and my father-in-law for the purpose of placing wells, we have a great interest in the status of this permit.

According to the finding, the city indicated that the maximum amount of this water, as a "secondary" source, they would use yearly would be 4,382 acre feet in the event of an extreme drought or 841 acre feet in a normal river flow year. Permits for up to 5000 acre feet per year were granted by the Water Management Board with the stipulation that the permit to appropriate water would be subject to review by the board.

As landowners and farmers, we requested information from Sioux Falls as to the effect on farm ground and production there might be from reduction of the aquifer. They told us that they knew of no such information. Because the last few years have provided ample rainfall, this has not been a concern. This will not always be the case. Have any studies been done of this nature? If so, could we obtain this information?

The city told us that there would be 2-3 wells pumping all of the time and that a single well would pump 800+ acre feed per year. This would seem to show the intent to be at least double their indication of 800 acre feet in a normal river flow year. We understand that they must report to the state the amount of water they are actually pumping. We also understand that we have access to this information. Could you please send us the recorded amounts of water pumped each year since the completion of the wells?

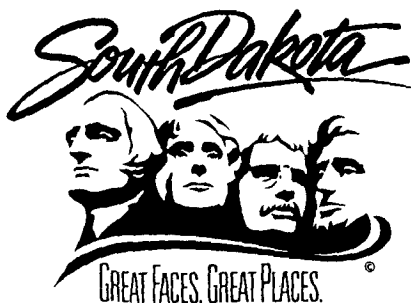
Although it was not included in your conclusion, we have been told that this water source is primarily to supply Sioux Falls water needs until they can hook up to Missouri River Water. We hope that the Board has encouraged Sioux Falls to keep working on this venture so that there will be no need for further water permit applications from this aquifer for the City of Sioux Falls. To date, have there been any other applications for the Middle Skunk Creek Management Unit of the Big Sioux Aquifer?

We look forward to a reply.

Thank you.

Sincerely,

Terry & Deb Bunde



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 20, 1998

Lyle Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Johnson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. These permits were approved in 1992. Currently, our records show that 183 acre-feet of water from the Middle Skunk Creek Aquifer, remains in reserve under Permit No. 5522-3 and 4,050 acre-feet of water from the Sioux Falls Management Unit of the Big Sioux Aquifer, remains in reserve under Permit No. 5523-3.

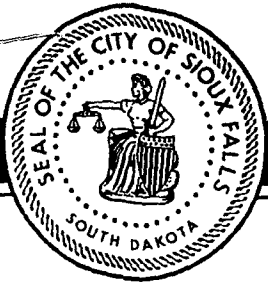
Please respond in writing by January 15, 1999, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 5522-3 and 5523-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve for each permit.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



PUBLIC WORKS

CITY OF SIOUX FALLS

AN EQUAL OPPORTUNITY EMPLOYER

224 West Ninth Street, Sioux Falls, SD 57104-6407
Hearing Impaired (605) 367-7039

January 7, 1999

Karen Schlaak
SD Department of
Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181



Dear Ms. Schlaak:

In response to your letter of November 20, 1998, the City of Sioux Falls intends to retain Future Use Permit No. 5522-3 for the Middle Skunk Creek Aquifer and Future Use Permit No. 5523-3 for the Sioux Falls Management Unit of the Big Sioux Aquifer.

The City of Sioux Falls has a current population of 120,000. Population projections estimate that the number of people in Sioux Falls will grow to 156,500 by the year 2015. Water demands will continue to grow with the increasing population. Continued development of the City's existing water supply will keep pace with growth until the year 2012. The City's future use permits are vital in ensuring an adequate water supply.

I have enclosed our water demand projections, supply capabilities, and a summary of the last four years of withdrawal data. If you have any questions or need additional information, please contact me.

Sincerely,

Lyle D. Johnson, Ph.D., P.E.
Director of Public Works

Enclosures

c: Randy Janssen
Kevin Smith

Public Works Administration
(605) 367-7143
FAX (605) 367-4605
Water Reclamation
(605) 367-7088
FAX (605) 367-8484

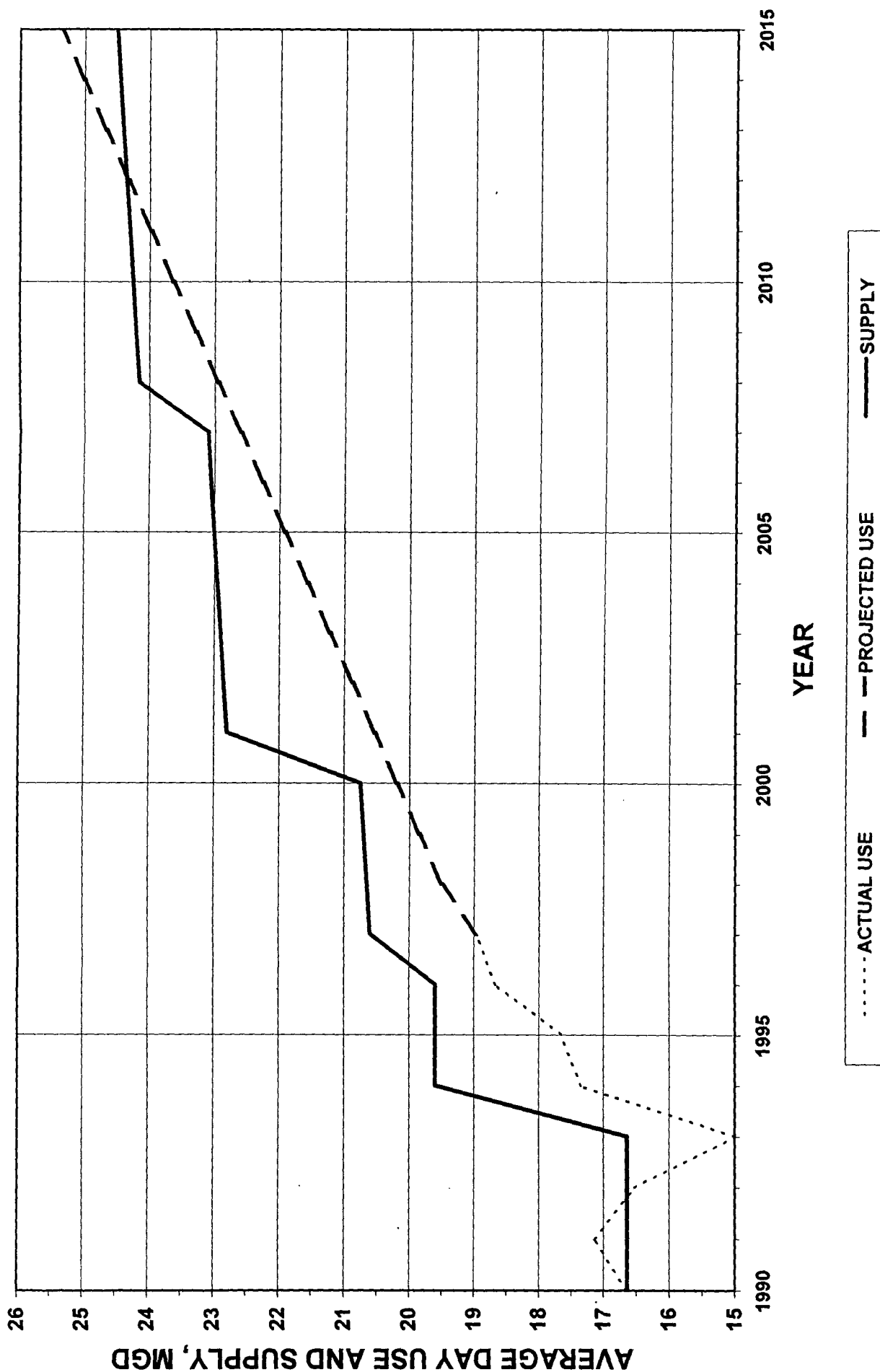
Lights
(605) 367-7150
FAX (605) 367-8306
Streets
(605) 367-7051 or 367-7008
FAX (605) 367-7010

Billing
(605) 367-7031
FAX (605) 367-7341
Engineering
(605) 367-7048
FAX (605) 367-4310

Water Purification
(605) 367-7025
FAX (605) 367-8475
Water Meters/Utility Maintenance
(605) 367-7020
FAX (605) 367-7883



PROJECTED WATER USE AND SUPPLY CAPABILITIES FOR SIOUX FALLS



SIOUX FALLS WATER SUPPLY USAGE
Acre-Feet/Year

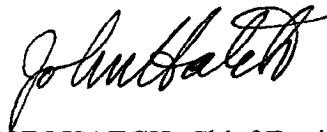
<u>RESOURCE</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
Big Sioux River	9,776.9	9,940.5	7,558.9	9,502.2
Big Sioux Aquifer (Sioux Falls Management Unit)	8,606.1	10,586.8	12,382.6	11,648.4
Middle Skunk Creek Aquifer	1,940.6	857.8	1,673.8	1,838.1

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5523-3, City of Sioux Falls SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5523-3, City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57104-6407.

The Chief Engineer is recommending that Future Use Permit No. 5523-3 REMAIN in EFFECT for 4,050 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5523-3, 2) the City has demonstrated a reasonable need for the water reserved by Permit No. 5523-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5523-3 is subject to payment of the \$102.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Sioux Falls after the Board hearing.

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

JOHN HATCH, Chief Engineer
January 21, 1999



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

Connie Renli

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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS NOS. 5522-3 and 5523-3

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

JANUARY 28, 1999
FEBRUARY 4, 1999

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$66.62** 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.

Connie Renli

Subscribed and sworn to before me this 4th day of **FEBRUARY, 1999.**

Joanne M. Limoges
Notary Public, South Dakota

(Seal)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NOS. 5522-3 and 5523-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, 224 W. 9th St. Sioux Falls, SD 57104-6407 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permits.

Permit No. 5522-3 was approved August 22, 1991 from groundwater (Middle Skunk

Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25, SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8, NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32, 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved August 22, 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5, Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31, Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually, respectively, because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 3, 1999 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 19, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Avenue, Pierre SD 57501

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

The hearing to review Future Use Permits Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-39.1, Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by February 19, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1999. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

(1-28-2-4)

Joanne M. Limoges
My Commission Expires
November 18, 2003



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Minnehaha)

I, Joan Stahl

certify that the attached printed Notice was taken

from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan 28, 99

Feb 4, 99

Cost of Printing _____

Joan Stahl
 (Signature)

Legal Billing Clerk
 (Title)

2-4-99

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5522-3 AND 5523-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, 224 W 9th St., Sioux Falls, SD 57104-6407 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permits.

Permit No. 5522-3 was approved August 22, 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E1/2, SW1/4 Section 35; Section 38; E1/2, SW1/4 Section 25, SE1/4 Section 26; E1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6; SW1/4 Section 8, NW1/4 Section 5; all in T103N-R50W; E1/2, SW1/4 Section 31; W1/2 Section 32, 29, 20, W1/2 Section 21; E1/2 Section 17; W1/2 Section 18; E1/2 SW1/4 Section 9; NW1/4 Section 10; W1/2 Section 3; E1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved August 22, 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW1/4 Section 5, Sections 6, 7, 8, 18; all in T103N-R49W and the E1/2 Section 31, Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN IN EFFECT for 183 acre-feet annually and 4,050 acre-feet annually, respectively, because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board

will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 9, 1999 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 19, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501, (605) 773-3352 and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1, Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352, by February 19, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 19, 1999.

Nattie H. Meyers,
 Department of Environment and
 Natural Resources
 4151 Jan. 28; Feb. 4, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 5, 1999

NOTICE

Lyle D Johnson
Director of Public Works
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Johnson:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 1999 to review Future Use Permit Nos. 5522-3 and 5523-3. The Board allowed the permits to remain in effect for 183 acre-feet annually and 4,050 acre-feet annually, respectively. Future Use Permit Nos. 5522-3 and 5523-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5522-3 is \$22.50 and for No. 5523-3 is \$102.50 (total \$125.00) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding action taken by the Water Management Board at the hearing on March 3, 1999, to review the following Future Use Permits, addressed as stated below:

427-3 & 3142-3: Tim McGannon, Public Works Director, City of Mitchell, P.O. Box 278, Mitchell, SD 57301.

3371-3: P. Eric Swanson, City Manager, City of Yankton, P.O. Box 176, Yankton, SD 57078-0176.

3428-3: Rick Wahlen, Superintendent, Aberdeen Water Works, City of Aberdeen, 123 S. Lincoln St., Aberdeen, SD 57401.

4051-3: Pat Grygiel, Finance Officer, Town of Florence, P.O. Box 137, Florence, SD 57235-0137.

4052-3: Judy Fos, Finance Officer, Town of Henry, P.O. Box 27, Henry, SD 57243-0027.

5522-3 & 5523-3: Lyle D. Johnson, Directory of Public Works, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57104-6407.

A Notice and a copy of the amendment to Future Use was sent to the following:

4039-3: Connie Zimmer, Finance Officer, City of Montrose, P.O. Box 97, Montrose, SD 57048.



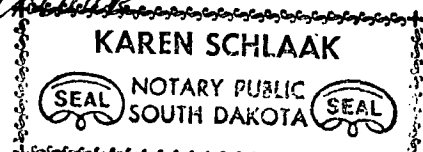
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1999


Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 13, 1999

Lyle D Johnson
Director of Public Works
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Johnson:

On March 5, 1999 we requested the fee for maintaining the effectiveness of Future Use Permit Nos. 5522-3 and 5523-3. To date, we have not received this payment.

Please submit the \$125.00 fee (Permit No. 5522-3 - \$22.50 and No. 5523-3 - \$102.50) as soon as possible to avoid jeopardizing the City's future use permits. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416133

Pierre, June 2, 19 99

RECEIVED OF City of Sioux Falls, 224 West 9th St., 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. <u>5522-3</u> to Appropriate Water, for Future Use _____	22	50
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 _____		

(Any Other Work Provided by Law)	Total	22 50

By

Chief Engineer

John Hatch 



5522-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2005

Kevin Smith, Public Works Dept.
City of Sioux Falls
224 W 9th St, PO Box 7402
Sioux Falls SD 57117-7402

Dear Mr. Smith:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. These permits were approved in 1992 and last reviewed in 1999.

Currently, our records show that 183 acre-feet of water from the Middle Skunk Creek Aquifer, remains in reserve under Permit No. 5522-3 and 4,050 acre-feet of water from the Sioux Falls Management Unit of the Big Sioux Aquifer, remains in reserved under Permit No. 5523-3.

Please respond in writing by January 31, 2006, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

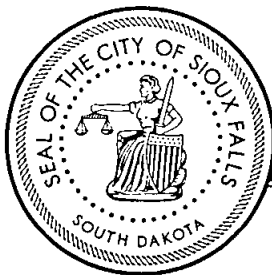
Permit Nos. 5522-3 and 5523-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CITY OF SIOUX FALLS PUBLIC WORKS

RECEIVED
FEB 03 2006
WATER RIGHTS
PROGRAM

Administration/GIS

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8600
(605) 367-4605 fax

February 1, 2006

Engineering/ Real Estate

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8601
(605) 367-4310 fax

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-8276
(605) 367-4886 fax

Facilities Management

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 367-8757
(605) 367-8097 fax

Fleet Management

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7170
(605) 367-7421 fax

Household Hazardous Waste Facility

1015 East Chambers Street
Sioux Falls, SD 57104-7200
(605) 367-4946
(605) 367-4993 fax

Landfill

224 West Ninth Street
Sioux Falls, SD 57104-6407
(605) 526-6636
(605) 526-3371 fax

Light

2000 North Minnesota Avenue
Sioux Falls, SD 57104-0109
(605) 367-7006
(605) 367-8306 fax

Street

1000 East Chambers Street
Sioux Falls, SD 57104-0936
(605) 367-7051
(605) 367-7010 fax

Utility Billing

1201 North Western Avenue
Sioux Falls, SD 57104-1201
(605) 367-8131
(605) 367-7341 fax

Utility Maintenance

668 West Algonquin Street
Sioux Falls, SD 57104-0310
(605) 367-7020
(605) 367-7883 fax

Water Purification

2100 North Minnesota Avenue
Sioux Falls, SD 57104-0111
(605) 367-7025
(605) 367-8475 fax

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
(605) 367-8188
(605) 367-8484 fax

Karen Schlaak

Environmental Specialist

Water Rights Program

SD Dept of Environment and Natural Resources

Joe Foss Building

523 E Capitol

Pierre, SD 57501-3182

Dear Ms. Schlaak:

Subject: Future Water Right Permit Nos. 5522-3 and 5523-3

The City of Sioux Falls has a need to retain Future Use Water Permits 5522-3 and 5523-3. The current population projections indicate that by the year 2015, Sioux Falls will exceed 160,000 persons. The City continues to expand its well field in the Big Sioux Aquifer to meet the growing demands. Even with the expansion, our estimates are that groundwater and surface water supply resources will reach capacity around year 2012. I have enclosed a graph showing water use projections and supply capabilities for Sioux Falls.

Lewis and Clark Rural Water System has been identified as the City's primary supplemental water supply option. We realize however, that the construction schedule for the project is subject to the availability of federal funds. Future water use permits 5522-3 and 5523-3 provide the City with options to address our future water needs should it be necessary to consider other alternatives.

If you have any questions or need additional information, please contact me.

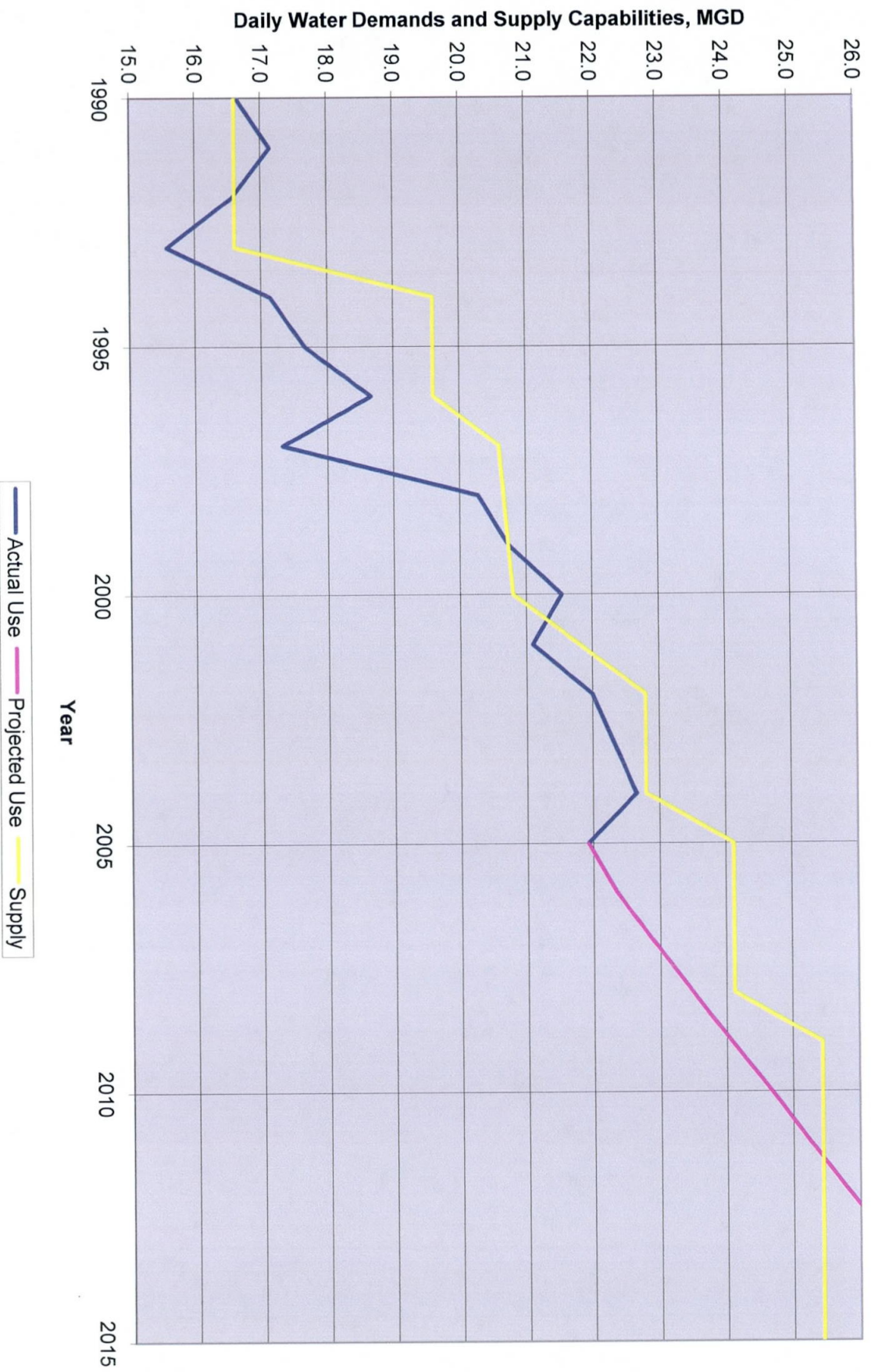
Sincerely,

Randy Janssen

Water Superintendent

Enclosure

City of Sioux Falls Future Water Supply Demands





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5522-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5522-3, City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57104-6407.

The Chief Engineer is recommending that Future Use Permit No. 5522-3 REMAIN in EFFECT for 183 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5522-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5522-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5522-3 is subject to payment of the \$22.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
March 20, 2006



March 20, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

City of Sioux Falls
Randy Janssen, Water Superintendent
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

Future Use Permit Nos. 5522-3 and 5523-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader (Phone #605 331-2200). For your information, a copy of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



March 20, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5522-3 and 5523-3 to be published twice. Please publish the first notice on March 29, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57104-6407.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of March 20, 2006 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 5522-3 and 5523-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on March 29, 2006 with 2nd publication 7 days later. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5522-3 and 5523-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57104-6407 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E ½, SW ¼ Section 35; Section 36; E ½, SW ¼ Section 25, SE ¼ Section 26; E ½ Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW ¼ Section 8, NW ¼ Section 5; all in T103N-R50W; E ½, SW ¼ Section 31; W ½ Section 32, 29, 20, W ½ Section 21; E ½ Section 17; W ½ Section 16; E ½ SW ¼ Section 9; NW ¼ Section 10; W ½ Section 3; E ½ Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW ¼ Section 5, Sections 6, 7, 8, 18; all in T103N-R49W and the E ½ Section 31, Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 10:00 am, May 3, 2006 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 21, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 21, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 21, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION-

Customer Number: **078340**

Invoice Number: **923559**

Water Rights Program

State Notices

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

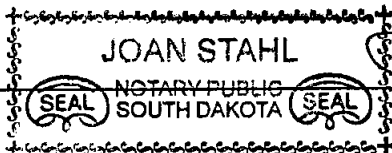
COUNTY OF MINNEHAHA } ss

Betty Jones 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 17-2-21, 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

Wednesday ,the 29 day of March 2006 ,
Wednesday ,the 5 day of March 2006 ,
_____,the _____ day of _____ 2006 ,
_____,the _____ day of _____ 2006 ,
_____,the _____ day of _____ 2006 ,
_____,the _____ day of _____ 2006 ,
_____,the _____ day of _____ 2006 ,

and that \$198.43 was charged for publishing the same

Subscribed and sworn to before me 4/5/2006



Notary Public, South Dakota

My Commission expires June 30, 2011

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NOS. 5522-3 and 5523-3
Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57104-6407 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25, SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8, NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32, 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5, Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31, Section 32; all in T104N-R49W. A review of the water permits indicates 4, 050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 10:00 am, May 3, 2006 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person, who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 21, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 21, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 21, 2006.

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

Mar. 29
923559 & Apr. 5, 2006

RECEIVED
APR 07 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2006

NOTICE

City of Sioux Falls
Randy Janssen, Water Superintendent
224 W 9th St
Sioux Falls SD 57104-6407

Dear Mr. Janssen:

I am writing in response to action taken by the Water Management Board at the hearing on May 3, 2006 to review Future Use Permit Nos. 5522-3 and 5523-3. The Board allowed Permit No. 5522-3 to remain in effect for 183 acre-feet of water annually and Permit No. 5523-3 to remain in effect for 4,050 acre-feet of water annually. Both permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5522-3 is \$22.50 and Future Use Permit No. 5523-3 is \$102.50 (\$125.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on May 4, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2006 regarding Notice of Future Use Permit Nos. 5522-3, 5523-3, 4053B-3, 4039-3, 3428-3, 427-3, 3124-3, and 1289-3, addressed as stated below:

5522-3 & 5523-3
City of Sioux Falls
Randy Janssen Water Superintendent
224 W 9th St
Sioux Falls SD 57104-6407

4053B-3
Town of South Shore
Staci Bucholz Finance Officer
PO Box 57
South Shore SD 57263-0057

4039-3
City of Montrose
Carol Flickinger Finance Officer
PO Box 97
Montrose SD 57048

3428-3
Janel Ellingson Water Supt
City of Aberdeen
12668 391 Ave
Aberdeen SD 57401

427-3 & 3124-3
Tim McGannon Public Works Director
City of Mitchell
612 N Main St
Mitchell SD 57301

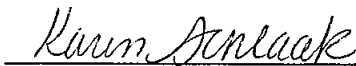
1289-3
Craig Nussbaum Utility Superintendent
City of Garretson
PO Box 370
Garretson SD 57030-0370



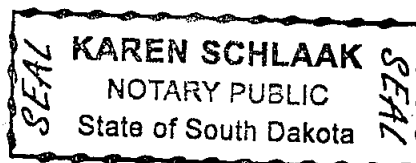
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 24, 20 06

RECEIVED OF City of Sioux Falls, PO Box 7402, Sioux Falls SD 57117

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5522-3</u> after period of seven years.	22	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	22.50

No.

02460

By

Darlene E. Ebel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 26, 2013

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. These permits were approved in 1992 and last reviewed in 2006.

Currently, our records show that 183 acre-feet of water from the Middle Skunk Creek Aquifer, remains in reserve under Permit No. 5522-3 and 4,050 acre-feet of water from the Sioux Falls Management Unit of the Big Sioux Aquifer, remains in reserve under Permit No. 5523-3.

Please respond in writing by March 15, 2013 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 5522-3 and 5523-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 183 acre-feet remains in reserve on No. 5522-3, the fee will be \$75.00. If the entire 4,050 acre-feet remain in reserve on No. 5523-3, the fee will be \$395.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

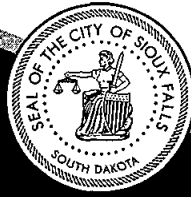
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

RECEIVED

MAR 11 2013

WATER RIGHTS
PROGRAM
CITY OF SIOUX FALLS
PUBLIC WORKS

City of
Sioux Falls



Providing a Better Quality of Life for You!

Administration

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8600 F: 367-8114

Engineering/Real Estate

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8601 F: 367-4310

Environmental

1203 North Western Avenue
Sioux Falls, SD 57104-1201
T: 605-367-8276 F: 367-4886

Fleet Management

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8240 F: 367-8239

GIS

132 North Dakota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8651 F: 367-8113

**Household Hazardous
Waste Facility/Sustainability**

1015 East Chambers Street
Sioux Falls, SD 57104-7200
T: 605-367-8695 F: 367-4993

Landfill

224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8162 F: 367-8167

Light

2000 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6979 F: 373-6974

Street

1000 East Chambers Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8255 F: 367-8200

Utility Billing

1201 North Western Avenue
P.O. Box 7401
Sioux Falls, SD 57117-7401
T: 605-367-8131 F: 367-7341

Utility Maintenance

668 West Algonquin Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-367-8810 F: 367-7883

Water Purification

2100 North Minnesota Avenue
P.O. Box 7402
Sioux Falls, SD 57117-7402
T: 605-373-6940 F: 373-6941

Water Reclamation

4500 North Sycamore Avenue
Sioux Falls, SD 57104-9612
T: 605-367-8188 F: 367-8484

March 7, 2013

Karen Schlaak, Environmental Scientist
Department of Environment and Natural Resources
Water Rights Program
PMB 2020

Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen Schlaak:

Regarding your letter dated February 26, 2013, it is the City of Sioux Falls' intent to retain Future Use Water Permit No. 5522-3 from the Middle Skunk Creek Aquifer and Future Use Water Permit No. 5523-3 from the Sioux Falls Management Unit of the Big Sioux Aquifer.

In 2007, the population of Sioux Falls was listed at 148,329. During the most current five years the average annual population growth rate for Sioux Falls has been 1.455% with a current population total of 158,800. This amounts to an overall increase of 10,471 people in the last seven years. As reported in 2011, the Sioux Falls Planning Department has projected the population to be somewhere between 331,700 and 412,900 by the year 2060.

Demand for water in 2013 was just over 8 billion gallons. This equates to a daily average of nearly 22.1 million gallons per day. By the year 2060, the daily average demand has been projected to be as high as 66.4 million gallons. To help meet this growing demand, the City of Sioux Falls has purchased additional property for the development of future wells in the Big Sioux Aquifer. The City of Sioux Falls also plans to develop additional wells in the Middle Skunk Creek Aquifer.

It is the desire of the City of Sioux Falls to keep Future Use Permit Numbers 5522-3 with 183 acre-feet of water and 5523-3 with 4,050 acre-feet of water to meet the needs of the growing commercial and residential needs of Sioux Falls.

If you have any questions or comments please contact me.

Sincerely,

Greg Anderson
Water Superintendent
Water Purification Plant
2100 North Minnesota Ave
Sioux Falls, South Dakota 57104
(605) 373-6944



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5522-3, City of Sioux Falls SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5522-3, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 5522-3 REMAIN in EFFECT for 183 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5522-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5522-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5522-3 is subject to payment of the \$75.00 fee pursuant to SDCL 46-2-13(2). The city has already made this payment.

Garland Erbele, Chief Engineer
March 28, 2013



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 1, 2013

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

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

Future Use Permit Nos. 5522-3 and 5523-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader. For your information, a copy of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publishers have been instructed to publish this notice on April 10, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 1, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5522-3 and 5523-3 to be published on April 10, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Sioux Falls, c/o Greg Anderson, Water Supt, 2100 N Minnesota Ave, Sioux Falls SD 57104.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on April 10, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25; SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8; NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32; Sections 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5; Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31; Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 9:00 am, May 2, 2013, at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

(continued)

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the approximate cost of _____.

CUSTOMER NUMBER:	078011	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1411643		
	4/10, 2013		\$89.38

City of Sioux Falls
% Greg Anderson, Water Supt
2100 N Minnesota Ave
Sioux Falls, SD 57104

RECEIVED

APR 12 2013

WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078011
Invoice Number: 1411643

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte 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 17-2-21, 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

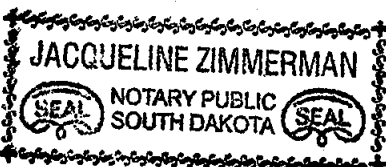
Wednesday the 10 day of April 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,

and that \$89.38 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 4/10/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25; SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8; NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32; Sections 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5; Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31; Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program, recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 9:00 am, May 2, 2013, at Floyd Mathew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future develop-

ment, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02-01:25.01 thru 74:02-01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$89.38.
1411643 Apr. 10, 2013

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 13

RECEIVED OF City of Sioux Falls Sioux Falls SD

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	75	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5522-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	75	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	75 00

No. 06228

By *Harold Erbe*
Chief Engineer



May 6, 2013

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTICE

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 2013 to review Future Use Permit Nos. 5522-3 and 5523-3. The Board allowed the permits to remain in effect for 183 acre-feet of water annually and 4,050 acre-feet of water annually. The permits are subject to another review in seven years.

The fees for maintaining the effectiveness of Future Use Permit Nos. 5522-3 and 5523-3 have been received. Enclosed are the receipts.

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

Sincerely,

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

enclosures

CERTIFICATION

I hereby certify that on May 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 6, 2013 regarding Future Use Permits addressed as stated below:

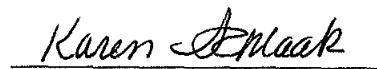
Tim McGannon, City of Mitchell, 612 N Main St, Mitchell SD 57301 #'s 427-3 & 3142-3
Craig Nussbaum, City of Garretson, PO Box 370, Garretson SD 57030 # 1289-3
Kyle Goodmanson, City of Yankton, PO Box 176, Yankton SD 57078 # 3371-3
Janel Ellingson, City of Aberdeen, 12668 391st Ave, Aberdeen SD 57401 # 3428-3
Donald Whitman, City of Flandreau, 1005 W Elm Ave, Flandreau SD 57028 # 3977-3
Kathleen Meyer, Town of South Shore, PO Box 57, South Shore SD 57263 # 4053B-3
Greg Anderson, City of Sioux Falls, 2100 N Minnesota Ave, Sioux Falls SD 57104 --
#'s 5522-3 & 5523-3



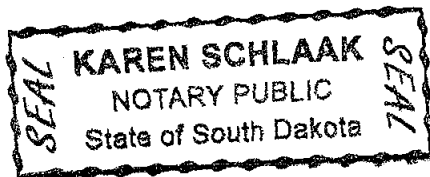
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 20 13.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2019

Greg Anderson, Water Superintendent
Water Purification Plant
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Anderson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. These permits were approved in 1992 and last reviewed in 2013.

Currently, our records show that 183 acre-feet of water from the Middle Skunk Creek Aquifer, remains in reserve under Permit No. 5522-3 and 4,050 acre-feet of water from the Sioux Falls Management Unit of the Big Sioux Aquifer, remains in reserve under Permit No. 5523-3.

Please respond in writing by January 6, 2020 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 5522-3 and 5523-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 183 acre-feet remains in reserve on Permit No. 5522-3, the fee will be \$75.00. If the entire 4,050 acre-feet remains in reserve on Permit No. 5523-3, the fee will be \$395.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



City of Sioux Falls
S O U T H D A K O T A

P.O. Box 7402, Sioux Falls, SD 57117-7402



**CITY OF SIOUX FALLS
PUBLIC WORKS**
Providing a Better Quality of Life for You!

December 16, 2019

RECEIVED

DEC 26 2019

**WATER RIGHTS
PROGRAM**

Karen Schlaak
Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen Schlaak:

Regarding your letter dated December 4th of 2019, it is the City of Sioux Falls intent to retain Future Water Use Permit No. 5522-3 with 183 acre-feet from the Middle Skunk Creek Aquifer, and Future Water Use Permit No. 5523-3 with 4,050 acre-feet from the Sioux Falls Management Unit of the Big Sioux Aquifer.

The population and commercial needs of Sioux Falls continue to grow, which in turn increases the demand for potable water. In February of 2018, the population of Sioux Falls was estimated at 183,200. Current population total is estimated at 187,200 in 2019. This is a 4,000 person increase of the past 12 months. Population projections from the Sioux Falls Planning Division show Sioux Falls could reach 233,200 by 2035.

Demand for water in 2019 will be more than 6,864.543 million gallons for a daily average of about 19 million gallons, with two near back to back record precipitation years. By the year 2060, the daily average demand for water has been projected to be as high as 66.400 million gallons per day. The City currently owns property over the Big Sioux and Middle Skunk Creek Aquifers for the development of future wells including an additional 168 acres purchased in 2018 to accomplish our well field expansion goals. It will be essential to keep Permit No. 5522-3 with 183 acre-feet and 5523-3 with 4,050 acre-feet to develop wells in the future to meet the needs of the growing population of the City of Sioux Falls.

Long term water needs require a visionary approach to water resources. Future water use permits 5522-3 and 5523-3 provide the City with options to address our future water needs to insure the continued growth and sustainability of the City of Sioux Falls.

If you have any questions or comments, please contact me.

Sincerely,

Gavin Graverson
Superintendent, Water Division
2100 North Minnesota Avenue
Sioux Falls, SD 57104
(605) 373-6940



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5522-3, City of Sioux Falls SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5522-3, City of Sioux Falls, c/o Gavin Graverson, Supt, Water Division, 2100 N Minnesota Ave, Sioux Falls SD 57104.

The Chief Engineer is recommending that Future Use Permit No. 5522-3 REMAIN in EFFECT for 183 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5522-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5522-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5522-3 is subject to payment of the \$ 75.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.


Jeanne Goodman, Chief Engineer
January 7, 2020

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: SFA-0000000586

Ad No: 0003990756

PO #: 5522-3 & 5523-3

Lines : 194

Ad Total \$119.88

This is not an invoice

CITY OF SIOUX FALLS - SUPT WAT
2100 N MINNESOTA AVE
SIOUX FALLS, SD 57104

of Affidavits: 1

Account No.: SFA-0000000586

Ad No.: 0003990756

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I 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 17-2-21, 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

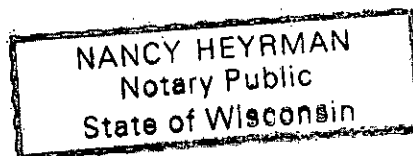
Wednesday, January 15, 2020

Sworn to and subscribed before me this 23 day of January, 2020.

Legal Clerk

Nancy Heyrman
Notary Public, State of Wisconsin, County of Brown

5.15.23
My Commission expires



Within Section 2-T102N the reasons for petitioner's opposition to or support of Section 36; E 1/2, SW 1/4 continuing the future use Section 25; SE 1/4 Section permits, and the signature 26; E 1/2 Section 24; all in and mailing address of the T103N-R51W; Sections 30, petitioner or his legal counsel 19, 18, 7, 4, SW 1/4 Section 8; set if legal counsel is obtained. The permit owner T103N-R50W; E 1/2, SW 1/4 need not file a petition. Section 31; W 1/2 Section 32; The hearing to review Future Use Permit Nos. 5523-3 21; E 1/2 Section 17; W 1/2 and 5523-3 will be conducted Section 16; E 1/2 SW 1/4 Section pursuant to the provisions tion 9; NW 1/4 Section 10; W of SDCL 46-1-14; 46-2-5, 46-2-1/2 Section 3; E 1/2 Section 9, 46-2-11; 46-5-38.1; Board 4; all in T104N-R50W. A review of the water permits thru 74:02:01:25.03 and indicates 183 acre-feet of tested case procedures water currently remains in reserve by Permit No. 5523-3. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. De- R49W and the E 1/2 Section clusions of the Board may be 21; Section 32; all in T104N- R49W. A review of the Court and State Supreme water permits indicates Court as provided by law. 4,050 acre-feet of water currently remains in reserve of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or other persons. The time of the hearing will be automatically delayed if the reserved water may be developed, 2) there is need for written request of the permit owner or any person proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5523-3 and 5523-3 at 10:00 am, February 76, 2020. Floyd Matthew Trainor, Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by January 27, 2020. Published once at the approximate cost of \$119.00.

Jan 15, 2020

City Commission

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5523-3 and 5523-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5523-3 and 5523-3 held by the City of Sioux Falls, do Gavin Graverson, Suat, Water Division, 2100 Minnesota Ave, Sioux Falls, SD 57104 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved.

Permit No. 5523-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses, according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 14, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3332) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 7, 2020

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

City of Sioux Falls
Gavin Graverson, Supt. Water Division
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Gaverson:

Future Use Permit Nos. 5522-3 and 5523-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Argus Leader (605 331-2200). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has instructed to publish this notice on January 15, 2020. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

A handwritten signature in black ink that reads "Eric Gronlund". The signature is written in a cursive, flowing style.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on January 15, 2020. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5522-3 and 5523-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, c/o Gavin Graverson, Supt, Water Division, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25; SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8; NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32; Sections 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5; Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31; Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3. Both permits reserve water for municipal use by the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 10:00 am, February 26, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 14, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 14, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 14, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by January 27, 2020. Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 7, 2020 11:29 AM
To: legals@argusleader.com
Subject: 5522-3 and 5523-3, City of Sioux Falls
Attachments: 5522-3&5523-3.doc; FORM8.FRM.doc

Attached is a notice to be published on January 15, 2020.

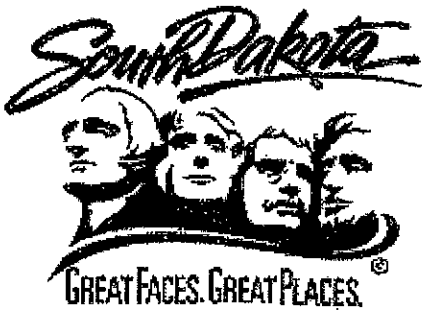
The City of Sioux Falls, Gavin Graverson, Supt Water Division, 2100 N Minnesota Ave, Sioux Falls SD 57104 (605 373-6940) has been notified to contact you to authorize publication and arrange for payment.

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

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

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 7, 2020

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

City of Sioux Falls
Gavin Graverson, Supt. Water Division
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Gaverson:

Future Use Permit Nos. 5522-3 and 5523-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Argus Leader (605 331-2200). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has instructed to publish this notice on January 15, 2020. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on January 15, 2020. The City of Sioux Falls is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5522-3 and 5523-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 10:00 am, February 26, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 14, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

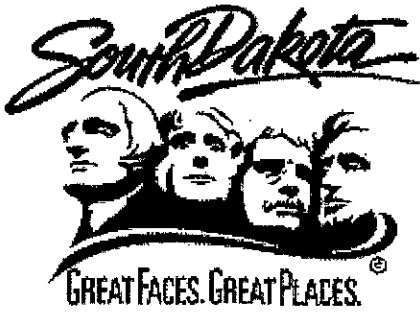
The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 14, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 14, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by January 27, 2020. Published once at the approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER

City of Sioux Falls
Gavin Graverson, Superintendent, Water Division
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Graverson:

I am writing in response to action taken by the Water Management Board at the hearing on February 26, 2020 to review Future Use Permit Nos. 5522-3 and 5523-3. The Board allowed the permits to remain in effect for 183 acre-feet and 4,050 acre-feet of water annually. Future Use Permit No. 5522-3 and 5523-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5522-3 is \$75.00 and Future Use Permit No. 5523-3 is \$395.00 pursuant to SDCL 46-2-13(2). Please remit a total of \$470.00 within 60 days.

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

Sincerely,

A handwritten signature in black ink that reads 'Jeanne Goodman'. The signature is fluid and cursive, with the first name 'Jeanne' being more prominent than the last name 'Goodman'.

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

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 13, 2020, regarding Notice of Entry of Order of Permit No. 3428-3, 5522-3, 5523-3, 6696-3, and 6697-3 addressed as stated below:

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

City of Sioux Falls, Gavin Graverson, Superintendent, Water Division, 2100 N Minnesota Ave.,
Sioux Falls SD 57104

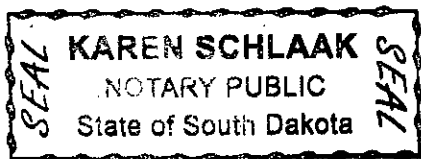
Bryan Read, City Administrator, City of Brandon, PO Box 95, Brandon SD 57005

Eric Gronlund
Eric Gronlund
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 9, 2020

RECEIVED OF Gavin Graversen City of Sioux Falls PO Box 7402 Sioux Falls SD 57117-7402

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>5522-3</u> after period of seven years.	\$75.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$75.00

By Eric Gronlund
Chief Engineer
vm