

Considered: _____

WATER PERMIT NO. FU 5523-3

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: Big Sioux Aquifer

Water to be used for: municipal - future use

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 8/22/91

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: E 1/2 Sec 7; W 1/2 Sec 8; E 1/2-

Sec 18; all in T103N-R49W

Land to be Irrigated: _____

Well Log: Driller: _____

Licensed YES _____

NO _____

Depth of Well: _____

REMARKS _____

Type of Map: plat

PREPARED BY: Keith DeJong

Reviewed and the Number

Assigned on 3-20-91

By Karen Schlaak

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

No. 5523-3 Hydrologic Unit 10170203
Map No. Same Basin Big Sioux River
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. _____



1. 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

2. Amount of water claimed (c.f.s.) 10,000 acre-feet per year

3. Source of water supply Big Sioux Aquifer

4. Location of point of diversion Township 103N Range 49W, Sections 7(a,d), 8(b,c), 18(a,d)
SW 1/4 Sec 5, Sections 6, 7, 8, 18; all in T103N, R49W
E 1/2 Sec 31, Sec 32; all in T104N, R49W

County Minnehaha

5. Counties where water will be used Minnehaha

6. Annual period during which water is to be used January/ thru December 31

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

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

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

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

Notary Public

SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5523-3

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 correct application August 22, 1991.

The Water Management Board approved Future Use Permit Application No. 5523-3 on March 4, 1992 for the City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102 subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5523-3 appropriates for future use 4,050 acre feet of water annually from the Sioux Falls Managment Unit of 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.
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. 5523-3 reserves 4,050 acre feet annually.
2. That Future Use Permit No. 5523-3 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 Sioux Falls Management Unit of the Big Sioux Aquifer. Wells will be approximately 50 feet deep.

(continued)

5. If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5523-3 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 Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

AUG 6 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

Senator Roberta Rasmussen
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Baltic, SD 57033

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Sioux Falls, SD 57105

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Sioux Falls, SD 57105

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Sioux Falls, SD 57105

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Representative Janice Nicolay
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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

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Sioux Falls, SD 57106

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

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Sioux Falls, SD 57105

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Sioux Falls, SD 57105

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Sioux Falls, SD 57104

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Brandon, SD 57005

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Minnehaha County Courthouse
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Sioux Falls, SD 57102

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Sioux Falls, SD 57102

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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

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 Plenis, 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
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Paul Schloe, RR 1, Box 829, Renner, SD 57055
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Steven and Teri Nyhaug, 6420 N 10th Ave, Sioux Falls, SD 57104
DAVID W. Myers, 6509 N 10th Ave, Sioux Falls, SD 57104
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Daniel D. Hansen, RR Box 851, Renner, SD 57055
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Matthew Balk, 6501 N 10th Ave, Sioux Falls, SD 57104

OTHER INTERESTED PARTIES

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Senator Roberta Rasmussen, Rt 1, Box 23, Hurley, SD 57036-9666
Representative Juel S. Johnson, P.O. Box 536, Parker, SD 57053-0333
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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
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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

**WATER PERMIT/RIGHT HOLDERS FOR THE SIOUX FALLS MANAGEMENT UNIT OF THE
BIG SIOUX AQUIFER**

- Lakeside Dairy Packaging Facility, 1200 W Russell St, Sioux Falls, SD 57104
- Henry Carlson, Box 84010, Sioux Falls, SD 57101
- Val K. Beckman, % Farmers Nat'l Co., P.O. Box 287, Sioux Falls, SD 57101
- Lorain Overvaag, RR, Dell Rapids, SD 57022
- Minnehaha Com Water corp., RR 2, Box 26A, Dell Rapids, SD 57022
- Lyle V. Jensen, RR 2, Box 189, Beresford, SD 57004
- Mrs. Dale Swartz, RR 1, Box 104, Baltic, SD 57003
- Clarence Machmiller, RR 1, Box 631, Renner, SD 57055
- Sioux Falls Development Foundation, 101 W 9th St, Sioux Falls, SD 57101
- SD Land Company % Frank Boyce, P.O. Box F, Sioux Falls, SD 57101
- SD Air National Guard, P.O. Box 5044, Sioux Falls, SD 57117
- Missouri Basin Municipal Power, P.O. Box 84610, Sioux Falls, SD 57118
- Midwest Lawn Care Corp., 1701 N Louise, Sioux Falls, SD 57107
- Robert/Angela McConville, 829 North Duluth, Sioux Falls, SD 57104
- ~~Minnehaha Community Water Corp, P.O. Box 2000, Sioux Falls, SD 57102~~
- KOA Campgrounds of Sioux Falls, Drawer M, Sioux Falls, SD 57101
- City of Sioux Falls, 224 W 9th St, Sioux Falls, SD 57101
- R C Sweetman, Sweetman Construction, Box 809, Sioux Falls, SD 57101
- E M Sweetman, Box 809, Sioux Falls, SD 57101
- Lincoln County RWS, Harrisburg, SD 57032
- City of Dell Rapids, Mayor, P.O. Box 10, Dell Rapids, SD 57022
- Charles E. Berg, RR 1, Box 8, Baltic, SD 57003
- City of Baltic, Mayor, P.O. Box 327, Baltic, SD 57003
- Sioux Falls Development Foundation, 315 S Phillips Ave, Sioux Falls, SD 57102

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Mrs. Dale Swartz, RR 1 Box 104, Baltic, SD 57003

Minnehaha Community Water Corp, RR 2 Box 26A, Dell Rapids, SD
57022-9424

Mayor Thomas Earley, City of Dell Rapids, PO Box 10, Dell Rapids, SD
57022

Mayor Michael Wagner, City of Baltic, Box 308, Baltic, SD 57003

Mayor John Edberg, City of Hartford, Drawer D, Hartford, SD 57033

Minnehaha County Economic Development Assoc, 210 Douglas Blvd, Baltic,
SD 57003

Mayor Thomas Puthoff, City of Humboldt, 404 S Jefferson, Humboldt, SD
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Lowell Gienger
Not given

Curtis Haines
Not Given

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Sioux Falls SD 57104

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Ernie Wevik, Jr.
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Wayne Wipf
6313 N Cliff Ave
Sioux Falls SD 57104

Norman Wuebben
6301 N Cliff Ave
Sioux Falls SD 57104

Jerry and Nancy Zeig
6700 N Fairfax Ave
Sioux Falls SD 57104

PARTIES OF RECORD FOR DECLARATORY RULING REGARDING DECLINE OF WATER LEVELS
IN PRIVATE DOMESTIC WELLS IN BSA:SFMU

Name	Address	City	State	Zip C
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 Rd	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
Herbert				
Alan Aspaas	RR 1	Renner	SD	57055
Ernie Wevik Jr	RR 1 Box 635	Renner	SD	57055
Bradley Danielson	PO Box 52	Renner	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	RR 1 Box 533	Renner	SD	57055
Ann Horak				
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 and 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
City of Sioux Falls	224 West 9th St	Sioux Falls	SD	57102
Michael Billion and William Taylor, Attys. Representing: Jennie Swartz	Woods, Fuller, Shultz & Smith, P.C., 310 South First Ave	Sioux Falls	SD	57102

John W Edberg Mayor
City of Hartford
Drawer D
Hartford SD 57033

Scott A Denney, Finance Officer
City of Garretson
7705 Main Ave
Garretson SD 57030

Thomas J Earley, Mayor
City of Dell Rapids
Dell Rapids SD 57022

Michael Wagner, Mayor
City of Baltic
Box 308
Baltic SD 57003

Thomas L Puthoff, Mayor
City of Humboldt
404 S Jefferson
Humboldt SD 57035

John Buss, Manager
Minnehaha Rural Water Corp
RR 2, Box 26A
Dell Rapids SD 57022

Thomas J Earley, Chairman
Minnehaha Co Rural Mayors Assoc
PO Box 10
Dell Rapids SD 57022

Myron G Nohava VP MCEDA
Minnehaha Co Economic Dev Assoc
210 Douglas Blvd
Baltic SD 57003

Michael Billion & William Taylor
Woods, Fuller, Shultz & Smith
310 South First Ave
Sioux Falls SD 57102

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

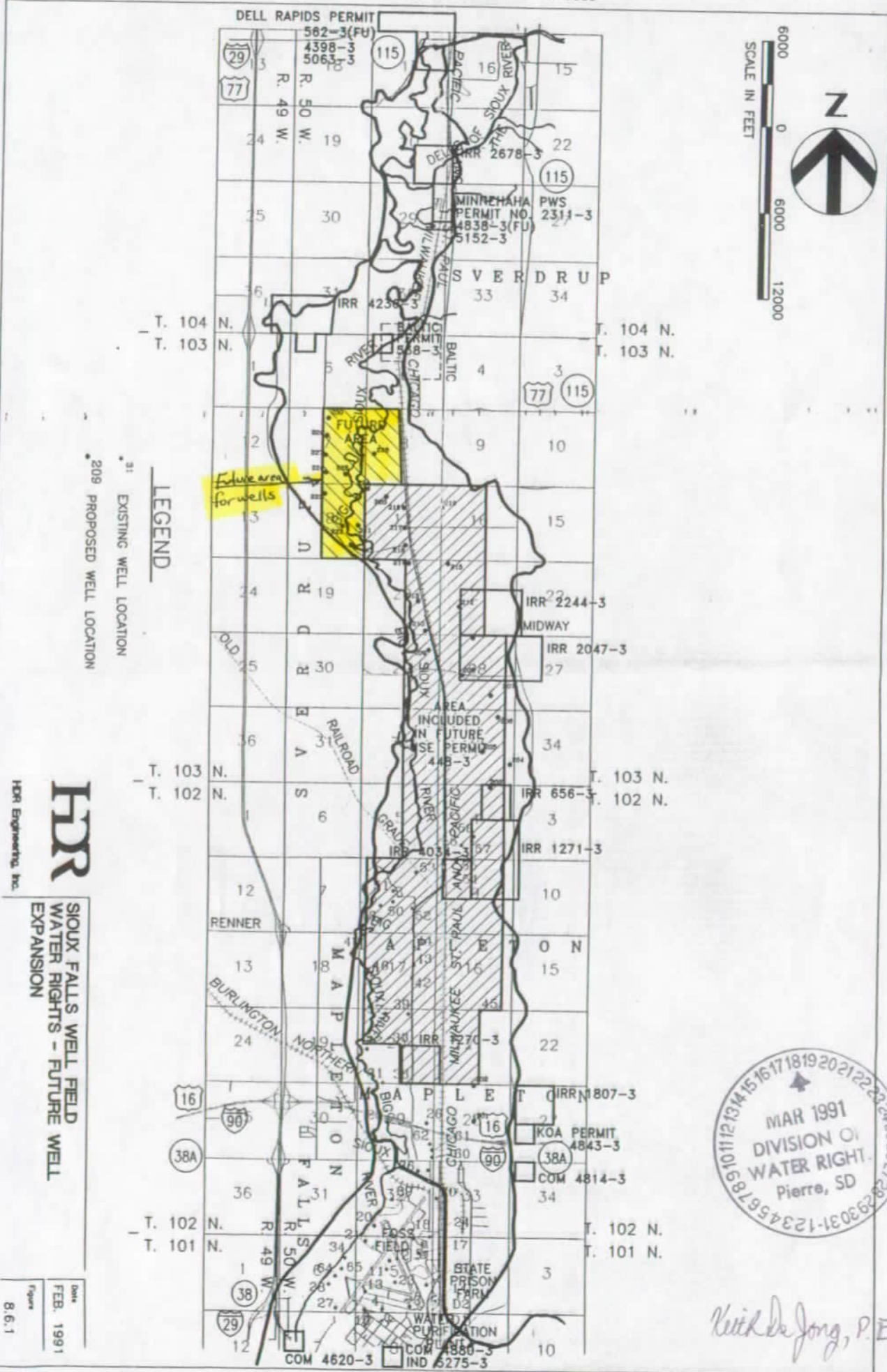
BASIC ACCOUNT	EXPENSE CLASS	PROJECT DIVISION	QTY	DESCRIPTION	UNIT PRICE	AMOUNT
675-750-5-22005		7507253		OTHER PROF. SERVICES AND FEES		\$ 1055.00
			1	Permit Fee Skunk Creek	227.50	
			1	Permit Fee Big Sioux Aquifer	227.50	
			1	Permit Fee - 1 new well (201)	325.00	
			1	Permit Fee 1 new well (202)	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

194



South Dakota Department of Water and Natural Resources

City of Sioux Falls

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

By John Hatch, CE
Chief Engineer



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.

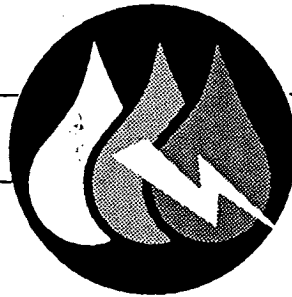
Please complete the above items and send the signed and notarized applications with the well logs.

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

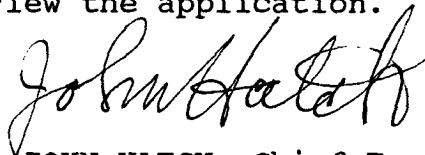
Enclosures

KD:seh

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5523-3

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. 5523-3, City of Sioux Falls, 224 West 9th St., Sioux Falls, SD 57102.

The Chief Engineer is recommending DEFERRAL of Application No. 5523-3 to allow additional time to review the application.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
May 18, 1991



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* I N V O I C E *

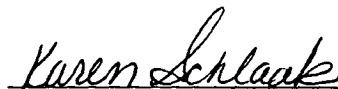
Invoice No. 20411 6-18-91

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

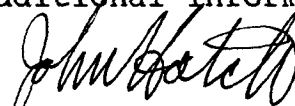
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT APPLICATION NO. 5523-3, City of Sioux Falls

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. 5523-3, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending APPROVAL of Application No. 5523-3 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. 5523-3 reserves 5,200 acre feet annually.
2. That Future Use Permit No. 5523-3 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 Sioux Falls Management Unit of the Big Sioux aquifer. Wells will be approximately 50 feet deep.
5. If development and pumping of Sioux Falls Management Unit of the Big Sioux aquifer water reserved by Future Use Permit No. 5523-3 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.



JOHN HATCH, Chief Engineer
August 13, 1991

FUTURE USE APPLICATION NO. 5523-3
CITY OF SIOUX FALLS
JULY 31, 1991

Application No. 5523-3 is to appropriate for future use 10,000 acre feet of water annually from the Big Sioux Aquifer. The area reserved for future use, is to be located within the E 1/2 Sec. 7; W 1/2 Sec. 8; E 1/2 Sec. 18; all in T103N-R49W. The water for is to be reserved for the purpose of providing future water supplies for the City of Sioux Falls. This application is not for construction of works or to put water to beneficial use.

AQUIFER: Big Sioux: Sioux Falls

AQUIFER CHARACTERISTICS:

The Sioux Falls Management Unit of the Big Sioux Aquifer is an alluvium mantled, glacial outwash deposit, which consists of silt, fine to coarse sand, and gravel. The management unit underlies approximately 22,900 acres in Minnehaha County and contains an estimated 103,050 acre-feet of recoverable water in storage in the county (Hedges, 1982). The aquifer is restricted to the Big Sioux Alluvial Valley, and is bounded both to the north (near Dell Rapids) and on the south (Sioux Falls) by the relatively impermeable Sioux Quartzite. The aquifer thickness ranges from 0 at the aquifer boundary to a maximum of approximately 48 feet. The aquifer is predominately under unconfined conditions.

The Division of Water Rights monitors 14 observation wells completed into the Sioux Falls Management Unit. Hydrographs of the wells are included in this report (figures 1-14). The hydrographs show that the highest annual water level generally occurs around April- June, and the lowest annual water level generally occurs around August - October. The decline of water levels during the summer months is due to increased evapotranspiration, reduced recharge, and pumpage. Water levels rise during the late winter and spring due to recharge, if available. The observation well hydrographs show the water level of the aquifer fluctuates rapidly in response to recharge. The response to withdrawals is less obvious and tends to be represented by a slow gradual decline. Hydrographs also show the unusually high annual precipitation (recharge) in 1985-1987 where groundwater levels were above the norm. It is not possible to distinguish between natural water level fluctuations and the effects of pumping from the hydrographs. Measurements taken from Division of Water Rights' Observation Wells indicate that long-term water level declines have not occurred in the Sioux Falls Management Unit.

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

Explanation of recommendation and proposed annual pumping limit:

Although 10,000 acre feet is requested by this application, the recommendation for approval reduces this amount to 5,200 acre feet because 5,200 acre feet is the best estimate of the amount of unappropriated water remaining in the Sioux Falls Management Unit considering (1990 use) + (future use permits) + (No. 5521-3). The optimistic safe sustainable yield estimate under "normal" hydrologic conditions for the Sioux Falls Management Unit of the Big Sioux aquifer is 32,200 acre feet.

The Chief Engineer will be requesting the Water Management Board to issue a declaratory ruling that annual withdrawals, excluding withdrawals from individual domestic use wells, from the Big Sioux Management Unit of the Big Sioux aquifer be limited to 32,200 acre feet per year. If the Board makes this ruling, the ruling will be subject to further review and change up or down by the Board, as additional information becomes available. The effect of the annual 32,200 acre feet limitation will mean that new applications for water permits submitted after the effective date of a Board decision to establish a withdrawal limitation, will not be approved from the Sioux Falls Management Unit, unless the application is to place water to beneficial use that is reserved by a future use permit. The limitation, if adopted by the Board, will also mean that pumping under permits with junior priority dates can be reduced or stopped if the annual 32,200 limitation may be exceeded based upon usage estimates.

question that municipal use is a beneficial use and in the public interest.

Water Availability:

The availability of unappropriated water can be evaluated in part by considering SDCL 46-6-3.1, which requires that an application to appropriate groundwater can not 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 average estimated annual recharge.

Recharge:

Recharge to the Sioux Falls Management Unit occurs primarily through infiltration of precipitation, and streamflow losses. Estimates of average annual recharge (not supported by physical evidence as discussed under Hydrologic Budget) to the Sioux Falls Management Unit include:

METHOD OF ANALYSIS	INVESTIGATOR	AVE. RECHARGE
Base flow recession	Hedges (1983)	12,404 ac-ft/yr
Observation well	Hedges (1983)	10,686 ac-ft/yr
Flow net	Hedges (1983)	1,908 ac-ft/yr
Computer model	Koch (1982)	13,200 ac-ft/yr

Withdrawal:

Withdrawals from the aquifer occur through evapotranspiration, discharge to the Big Sioux River, possibly through leakage to underlying aquifers, and pumpage. There are numerous domestic wells which are supplied by the aquifer; however, the majority of water use from the aquifer is for appropriative uses.

Appropriations:

Currently there are 75 Water Permits/Rights appropriating water from the Sioux Falls Management Unit. Permits issued from the aquifer include 51 municipal permits, 11 irrigation permits, 5 rural water system permits, 1 suburban housing permit, 6 commercial and industrial permits, and 2 future use permits. Appropriative rights from the Sioux Falls Management Unit of the Big Sioux Aquifer represent a total combined diversion rate of 148.02 cubic feet of water per second (cfs). Non-irrigation permits/rights appropriate up to 79,093 ac-ft/yr from the aquifer assuming full time pumping at permitted diversion rate, (which will probably never occur). Irrigation permits/rights authorize the irrigation of 1814.70 acres and appropriate 5194.10 ac-ft/yr from the Sioux Falls Management Unit, assuming full utilization of the volume authorized by each permit (2 ac-ft/yr for permits approved after June 31, 1978, and 3 ac-ft/yr for prior permits), (again, this will probably never occur). Future use permits reserve 5,097 ac-ft/yr from the Sioux Falls Management Unit. The total appropriation from the aquifer is 89,384.10 acre-feet/year.

The total appropriation from the aquifer may be adjusted by pending Water Management Board actions. The Board will consider the cancellation of seven permits which represent appropriations from the Sioux Falls Management Unit totaling 8.48 cfs, (6,140 ac-ft/yr,

assuming full time pumping at the authorized diversion rate). The amount of water remaining in Future Use Permit No. 448-3 may also require further Board review. When Future Use permit No. 448-3, was reviewed by the Water Management Board on December 5, 1990, the amount of water remaining reserved was determined to be 3,597 ac-ft/yr. It appears that Permit No. 397-3 and Permit No. 1579-3 were erroneously deducted from the future use reservation. The actual amount remaining in future use permit No. 448-3 should be 5,265 ac-ft/yr, rather than 3597 ac-ft/yr. Total appropriations from the Sioux Falls Management Unit of the Big Sioux Aquifer, reflecting adjustments to the future permit and cancellations would then be 84,912.10 ac-ft/yr. The City of Sioux Falls has made an application (No. 5521-3) to appropriate 720 ac-ft/yr at a diversion rate of 1.34 cfs. The total appropriation from the aquifer assuming Board approval of Permit No. 5521-3 would be 85,632.10 ac-ft/yr. The total amount of water remaining in future use should be 6765 ac-ft/yr.

Usage:

The Sioux Falls Management Unit is heavily appropriated; however, historically, the average annual use has been less than 15% of the appropriation. Average annual pumpage from the Sioux Falls Management Unit was estimated in 1983 to be 17,370 acre-feet per year (Hedges, 1983). The average daily use from the aquifer was estimated in 1989 to be 20.0 MGD (22,627 ac-ft/yr), (Barari, 1989).

Reported withdrawals from the Sioux Falls Management Unit for 1990 include:

City of Sioux Falls:	17,788 ac-ft (DeJong, pers. com 1991)
Minnehaha Com Water Corp:	1,253 ac-ft (Hall, pers. com. 1991)
Irrigation:	473 ac-ft (Water Rights, 1991)

The total withdrawal for these three uses equals 19,514 ac-ft. The City of Sioux Falls has recently increased development of the Big Sioux River to meet more of its demands; therefore, during a "normal" year groundwater diversions are expected to be less than the amount of groundwater pumped in 1990.

Hydrologic Budget:

A general equation of the hydrologic budget for an aquifer can be written:

$$\text{Recharge} - \text{Withdrawal} = \text{Change in Storage}$$

The best information (numbers) available indicate that the quantity of water withdrawn annually from the Sioux Falls Management Unit exceeds the calculated average estimated annual recharge. Estimated average annual recharge and pumpage values inserted into the hydrologic budget estimate an average annual loss from storage of at least 4,000 ac-ft/yr (4% of the water in storage).

A sustained downward trend in the water level of the aquifer has not been observed in Division of Water Rights Observation Wells. Therefore, the physical evidence (water level readings) does not support the estimates for average annual recharge. One reason for this is that the recharge estimates of the aquifer are based

essentially on historic data, and can be considered average annual "natural" recharge. Under natural conditions, recharge occurs primarily through infiltration of precipitation.

The dynamic equilibrium of the Sioux Falls Management Unit that is evident from water level measurements, reflects the excellent hydraulic connection that exists between the Big Sioux River and the Big Sioux Aquifer. The river acts as both a gaining stream and a losing stream depending on the hydraulic gradient between the aquifer and the river. When the water levels of the aquifer are higher than the stage of the river, groundwater is released from storage from the aquifer to the river. The river recharges the aquifer when water levels in the aquifer are below the river stage. Under "natural" conditions, the Big Sioux River is a gaining stream, and discharge from the aquifer to the river would actually account for a major portion of the total withdrawals from the aquifer. Development of the aquifer has created conditions in which on an annual basis, the river contributes more recharge to the aquifer than the aquifer discharges to the river. The difference between annual "natural" recharge and annual water use is balanced by induced recharge from the Big Sioux River.

The amount of recharge induced from the river to the aquifer, is governed by the hydraulic gradient between the river and the aquifer, the streambed infiltration rate, thickness of the streambed sediments, the transmissivity of aquifer, and flows available in the river. Of the variables affecting the amount of recharge that can be induced from the river, the flows available in the river are the most critical.

At the Sioux Falls Cliff Avenue gaging station the average discharge of the Big Sioux River is 523 cfs (378,000 ac-ft/yr), the median of yearly mean discharges over the 18 year period of record is 313 cfs (227,000 ac-ft/yr), (Burr, 1990), (see figure 15). Although this gage includes urban runoff and contributions from Skunk Creek (average 69.2 cfs), (see figure 16), it is still apparent that flows are available in the Big Sioux River to contribute additional recharge water for the aquifer.

Although water is available in the Big Sioux River, under "natural" conditions, the aquifer rejects potential recharge due to insufficient storage space. Development of the aquifer has increased the frequency in which sufficient storage space is available when water is available for induced recharge. In other words the more the aquifer is developed, the greater the likelihood that storage space is available when recharge is available. At the current level of development, average annual "induced" recharge is estimated to be between 4,000 ac-ft/yr and 9,300 ac-ft/yr depending on the estimates used for average annual use and average annual "natural" recharge.

Groundwater Flow Model:

As the water levels in the aquifer are lowered below "natural" levels, induced recharge is increased. A numerical (computer simulated) ground-water flow model was developed for the Sioux Falls Management

Unit, to be used as a management tool, including estimating the potential induced recharge maximum. 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. Four scenarios presented by Koch, (1982) demonstrate the relationship between recharge and withdrawal from the aquifer. Three scenarios represent simulations made under "normal" hydrologic conditions, these are listed below.

SCENARIO	PRECIP RECHARGE	RIVER RECHARGE (in ac-ft/yr)	DISCHARGE TO RIVER	ET	USE
1. Pre-Development	11,600	1,400	11,700	1,300	0
2. Equilibrium	11,600	10,400	7,800	600	13,700
3. Increased Pumping	11,600	23,700	2,830	310	32,200

It can be seen that under "normal" hydrologic conditions, increased pumping decreases the water level of the aquifer thus decreasing evapotranspiration losses, and discharge to the river, and increasing induced recharge from the river.

Koch's fourth scenario modeled a hypothetical hydrologic situation with pumping increased to a rate of 32,200 acre-ft/yr under drier conditions than occurred during 1976. The simulation revealed that with no aquifer recharge, and a dry river, the pumping rate had to be decreased after three months. A pumping rate of 25 MGD from wells throughout the entire aquifer could be sustained for 248 days and a pumping rate of 24 MGD could be sustained for 279 days (Koch, 1983).

The record low-flow rate, (35 years of record), in the river occurred for 270 days from June, 1976 to March, 1977. During this low-flow period, there was a period of 54 consecutive days of zero streamflow in the summer of 1976. It is estimated that this 1976-1977 drought was a 100 year or greater low-flow condition (Koch, 1983).

The amount of water that is available for appropriation from the Sioux Falls Management Unit is the amount that can be withdrawn for an infinite period of years with normal river stage and average precipitation conditions, that causes no net change in storage (decline of water levels). Koch's model quantifies this as approximately 32,200 ac-ft/yr.

Effects 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 for 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.

An engineering study done for the city by HDR Engineering, Inc. (1990), estimates a safe sustainable yield from an extended city well field in the Sioux Falls Management Unit of 22 MGD (24,645 ac-ft/yr). The estimate is less than obtained by the USGS model mainly for two reasons; the HDR model does not include the entire management unit; and since the HDR study is more or less a plan for how the city will meet future needs, it is conservative rather than optimistic, (Dostol, pers. com. 1991). A transient state simulation done by HDR predicts 4 season equilibrium in the management unit with cyclic storage management, at an average daily pumping rate of 22 MGD. In cyclic storage the aquifer water level is lowered in order to create storage space for additional induced recharge. Under "average normal conditions" the model predicts a 5,179 ac-ft gain in aquifer storage in the spring, a loss from storage in the summer of 703 ac-ft, a loss from storage during the fall of 1232 ac-ft, and a 3285 ac-ft loss from storage during the winter.

The major obstacle to development of the Sioux Falls 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 may not be instantaneous to withdrawal, and water must be withdrawn from storage in the interim. The most sensitive periods of withdrawal were summer and winter of an given year. Fluctuations observed in Division of Water Rights observation wells, identify changes in storage of the aquifer of approximately 30% of the total storage capacity of the aquifer. Increased pumpage from the aquifer may lead to greater depletions from storage. Since the Sioux Falls Management Unit is relatively thin, a prolonged interim between withdrawal and recharge may lead to the lowering of the water level of the aquifer thus reducing needed 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. The average saturated thickness of the Sioux Falls Management Unit is estimated to be 22.5 feet based on Hedges', (1982) storage, areal extent, and specific yield estimates. A fairly large portion of the aquifer contains less than 20 feet of saturated thickness, and a number of wells completed into the aquifer are supplied by only a few feet of saturated thickness. 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. If the aquifer thickness is greater than the thickness penetrated by the particular well, the wells may not be adequate. 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 an "overdraft" from storage. In either case mitigation may be necessary, if the pumping authorized by junior priority rights is to continue.

The excellent hydraulic connection that exists between the Big Sioux River and the Sioux Falls Management Unit necessitates the consideration of surface water rights supplied by the river. The Big Sioux River supports domestic users and 8 appropriative rights in this area. The Water Rights/Permits authorize diversion of 41.93 cfs. This includes Water Right No. 12-3, John Morrell & Co., for 2.20 cfs, to be used primarily non-consumptively, and Water Right No. 859-3 which authorizes storage of 192 ac-ft in Baltic Dam. It has been established that a discharge rate of 20 cfs at the Cliff Avenue Gauge is sufficient to support domestic and appropriative rights below the Sioux Falls Management Unit.

Steady state simulation of pumping 32,200 ac-ft/yr (optimistic safe sustainable yield estimate), under "normal" hydrologic conditions, predicts a net annual loss from the river to the aquifer of 20,870 ac-ft/yr, compared to 2,600 ac-ft/yr net loss under existing conditions (Koch, 1982). Although water availability may be restricted at times due to low or no flow occurrences, it is probable that the frequency of low or no flow occurrences will not increase due to development of Future Use Application No. 5523-3.

Mitigation of Impaired Rights:

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 water distribution systems (definition includes municipalities) to appropriate water under 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 statutory definition 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 could claim preference even though water developed under Future Use Permit No. 5523-3 would have a 1991 priority date, over other non-water distribution system appropriative rights with priorities 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 the Big Sioux River, 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 adequate domestic wells.

Affect on Additional Permit Applications:

If approved, this application authorizes withdrawals that would exceed the most optimistic estimate available for safe sustainable yield from the Sioux Falls Management Unit. The best information available at this time suggests that the management unit will be fully appropriated with approval of this future use permit and it is unlikely that additional appropriations could be approved from the aquifer for subsequent applicants.

CONCLUSIONS:

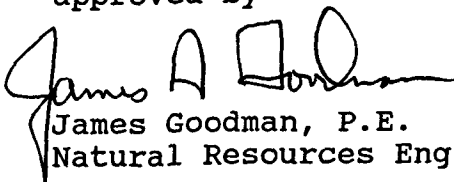
1. The Sioux Falls Management Unit of the Big Sioux Aquifer is fairly thin and underlies a relatively limited area.
2. The most optimistic estimate available for average annual "natural" recharge to the Sioux Falls Management Unit is 13,200 ac-ft/yr.
3. Pumpage from the Sioux Falls Management Unit during 1990 by the City of Sioux Falls, Minnehaha Community Water Corp., and irrigation permit holders was reported to be 19,514 ac-ft.
4. The average daily use from the aquifer has been estimated to be 20.2 MGD (22,627 ac-ft/yr).

5. The Division of Water Rights Observation Well measurements indicate that at the present rate of development "induced recharge" from the Big Sioux River offsets the difference between "natural recharge" and withdrawals.
6. Recharge available to the Sioux Falls Management Unit exceeds the current capacity of the aquifer to store the recharge.
7. The safe sustainable yield of the Sioux Falls Management Unit is the amount that can be withdrawn for an infinite period of years with normal river stage and average precipitation conditions, that causes no net change in storage.
8. Average annual recharge to the aquifer could be increased with an increased withdrawal.
9. The most optimistic safe sustainable yield estimate available for the Sioux Falls Management Unit is 32,200 ac-ft/yr.
10. The appropriations made by future use permits can be completely developed. This amounts to 6765 ac-ft/yr under existing conditions.
11. Pumpage at the 1990 rate along with development of existing future use permits, would withdraw 26,279 ac-ft/yr. Sioux Falls pending Permit No. 5521-3 would appropriate 720 ac-ft/yr additional water.
12. A 10,000 acre-feet/year appropriation, along with present withdrawals and appropriations made by future use permits would exceed current estimated average annual recharge (safe sustainable yield) estimates. The best estimate of water available considering (1990 use) + (total future use) + (No. 5521-3) is 26,999 ac-ft/yr. This leaves about 5200 ac-ft/yr available.
13. There is not a reasonable probability that this future use permit can be developed without impairment of existing water rights.



Ken Buhler
Natural Resources Engineer

approved by



James Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Barari, A., D.Iles, T.Cowman, 1989, Assessment of Water Resources and

Conceptual Evaluation of a Regional Water Supply for Southeastern South Dakota, SD Dept. of Water and Natural Resources Division of Geological Survey, Open-File Report 60-UR, Vermillion, South Dakota

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- 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
- DeJong, K., Water Superintendent, Sioux Falls Utilities, Personal Communication, July 26, 1991
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- Hall, P., Minnehaha Community Water Corp.1, Personal Communication, July 26, 1991
- 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
- Hedges, L.S., S.Burch, D.Iles, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 6: Average Annual Water Use by Aquifer, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD
- Koch, N.C., 1982, A Digital-Computer Model of the Big Sioux Aquifer in Minnehaha County, South Dakota, USGS, Water-Resources Investigations Report 82-4064, Huron, SD
- Koch, N.C., 1983, Evaluation of the Response of the Big Sioux Aquifer to Extreme Drought Conditions in Minnehaha County, South Dakota, USGS Water- Resources Investigations Report 83-4234, Huron, SD
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MINNEHAHA COUNTY WELLS

MA-57D

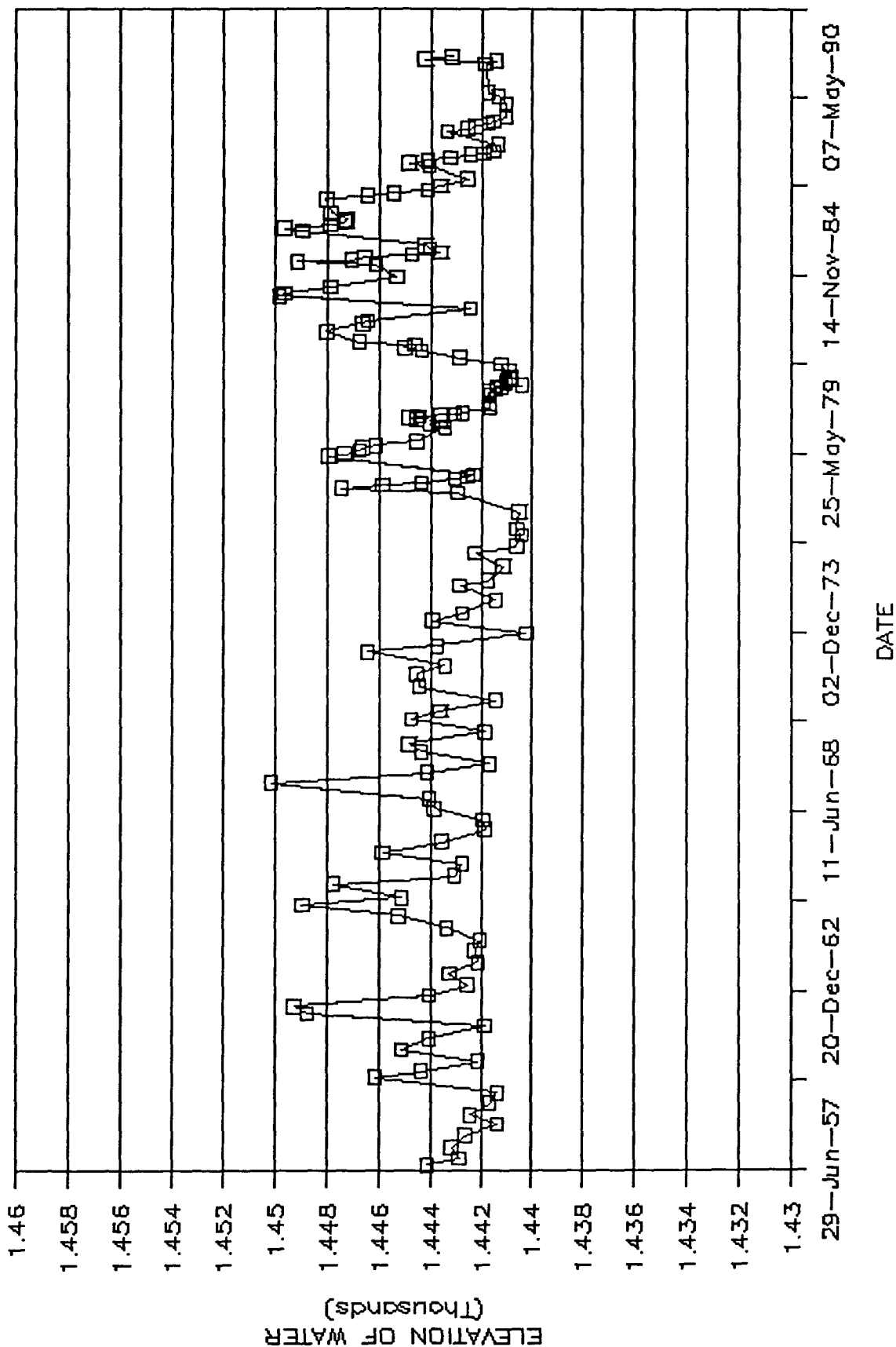
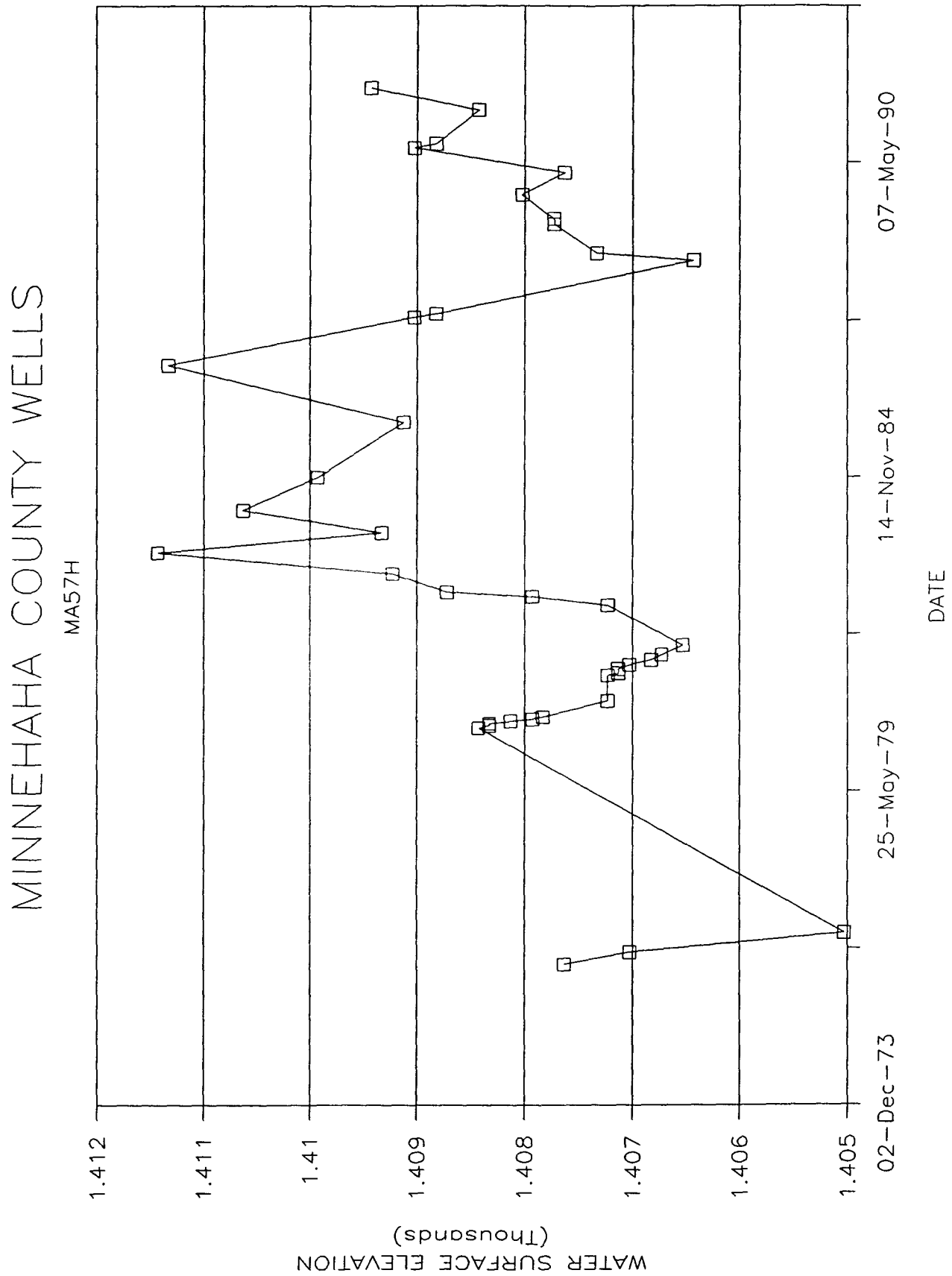


Figure 1

Figure 2



MINNEHAHA COUNTY

MABOC

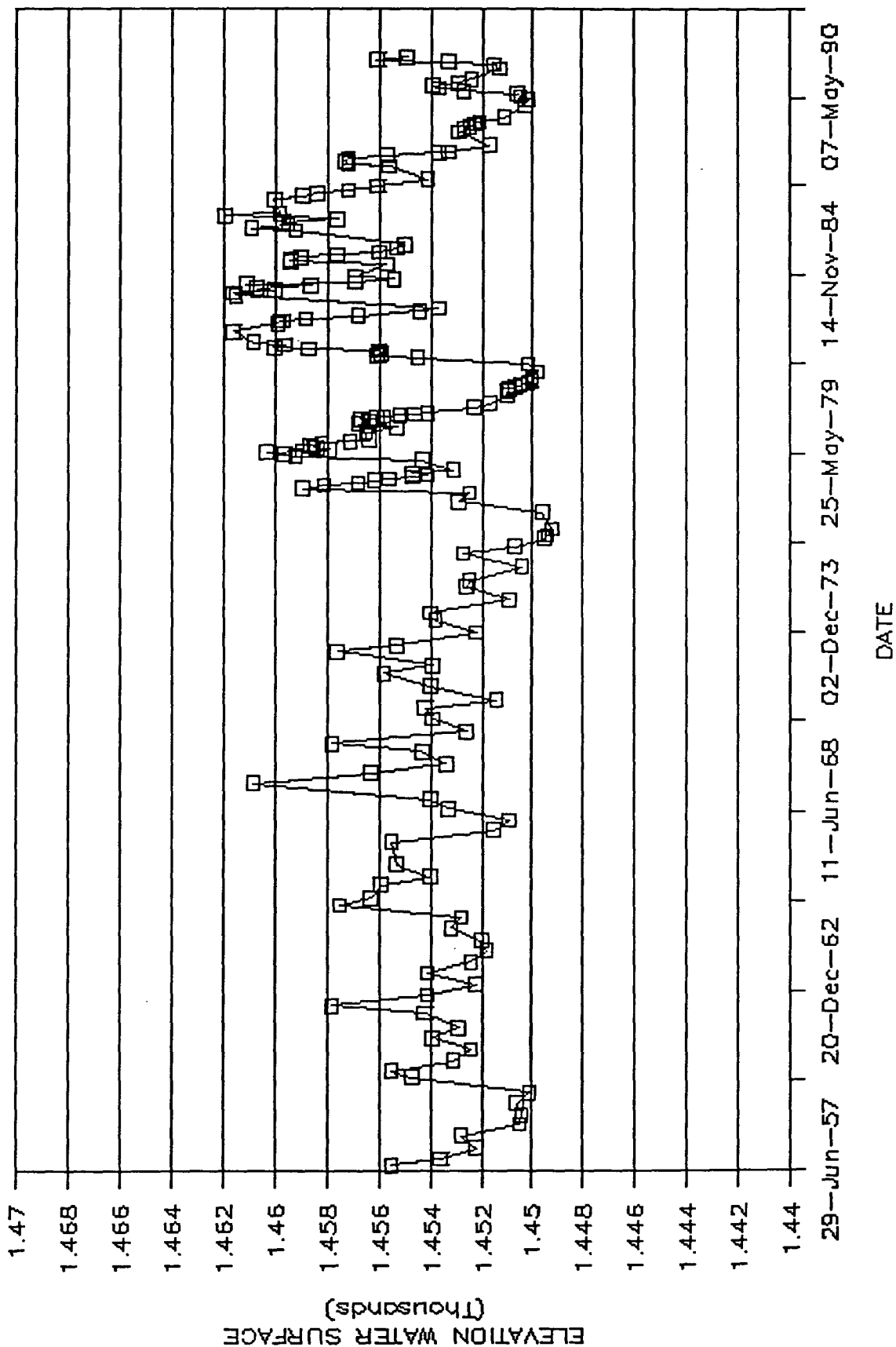


Figure 4

MINNEHAHA COUNTY

MABOD

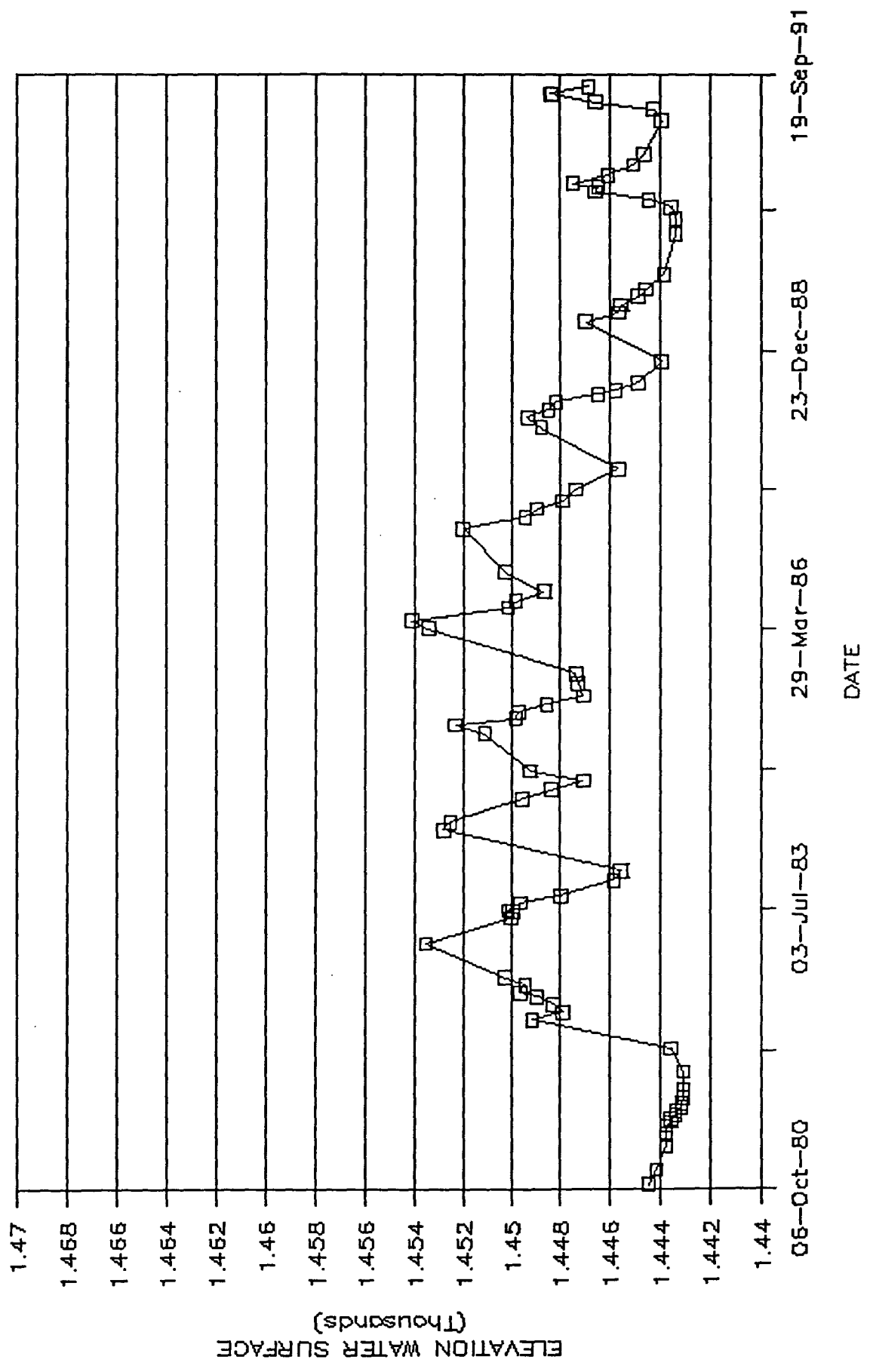
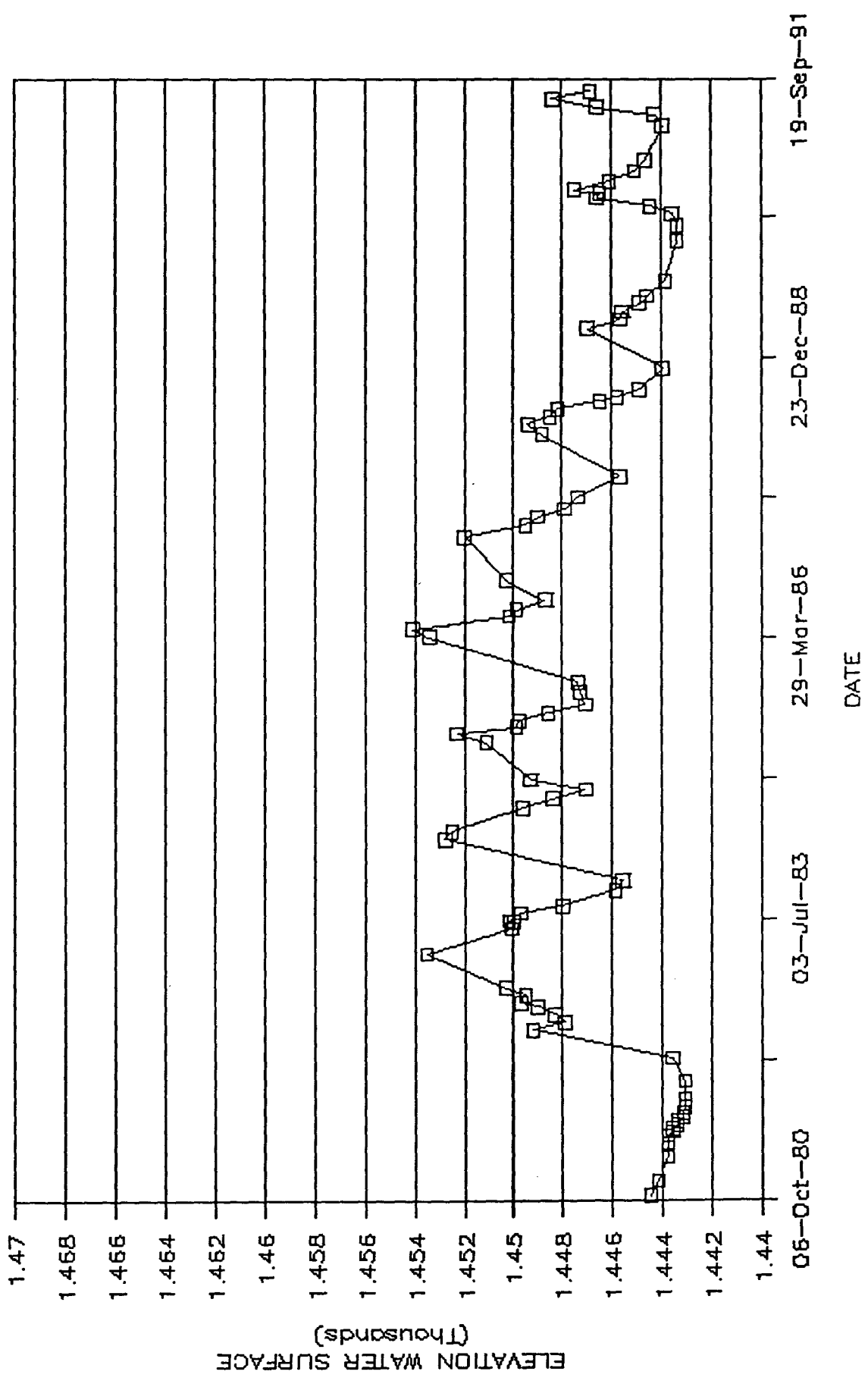


Figure 5

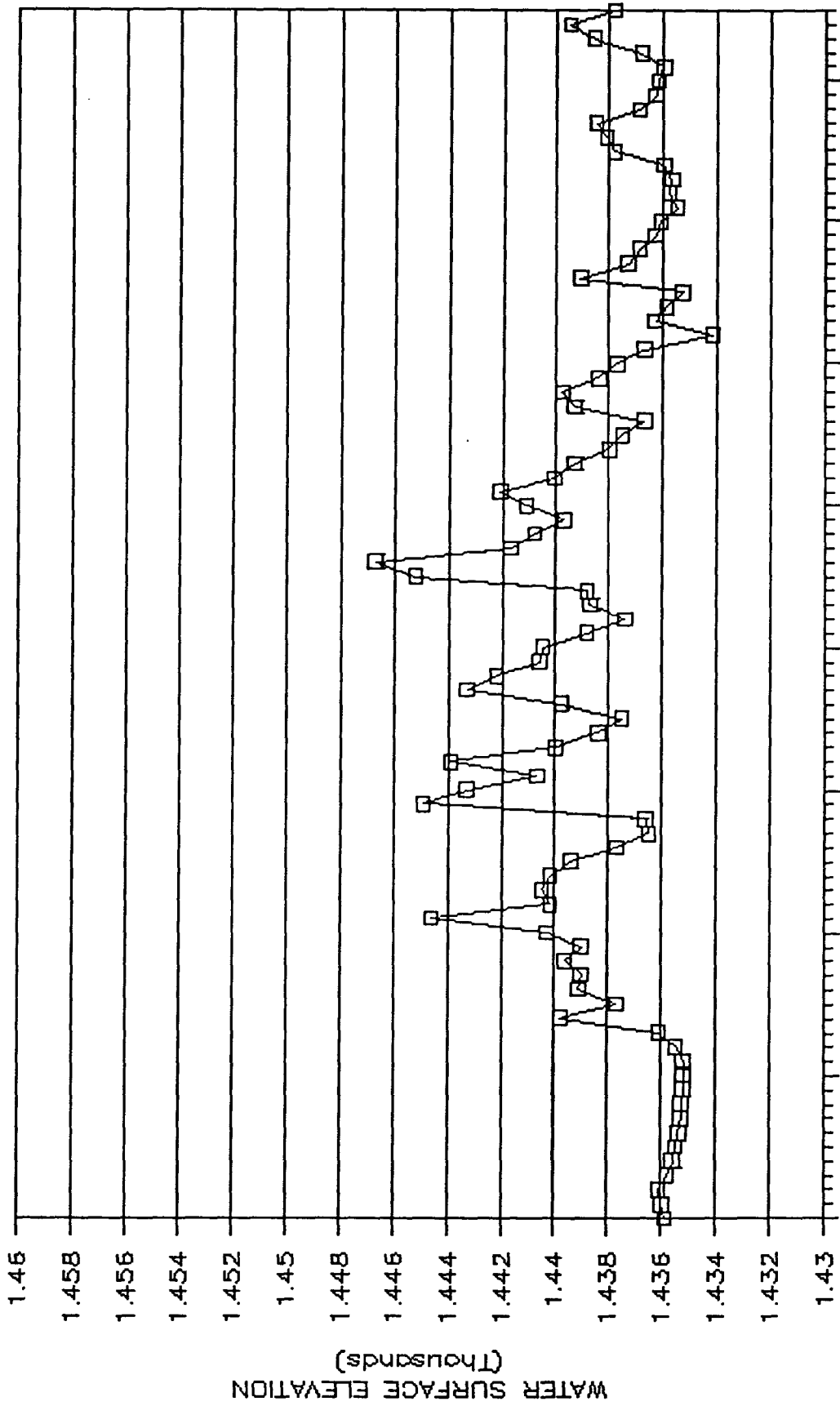
MINNEHAHA COUNTY

MABOE



MINNEHAHA COUNTY WELLS

MASOF



MINNEHAHA COUNTY WELLS

MABOG

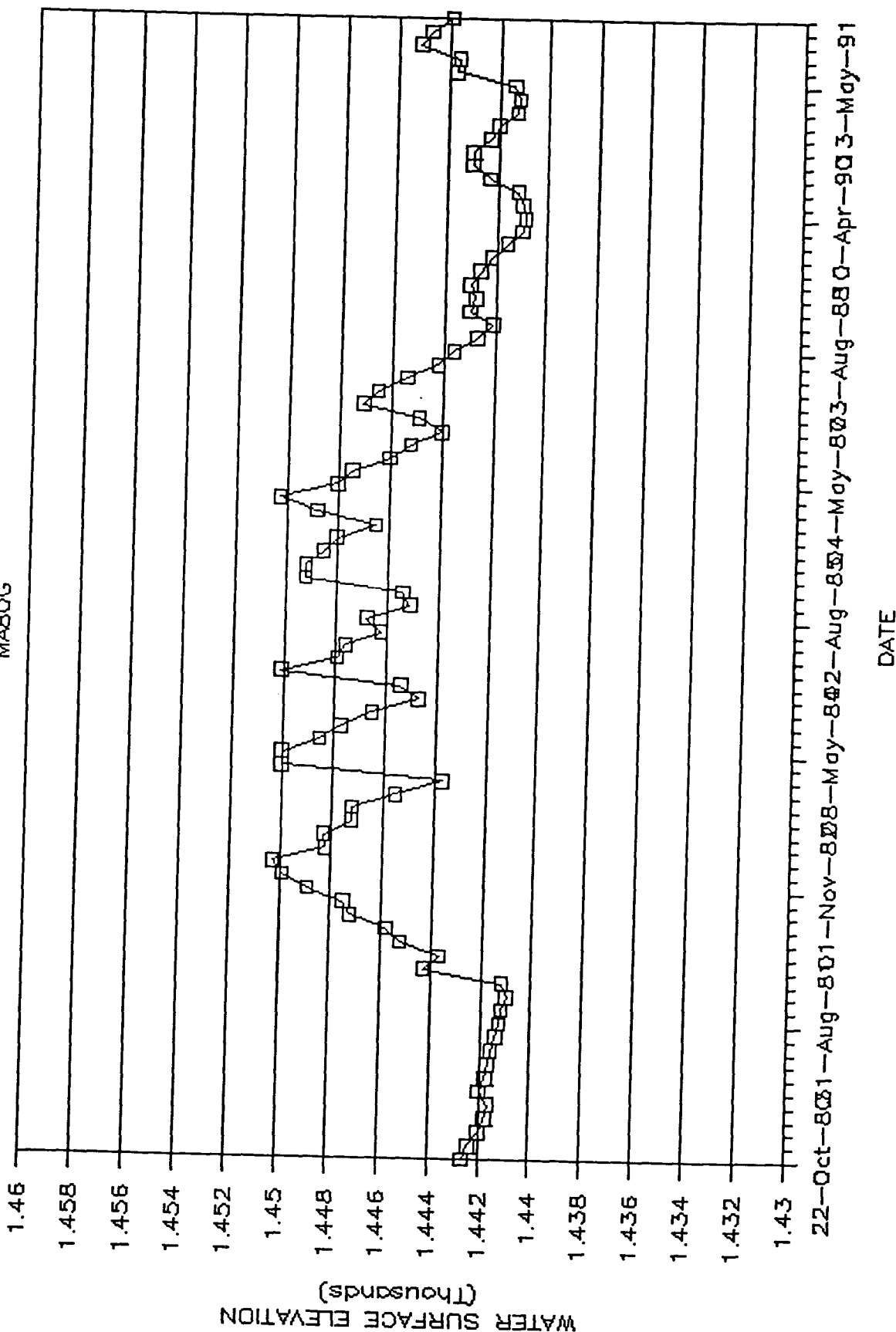


Figure 7

MINNEHAHA COUNTY WELLS

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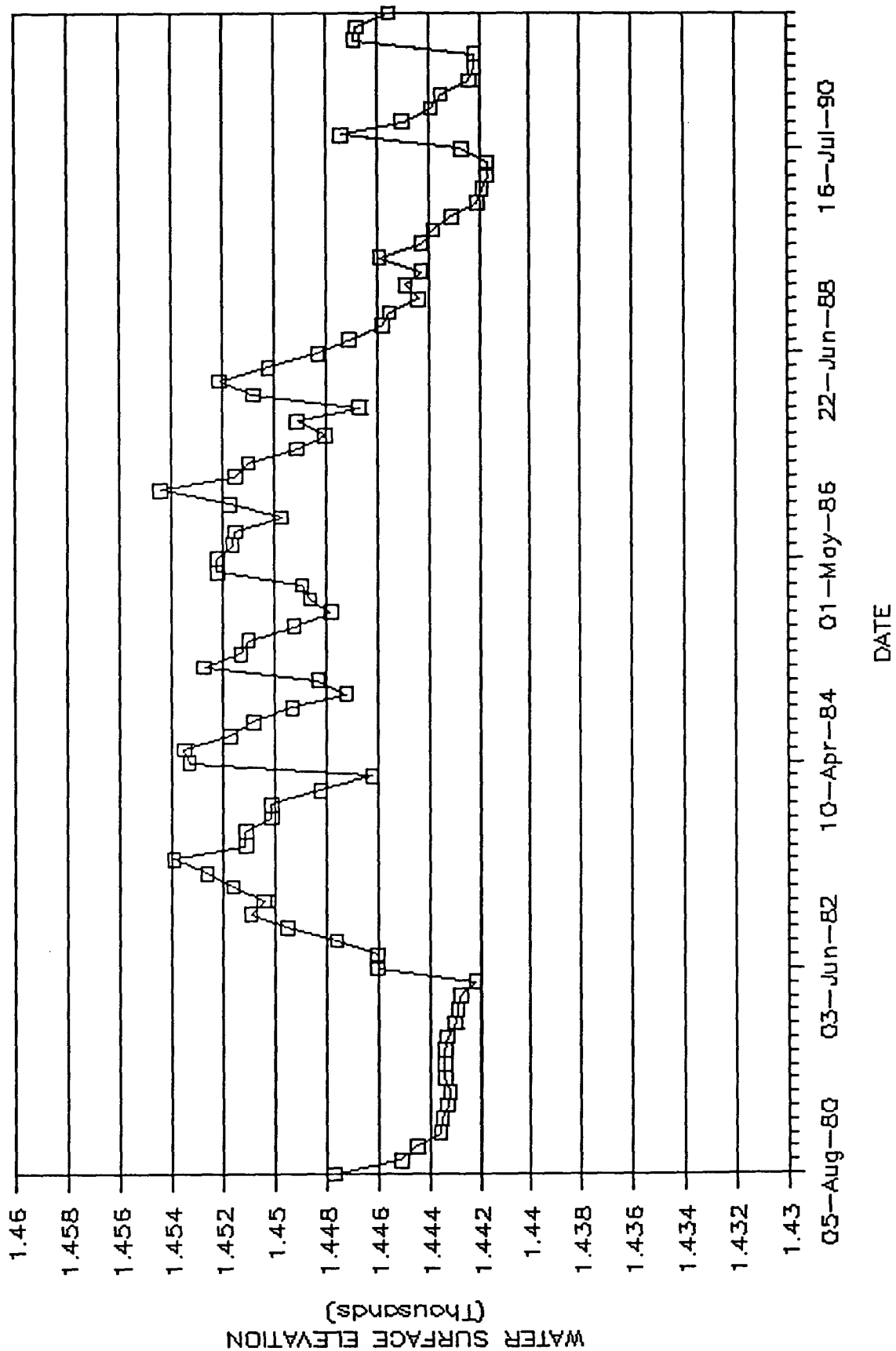
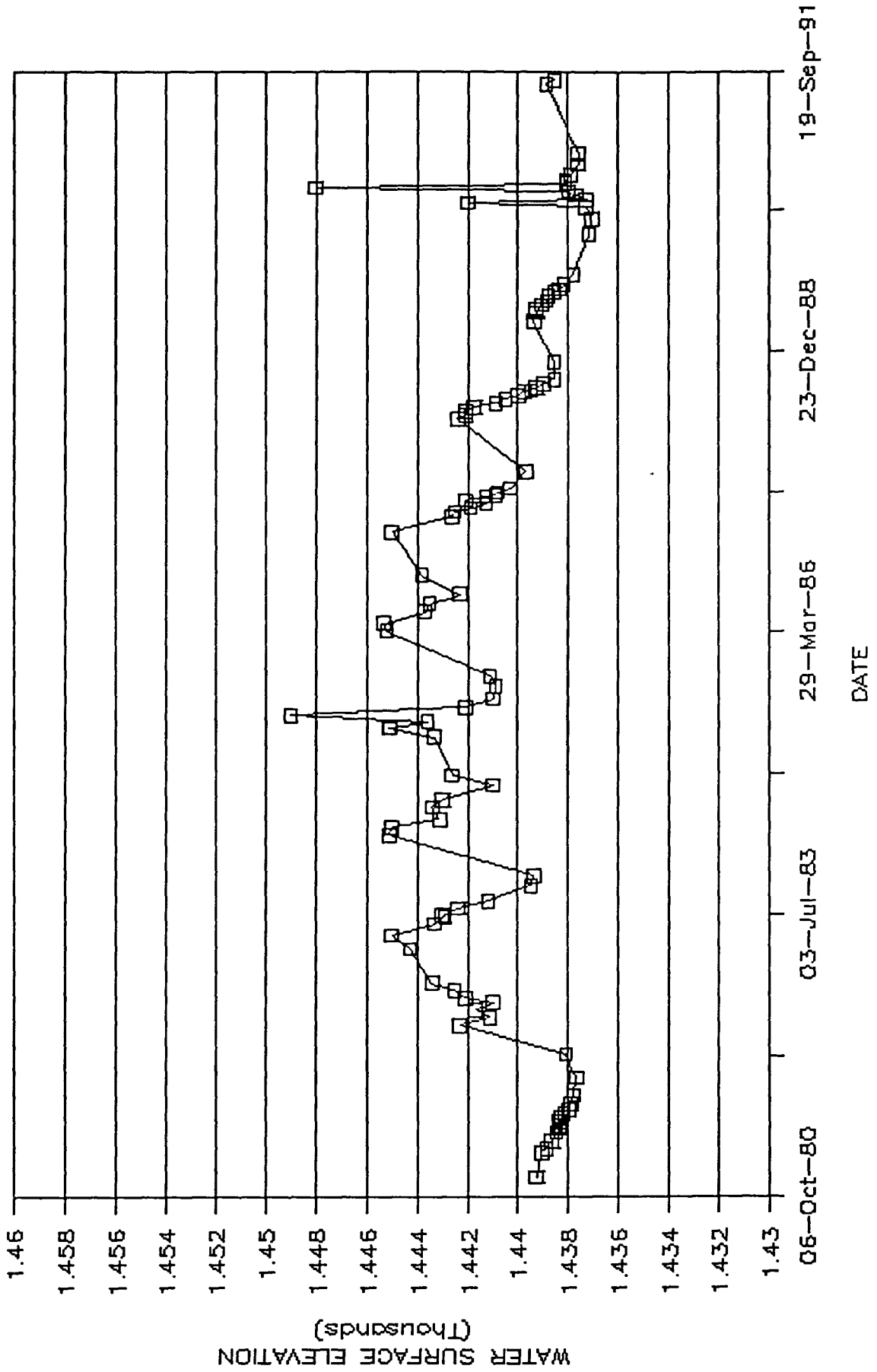


Figure 8

Figure 9

MINNEHAHA COUNTY WELLS

MABQJ



MINNEHAHA COUNTY WELLS

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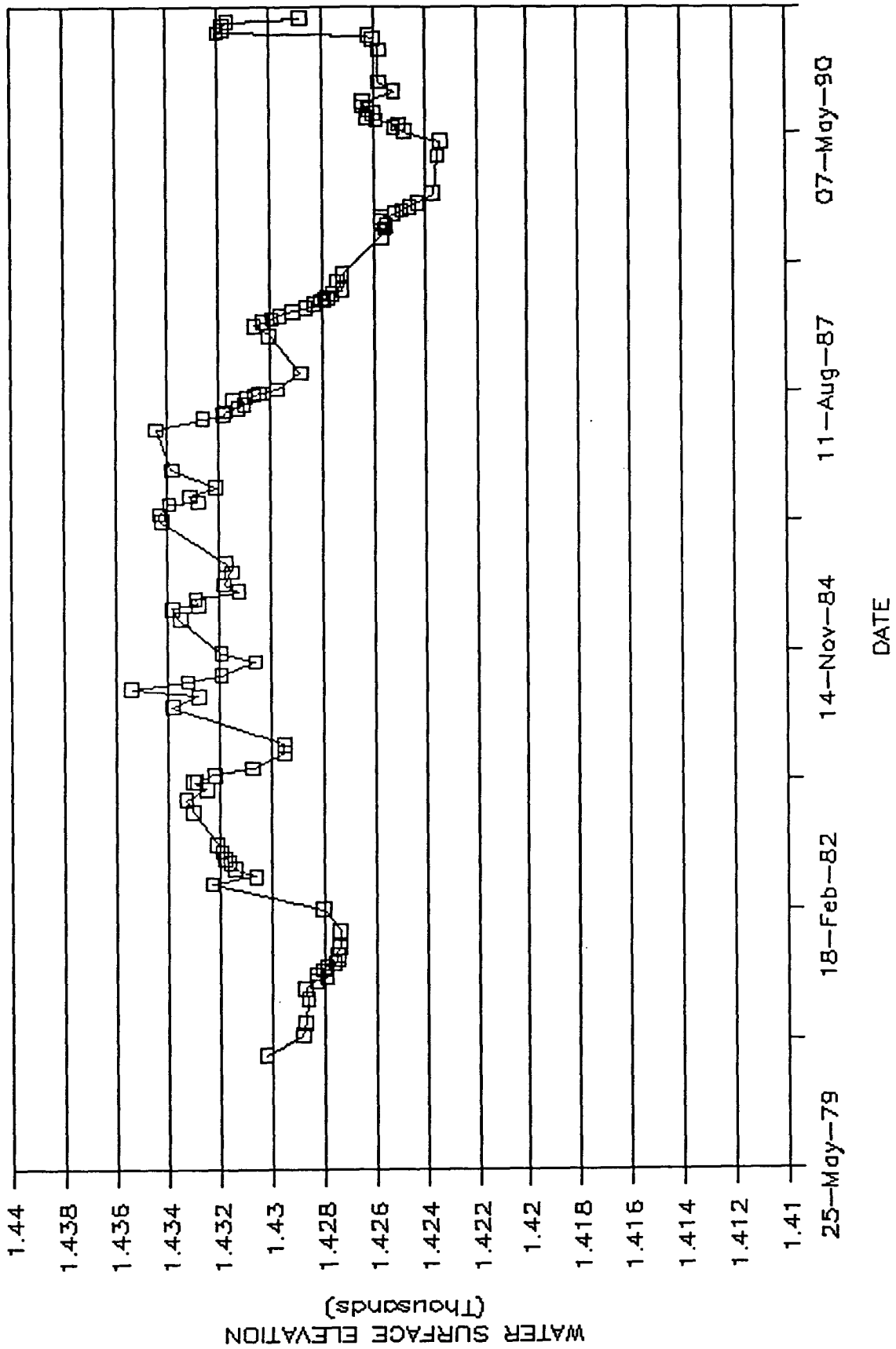


Figure 11

MINNEHAHA COUNTY WELLS

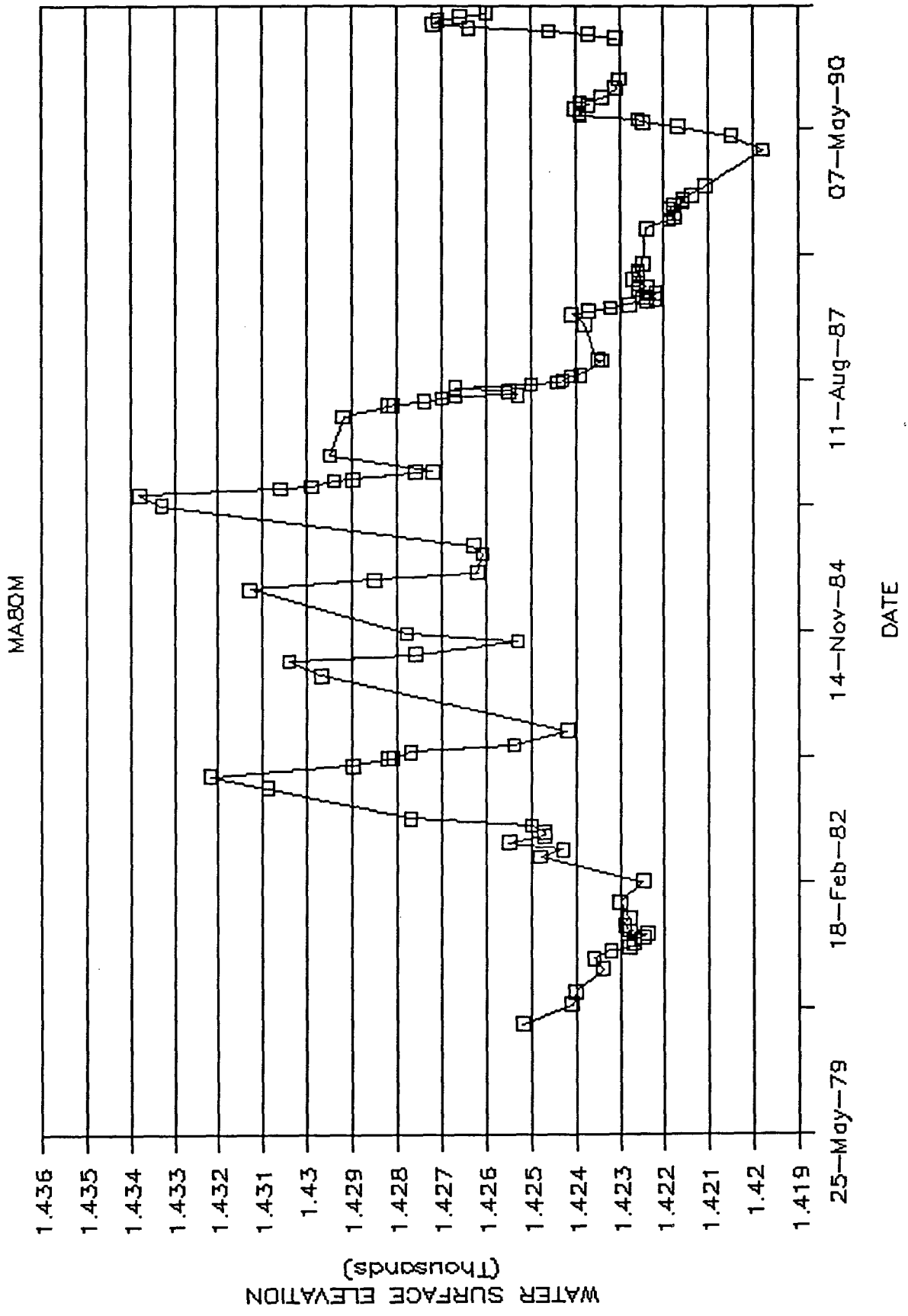


Figure 12

MINNEHAHA COUNTY WELLS

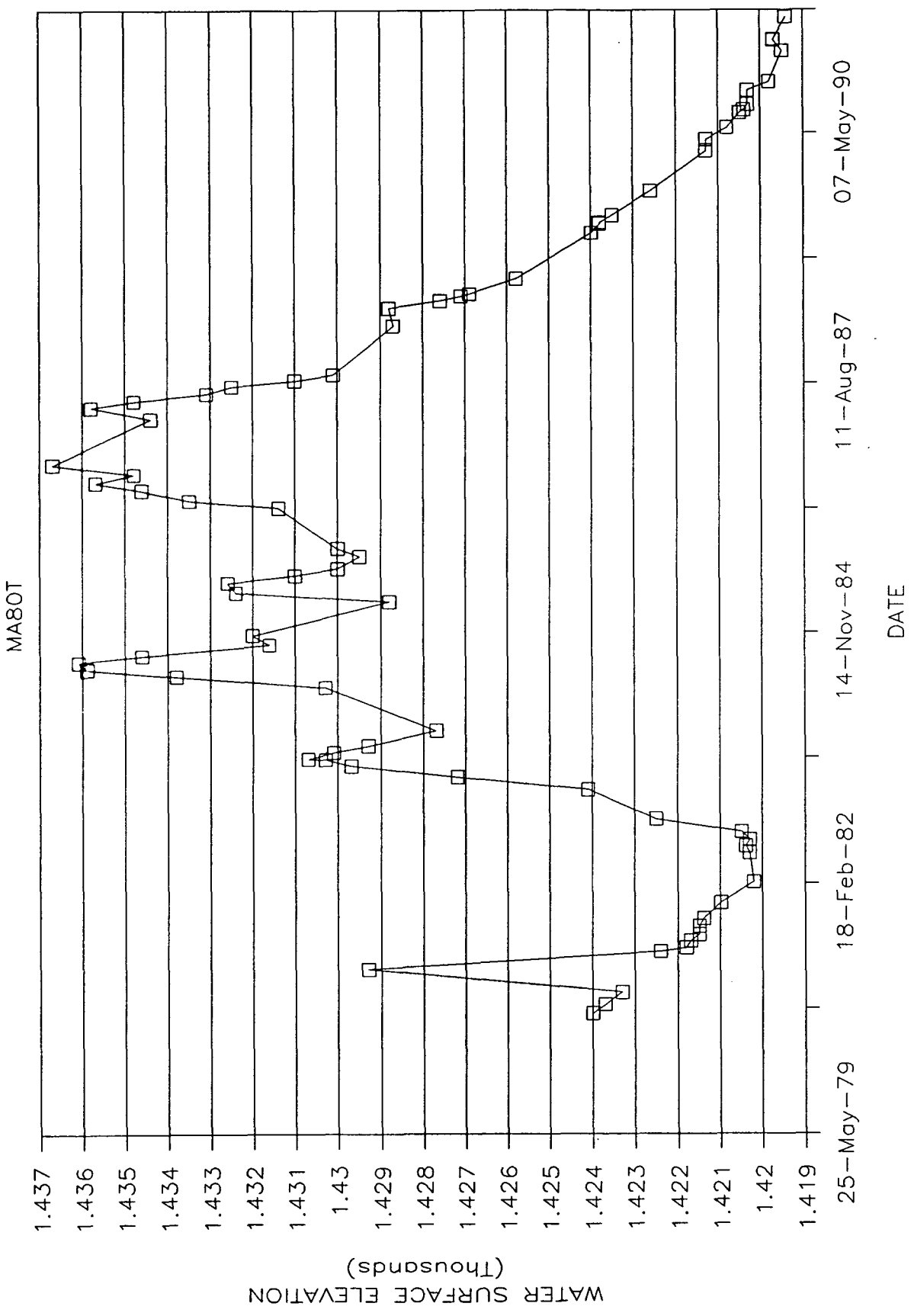


Figure 13

MINNEHAHA COUNTY WELLS

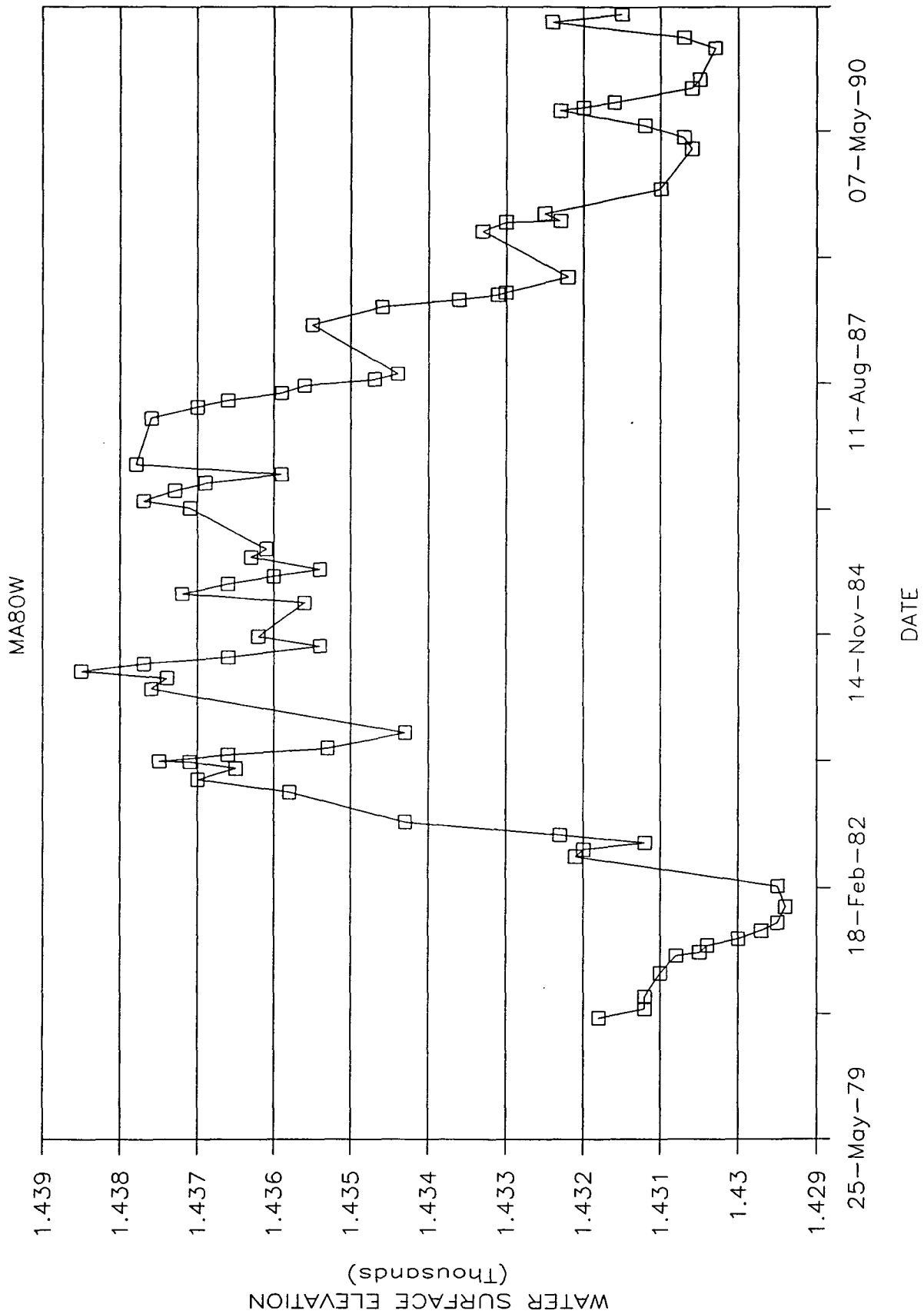
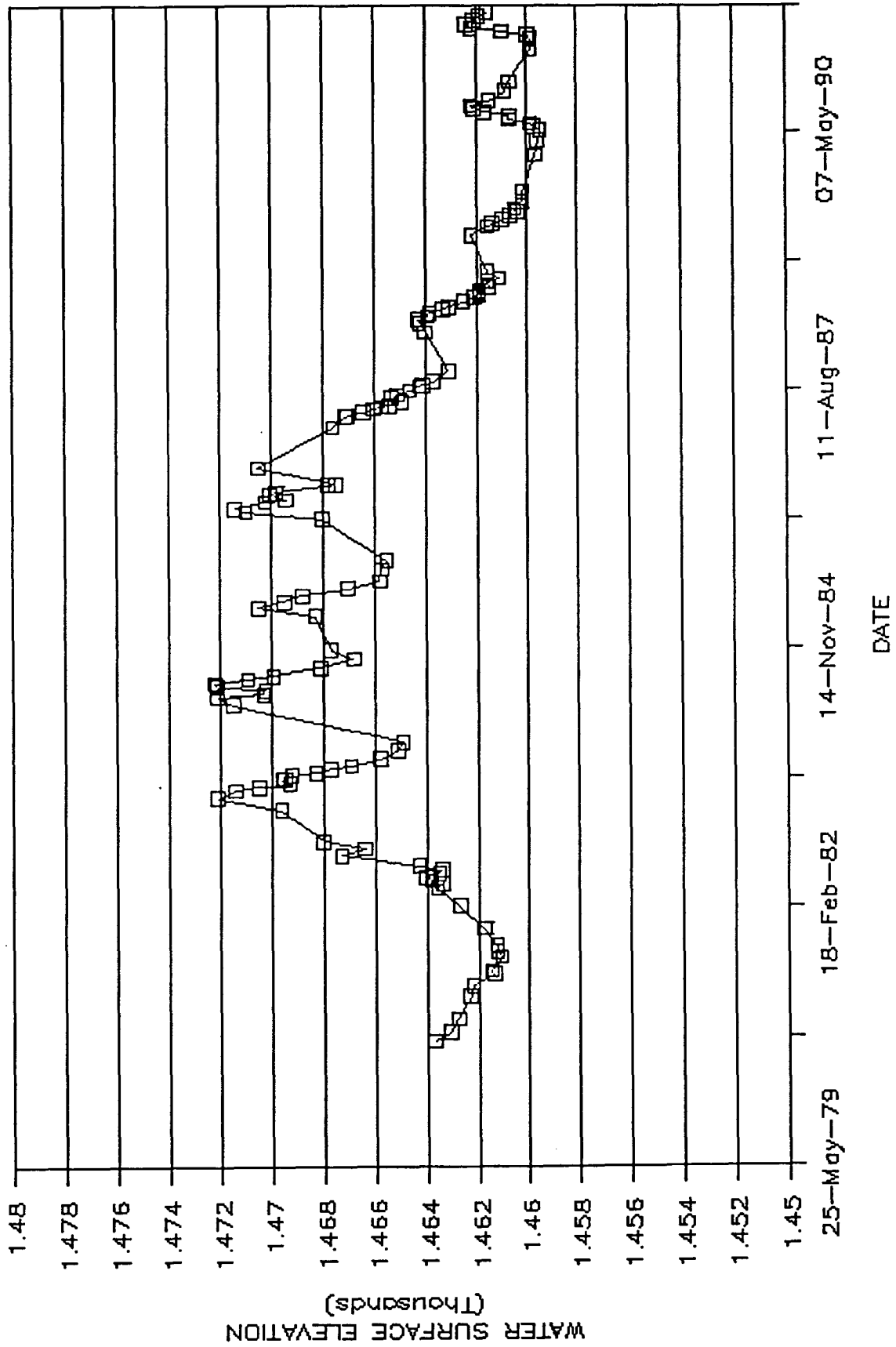
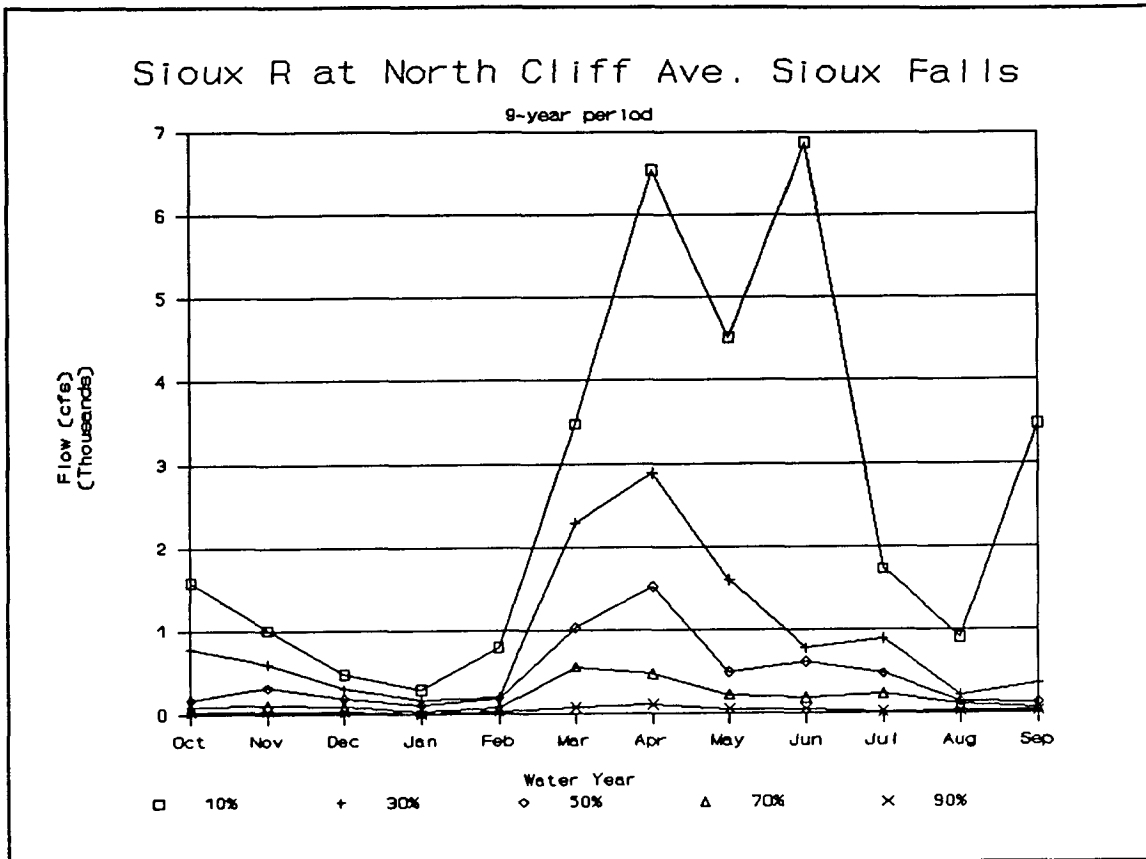


Figure 14

MINNEHAHA COUNTY WELLS

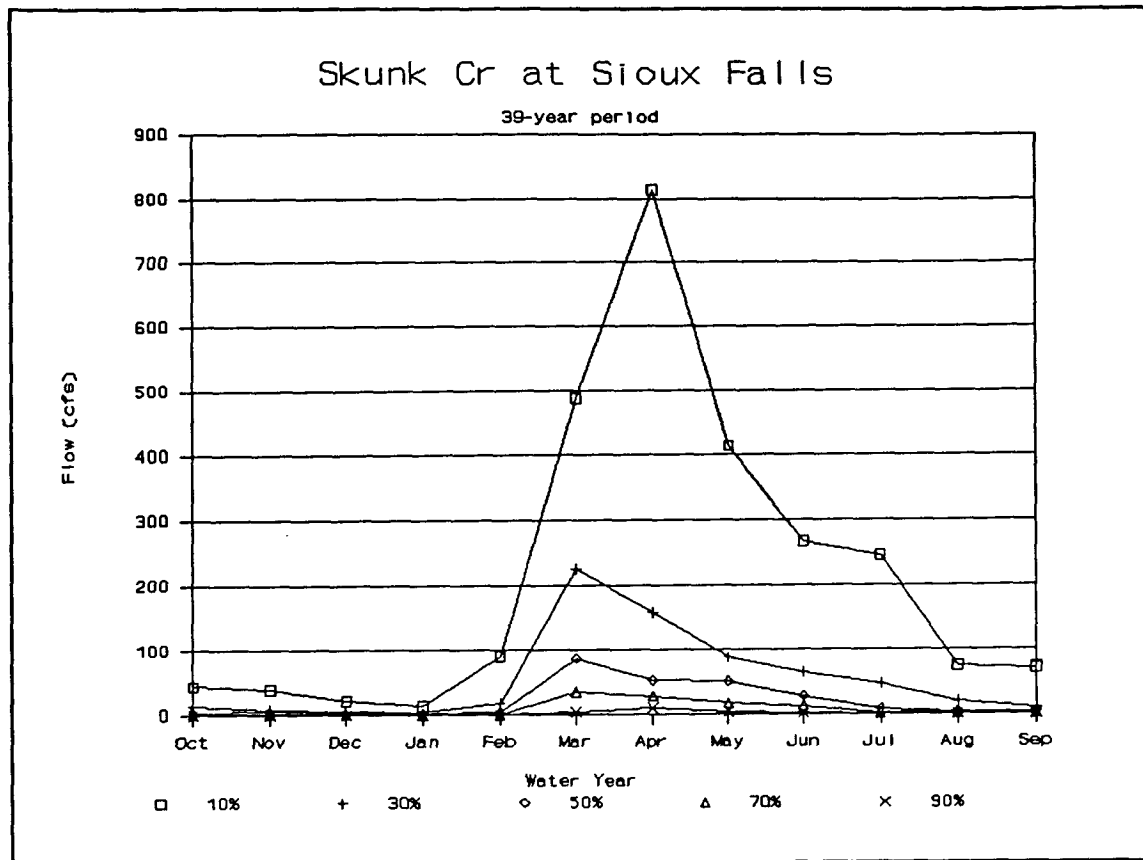
MA8QDA





Sioux River at North Cliff Ave. at Sioux Falls SD
9 years of record

	10%	30%	50%	70%	90%
Oct	1580.32	781.83	168.32	90.8	30.83
Nov	1008.9	601.43	317.66	105.33	41.26
Dec	476.38	302.64	185.8	98.25	36.32
Jan	289.25	172.42	118.54	32.25	6.26
Feb	798.17	199.78	179.6	75.67	32.25
Mar	3478.61	2295.48	1025.06	562.45	77.06
Apr	6543	2884.66	1524.1	477.03	106.73
May	4516.12	1600.03	499.51	223.42	55
Jun	6880.16	778.23	617.1	185.7	53.6
Jul	1729.96	888.12	470.45	236.38	19.77
Aug	912.22	217.61	141.74	114.38	33.03
Sep	3467.66	354	124.46	62	28



Skunk Creek at Sioux Falls SD
39-year period

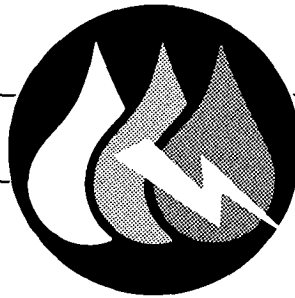
	10%	30%	50%	70%	90%
Oct	45.06	15.28	4.37	1.53	0.43
Nov	39.5	8.51	5.32	2.65	0.6
Dec	22.13	5.77	3.43	2.38	0.57
Jan	14.01	3.32	1.87	0.93	0.21
Feb	90.42	17.89	4.2	1.23	0.17
Mar	488.18	225.87	87.98	36.58	4.68
Apr	813.26	158.5	53.8	28.7	10.43
May	414.03	88.45	51.67	17.44	4.5
Jun	266.26	65.43	28.69	12.94	1.7
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

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)

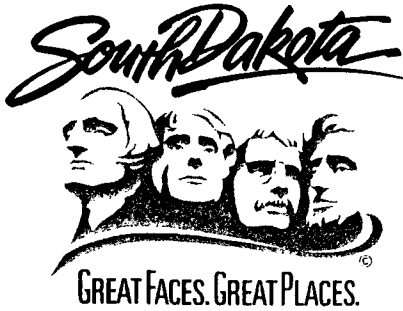
Thank you for your consideration of these amendments and feel free to contact me if you have any questions.

Sincerely,


Keith DeJong, 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.

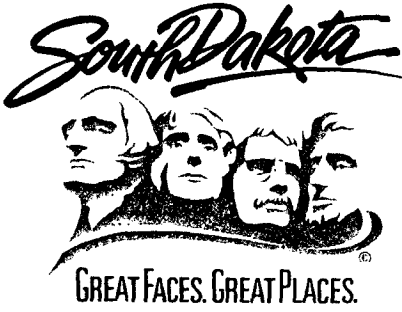
Sincerely,

Eric Gronlund
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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1991

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 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: 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 are copies of the notices of hearings for the declaratory rulings and permit applications to be published in the Sioux Falls Argus Leader for two consecutive weeks and copies of the petitions requesting the Board to issue declaratory rulings. 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

enclosures

Instruction to Newspaper - Publish first Notice on September 5, 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 request, 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.

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 Lund

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:

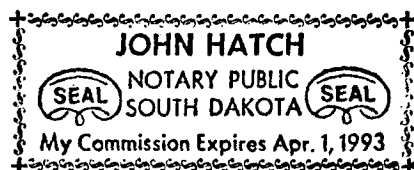
Water Permit/Right Holders for the Sioux Falls Management Unit of the Big Sioux Aquifer (see attached list).

Jack 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 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 copy of Publication Notice from Future Use Nos. 5522-3 and 5523-3 addressed as stated on the attached list.

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

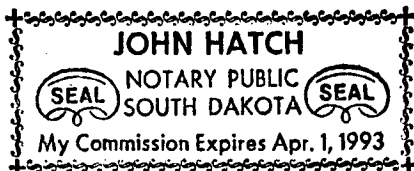
Cheryl F. Frost

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



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:

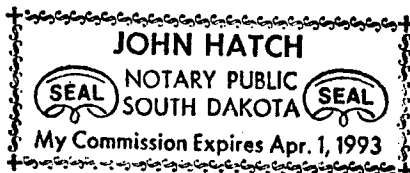
Sioux Falls Development Foundation, 315 S. Phillips Ave., Sioux Falls,
SD 57102.

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 A. Bates
Notary Public

FROM: Eric Gronlund

TO: John Hatch

DATE: 09-11-91

TIME: 15:38

CC: Jim Goodman
Ken Buhler
DianeB

SUBJECT: Sioux Falls Issues on Oct. 2, 1991

PRIORITY:

ATTACHMENTS:

In an effort to keep everyone informed on phone calls that come in regarding the Sioux Falls issues, I'm will be sending you the hightlights of any of these conversations.

9/11/91 - John Buss with the Minnehaha Community Water Corp. called with questions regarding the Sioux Falls Water Management Unit (SFMU). They are quite concerned about how this may affect them. His questions regarding recent withdrawals from the SFMU were easily answered by looking at through Ken's report. We also discussed the Water Corporation's future use permit. I sent him copies of all the reports on the Sioux Falls applications.

Points of Interest:

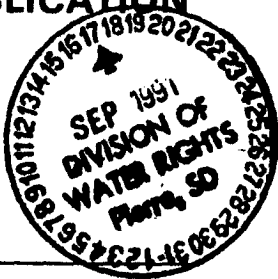
1. Mr. Buss said that last week the city's consulting engineering firm, HDR, contacted him on the ability of Water Corp. to provide water to the folks in the Renner area and to domestic well owners in the Middle Skunk Creek Aquifer. Mr. Buss thought it was particularly interesting that while the city of Sioux Falls was trying to tie up the last remaining unappropriated water in the SFMU and Middle Skunk Creek aquifer, effectively halting the expansion potential of the water corporation beyond the 1500 acre feet they have in future use, the city may at the same time try to get the water corporation to hook up those domestic users that may be impacted by the city's use of water.

2. Mr. Buss also stated that he felt the City of Sioux Falls' municipal use of water for irrigating parks and residential lawns would also be an issue at the hearing. He stated that most people feel that water for human consumption is more important than lawn and park watering.

He indicated they will also be filing a petition to intervene.

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 Sioux River 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, 16, 15, 14, 13, 12, 11, 10, 9,
8, 7, 6, 5, 4, 3, 2, 1, NW 1/4
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 Sec-
tion 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 8; 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 from the Big
Sioux Aquifer. The area reserved
for future use, is to be located
within the SW 1/4 Section 5,
Sections 5, 7, 8, 18; all in T103N,
R49W, and E 1/2 Section 31,
Section 32, all in T104N, R49W.
The water for both applications
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 48-1-1, the
Chief Engineer has recommended the
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.

Applications and recommendations 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.

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
hearing is held, the Chief Engi-
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
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 ac-
cording to SDCL 1-20. 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 Su-

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 48-1-1 thru 48-1-9,
48-1-12 thru 48-1-16; 48-2-3.1,
48-2-9, 48-2-11, 48-2-13, 48-2-17;
48-2A-1 thru 48-2A-10, 48-2A-12,
48-2A-14, 48-2A-15; 48-5-1 thru
48-5-11, 48-5-13 thru 48-5-15,
48-5-24, 48-5-25, 48-5-30.2, 48-5-
30.4, 48-5-31; 48-8-3, 48-8-3.1, 48-
8-8.1, 48-8-10, 48-8-13, 48-8-14,
48-8-26; 48-5-38 thru 48-5-40; 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lincoln) ss.



I, Sandra Lundstrom
certify that the attached printed Notice
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.

5-88

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 wa-
ter for future use.

Application No. 5522-3 is to ap-
propriate for future use 10,000 acre
feet of water annually from the Mid-
dle Skunk Creek Aquifer. The area re-
served for future use, is to be located
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 21;
32, 29, 20, NW 1/4 SW 1/4 Section 17;
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
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
No. 5522-3 for 8,000 acre feet of water
annually and 5523-3 for 5,200 acre
feet of water annually with qualifica-
tions because 1) unappropriated water
is available, 2) existing rights will not
be unlawfully impaired, 3) it is a ben-
eficial 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 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 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 rec-
ommendations. The Chief Engineer's
address is "Water Rights Division,
Foss Building, 523 E. Capitol, Pierre
SD 57501 (605 773-3352)" and the ap-
plicant's mailing address is given
above. A petition filed by either an in-
terested person or the applicant must
be filed by September 23, 1991. The
petition may be informal, but must
include a statement describing the pe-
titioner'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 engi-
neer's recommendations, the Board
will consider these applications Octo-
ber 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 recommen-
dations 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 appli-
cations based on the facts presented at
the public hearing. The October 2,
1991, hearing date will be automati-
cally 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 peti-
tion 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 exer-
cised. Decisions of the Board may be
appealed to the Circuit Court and
State Supreme Court as provided by
law. Contact the Water Rights Divi-
sion 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 46-1-18; 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-
28; 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.
n e 12

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



MINNEHAHA COMMUNITY WATER, CORP.

RURAL ROUTE 2, BOX 26A
DELL RAPIDS, SOUTH DAKOTA 57022-9424
TELEPHONE (605) 428-3374 or 529-5799
FAX (605) 428-3395

September 20, 1991

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

Dear Mr. Hatch:

Subject: Future Water Rights Request from the Sioux Falls Management
Unit of the Big Sioux Aquifer

Enclosed is a copy of a petition for a temporary delay in the granting of future water rights permits out of the Sioux Falls Management Unit of the Big Sioux Aquifer.

We feel that the time has come for all parties involved to sit down and develop a comprehensive water use plan for the Sioux Falls Unit of the Big Sioux Aquifer. I would envision taking a look at everyone's needs, the present applications of the permitted water, water rates of entities involved, and some goals being established for reduced water consumption--such as water conserving appliances, landscaping, etc.

I think everyone agrees that if we continue our present usage practices, with our limited water supply in the area, wars will be fought in our courts over water in the future.

Thank you in advance for your consideration of our request.

Sincerely,

John Buss
Manager - MCWC

JB/eg

CC: Gary Hanson
Lyle Johnson



PETITION

We, the undersigned petitioners, state that each is a resident of Minnehaha County, South Dakota, within an area affected by 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, and water permit application Nos. 5521-3, 5533-3, and 5556-3 by the City of Sioux Falls to appropriate water from the Sioux Falls Management Unit of the Big Sioux Aquifer, and that each petitioner has authority to and does sign on behalf of the political subdivision or corporation indicated, and that each petitioner opposes the granting of said application upon the following grounds:

- (1) That before any water is further appropriated or set aside in this area, a comprehensive water management plan should be developed involving the City of Sioux Falls and surrounding affected areas.
- (2) That the proposed water rights will impair the beneficial use of and existing rights to that water.
- (3) That there is insufficient unappropriated ground water in said aquifer to support the said applications.
- (4) That the public interest is not served by granting said applications at this time, in the absence of a comprehensive water management plan.

The undersigned petitioners further request that an automatic delay of the hearings on said applications be granted.

The undersigned petitioner, Minnehaha Rural Water Corporation, states that it is represented by Jerry Lammers, attorney at law, of Lammers, Lammers, Kleibacker & Parent, Post Office Box 45, Madison, South Dakota 57042.

1. Minnehaha Rural Water Corporation

By: John Buss

Its Manager

Address: R R 2 Box 26A

DELL RAPIDS

Date: 9/20/91

3. CITY OF BALTIMORE

By: Michael Wagon

Its MAYOR

Address: Box 308

BALTIMORE, SD 57003

Date: 9/20/91

2. City of Dell Rapids

By: Thomas J. Earley

Its Mayor

Address: P.O. Box 10

Dell Rapids SD 57022

Date: 9-20-91

4. City of Hartford

By: John W. Edberg

Its Mayor

Address: Drawer D

Hartford, S.D.

Date: 9/20/91

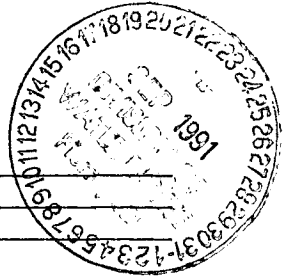
Minnehaha County Economic Develop. Association.

By: Myron D. Mahara
Its V.P. MCEDA

Address: 210 Douglas Blvd
Baltic, SD 57003
Date: 9-20-91

By: _____
Its _____

Address: _____
Date: _____



6. Minnehaha County Rural Mayors Association
By: Thomas G. Easley
Its Chairman

Address: P.O. Box 10
Dell Rapids, SD 57022
Date: 9-20-91

10. _____
By: _____
Its _____

Address: _____
Date: _____

7. City of Humboldt
By: Thomas L. Githoff
Its Mayor

Address: 404 So. Jefferson
Humboldt, SD 57035
Date: 9-21-91

11. _____
By: _____
Its _____

Address: _____
Date: _____

8. City of Granite
By: Scott A. Denny
Its Finance Office

Address: 705 Main Ave.
Granite, S.D. 57030
Date: 9-21-91

12. _____
By: _____
Its _____

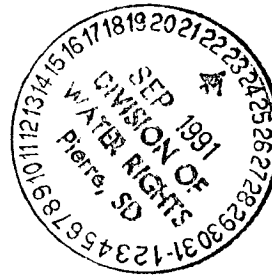
Address: _____
Date: _____

A circular stamp from the Division of Water Rights in Pierre, SD. The text "DIVISION OF WATER RIGHTS" and "Pierre, SD" is arranged in a circle. In the center, it says "SEP 1991" with a small arrow pointing to the right. Around the inner edge of the circle are the numbers 1 through 30, representing days of the month.

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

John Teegelt 6217 No Cliff SF. 332-7688
Dennis Kirkgaard 6213 No Cliff SF 334-3584
Robert Chambers 6501 No Cliff SF 334-413
Shirley Thompson 6501 No Cliff SF 332-0413
~~Ed Mott~~ 6509 N. Cliff S.F. 335-6652
Dore Mott 6509 N. Cliff SF 335-6652
Duane Fourn 6513 N. Cliff SF. 336-8154
Marge Helmfelt 6605 N. Cliff SF 339-1102
Muriel Helmfelt 6605 N. Cliff SF 339-1102
Gloria Hanson RR1 Box 123 Renner 338-2258
Ronald J. Hanson RR1 Box 123 Renner 338-2258
Viola Borgen Rt 1 Box 701 Renner - 3320951
Harold Borgen Rt 1 Box 701 Renner 3320951
Curtis O'EGgen Rt 10th Box 74 S. Falls 33-2-0718
Carole Peltenger 6713 N. 10 SFSO 334-3333
Deane Aspaas R1, Box 671 Renner, SD 339-4142
Al Aspaas " " " " "
Jan Skyleberg RR1 Box 601 Renner SD 543-5275
Paul Skyleberg RR1 Box 601 Renner SD 543-5275
Randy Skyleberg RR1 Box 721 Renner SD 332-1173
Bob Skyleberg RR1 Box 720 Renner SD 336-7239
Tom Skyleberg RR1 Box 723 Renner SD 334-5452

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.

Leann Nielsen 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 No. S.F. S.D. 336-8735
Kermit Hove 6601 10th Ave No. S.F. S.D. 336-8735
Richard Vaughn 6600 N. 10th SFSD 336719/
Patricia Vaughn 6600 N. 10th SFSD 338719/
Sherrilyn Barton 6505 N 10th SFSD 338940/
Mrs. Matthew Balk 6501 North 10th Ave S.F. S.D. 334-2132
Mr. Stephen Balk 6501 North 10th Ave S.F. S.D. 334-2132
Linda Raad 6500 N. 10th Ave. SFSD 332-0564
Betty De Raad 6500 N. 10th Ave. S.F. S.D. 332-0564
Steven Nyhaug 6420 N 10, SFSD 334-5484
Keri Nyhaug 6420 N 10th SFSD 334-5484
Julie Neubert 6421 N. 10th Ave SFSD 335-8105
John Plenis 6405 N. 10th Ave. 334-5503
Barb Van Haa 6316 N. 10th Ave. 338-7180
Curtis Eyr 6400 N 10th Ave 339 2012
P. Eyr 6313 N Cliff 332 2693
Deane Meyer 6309 N Cliff SF. SD. 338-2059
Patricia Wuebben 6301 W. Cliff S.F. S.D. 339-2292
Norman Wuebben 6301 N. Cliff SFSD 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 Ziesem RR1 Box 737 Renner 335-5868
Genevieve Sorum RR#1 Box 787 Renner, SD
Jury Mone RT1 Box 623 543-5643 Renner, SD
Linda Cosg RR1 Box 647 Renner 543-5858
Matt Shuler RR1 Box 765 Renner 332-0850
Candy Hender Box 30 Renner 332-7663
Lynne Bernolt RR1 Box 807 Renner 338-0150
Dolly Jumbleson RR1 Box 567 Renner 543-5623
Ronald J. Peterson RR1 Box 653 Renner SD 332-0458
Don Shult RR1 Box 865 Renner SD 339-0575
Doris Clauson RR1 Box 739 Renner, SD 332-6164
Randy Jensen Box 68 Renner, SD 9-1353
Herbert Swanson RR1 Box 783 Renner, SD
Kelly B. Egan RR1 Box 645 RENNER S.D. 543-5924
Linda Egan RR1 Box 645 Renner SD. 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. Burtel 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 Bick RR1 Box 673 Renner SD 332-0318
Don Clauson RR1 Box 739 Renner S.D. 332-6164

A circular postmark from Pierre, SD, dated SEP 21 1951. The text 'DIVISION OF WATER RIGHTS' is curved along the top inner edge, and 'Pierre, SD' is at the bottom. A clock face is visible in the background.

4

We are supporting the declaratory ruling that annual 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. 5710614
 Duane Eggert 603 E 3rd ST. Colton S.D. 446-3281
 Myron & Nohava 210 Douglas Blvd Baltic, S.D. 529-5600
 Jeffry Pedersen R.R. 2, Box 49B COLTON S.D. 446-3922
 Roger L. Benson Box 23 Lyons S.D. 543-5548
 Selmer Johnson Box 35 Sherman, S.D. 5911-3570
 Earl ~~Johnson~~ R.R. 1 Box 1200 Sioux Falls S.D. 5710619
 Low Christenson 1100 E. 84th ST. N. Sioux Falls, S.D. 5710614

5

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

Key: Name 549 N. Fairfax St. 57-58.

Dean Bollinger 6709 N Cliff ave. Sioux Falls SD

Box 6805 N. Cliff Sioux Falls S. D.

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

Dame Hansen 6812 N. 10th Ave, Sioux Falls, SD 57104

Dear Benjer 6805 N. Oak Ave Spring Falls, Md 57168

Lorraine Kenner 6805 N. 10th Ave, Shaw Falls, ND 57104

John Monahan, 6701 N. 10th Ave, Great Falls B.D. 57104

Lester Wilson 6200 N 18TH Sioux Falls SD 57104-1

Karen Cody Rt. 1 Box 841 Renner, SD 57055

Rich Ehlert 6701 N. Cliff Ave S.F. S. Dak 57017

Jack Kennedy 6613 N. Cliff Sioux Falls S. Dak

Nancy M. Kennedy 6613 W. Cliff Lion Falls SD. 57144

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890

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. Thimsen
 Bradley C. Crossenburgh
 James M. Wiedernich
 Ernest H. Haraldson
 Richard J. Costeran
 J. C. Shultz
 Roger W. Damgaard
 Barbara Anderson Lewis
 Frederick M. Entwistle
 David C. Kroon
 Sara L. Borchert
 Michael M. Billion
 Mark J. Weber
 A. Russell Janklow

Merlin T. Woods (1899-1963)
 Howell L. Fuller (1909-1981)
 John B. Shultz (1912-1975)



FACSIMILE TRANSMISSION
 COVER LETTER

DELIVER TO:

John Hetch

FROM:

Michael Billion

TOTAL NUMBER OF PAGES:

2

(Including cover sheet)

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

(605) 336-3890 and ask for

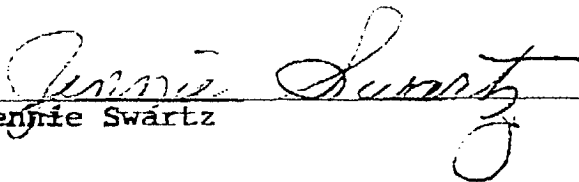
*Barb F.*Sent to Fax No. *773-6035*



- 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

South Dakota



GREAT FACES. GREAT PLACES.

5523-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1991

Mike Billion
310 South First Ave.
Sioux Falls, SD 57102

Dear Mr. Billion:

Per your phone conversation with Eric Gronlund earlier today, please find enclosed a copy of the Report and Recommendation for Water Permit Application Nos. 5521-3, 5523-3, 5533-3, and 5556-3.

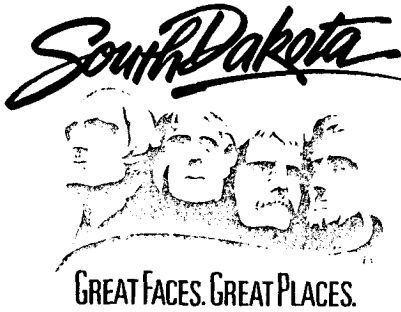
If we can be of further assistance, please feel free to contact our office.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

encl



**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.

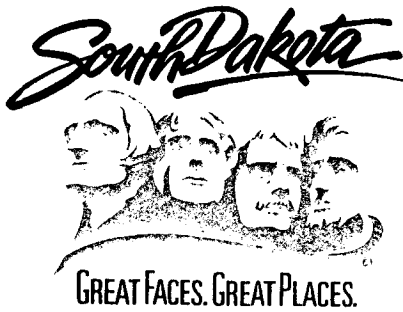
If you have any questions regarding the submittal of this petition, please feel free to contact this office.

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

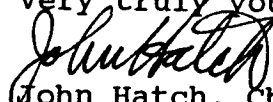
September 24, 1991

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



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



GREAT FACES. GREAT PLACES.

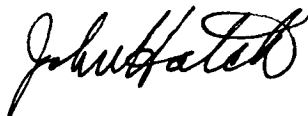
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.

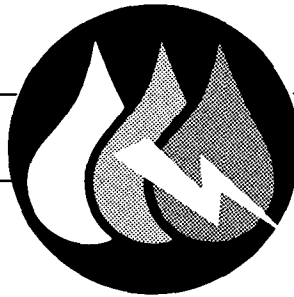
cc: Water Management Board
John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Lyle Johnson, Utility Manager
Janet Brekke, Assistant City Attorney

Sioux Falls UTILITIES



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

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



September 24, 1991

Mr. John Hatch
SD DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Re: Future Use Permit No. 5523-3

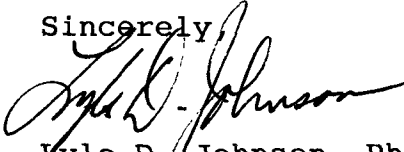
Dear Mr. Hatch:

The City of Sioux Falls has evaluated the Chief Engineer's recommendations regarding Future Use Permit No. 5523-3. That recommendation would reserve 5200 acre-feet annually in that permit. As we discussed during our meeting of September 6, 1991, the City could request adjustment of existing water rights to increase the amount available under Future Use Permit No. 5523-3. Our current water management philosophy has resulted in reduced withdrawals from the Big Sioux Aquifer. However, during extreme drought periods, the City will need to fully utilize existing rights to ensure adequate water supplies. Therefore, the City will not be requesting adjustment of existing water rights, unless the flexibility to manage our water rights is available during drought conditions.

The Chief Engineer has requested a declaratory ruling from the Water Management Board establishing an annual withdrawal limit of 32,200 acre-feet from the Sioux Falls Management Unit of the Big Sioux Aquifer. During our meeting of September 6, 1991, we discussed the City's artificial recharge project and the fact that the artificial recharge would allow withdrawals to exceed the limitation of 32,200 acre-feet per year. Your position at that meeting was that the City could apply for a permit to withdraw water from the aquifer proportionate to the amount of artificial recharge. Our understanding was that the artificial recharge withdrawal permit would not be included in the 32,200 acre-feet limitation. Please let me know if our interpretation is incorrect.

The artificial recharge project by the City of Sioux Falls is very important to the proper management of the Big Sioux Aquifer. This recharge system was not considered in the USGS modeling efforts that established the maximum limitation of 32,200 acre-feet per year. The project has benefited all wells in the recharge area and should increase the safe aquifer yield beyond the 32,200 acre-feet limit. Since the City of Sioux Falls is directly responsible for the increased quantity of water available, the City should have first rights to water placed in storage as a result of the recharge project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lyle D. Johnson".

Lyle D. Johnson, PhD, P.E.
Water/Wastewater Manager

cc Keith DeJong
Commissioner Gary Hanson
Janet Brekke
Glenn Dostal

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 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, 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.

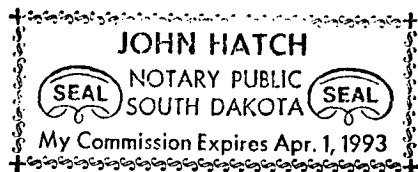
Jerome Lammers, Attorney, Lammers, Lammers, Kleibacker & Parent, P.O.
Box 45, Madison, SD 57042-0045.

Chas 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. Hattall
(Notary Public

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 Dealy 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, 1991 addressed as stated below:

John W. Edberg, Mayor, City of Hartford, Drawer D, Hartford, SD 57033.

Thomas J. Earley, Chairman, Minnehaha Co. Rural Mayors Association,
P.O. Box 10, Dell Rapids, SD 57022.

Scott A. Dewey, Finance Officer, City of Garretson, 705 Main Ave.,
Garretson, SD 57030.

Myron G. Nohava, V.P. MCEDA, Minnehaha Co. Economic Development
Assoc., 210 Douglas Blvd., Baltic, SD 57003

Thomas L. Pethoff, Mayor, City of Humboldt, 404 S. Jefferson,
Humboldt, SD 57035.

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 Walsh
Notary Public

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.

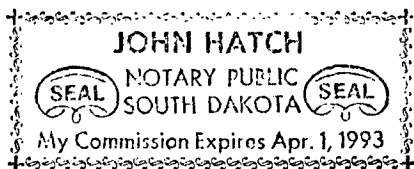
Diane Best, Assistant Attorney General, Capitol Building.

Chas 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

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 1991

Lyle E. Johnson, PhD, P.E.
Water/Wastewater Manager
224 W. 9th Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

I am writing in response to your September 24, 1991, letter and September 25, 1991, telephone conversation with Ken Buhler, regarding the Sioux Falls Management Unit of the Big Sioux Aquifer.

As I understand it, the City of Sioux Falls will not request adjustment of existing water rights from the Sioux Falls Management Unit, and the City supports the Chief Engineer's recommendation regarding Future Use Permit No. 5523-3. That recommendation is to reserve 5,200 acre-feet annually with approval of the permit.

In regard to the City's artificial recharge project, withdrawal of recharge water will be in addition to the 32,200 annual acre feet limitation. An application to amend Water Permit No. 5431-3, to pump water from the aquifer proportionate to the amount of artificial recharge can be made to authorize use of the recharge water. I believe you recognize that each gallon of water pumped for recharge does not mean that one gallon can be retrieved (pumped out). The percentage that can be retrieved will need to be determined based upon available technical data. If you have any questions, feel free to contact me.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 9, 1991

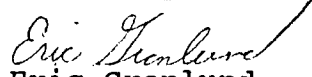
Robert Chambers
6501 North Cliff Avenue
Sioux Falls, SD 57104

Dear Mr. Chambers:

Enclosed are copies of the notices sent out in the past months regarding the declaratory rulings and Sioux Falls permit applications from the Sioux Falls Management Unit of the Big Sioux Aquifer. You are a party of record to these proceedings and as such will be permitted to provide testimony at the hearing(s) for which you petitioned to intervene.

If I may be of further assistance, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**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 Hearings on: 1) Request for a Declaratory Ruling to Establish a Maximum Annual Withdrawal Limitation of 32,200 Acre Feet of Water Annually, 2) Declaratory Ruling on Decline of Water Levels in Private Domestic Wells in the Renner Area North of Sioux Falls, and 3) City of Sioux Falls Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer and Establishment of a Procedural Order for the Hearings

The Water Management Board will consider the following declaratory ruling requests and permit applications from the Sioux Falls Management Unit of the Big Sioux Aquifer at a special meeting on November 13, 1991 beginning at 8:30 am in the Starlite Room on the Ninth Floor, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD 57102. Parties of record will be permitted to provide testimony at only the hearing(s) for which a petition(s) to intervene was filed.

- 1) The declaratory ruling request to establish a maximum annual withdrawal limitation of 32,200 acre feet annually (deferred at the October 2, 1991 Board meeting).
- 2) The declaratory ruling request on the decline of the water levels in private domestic wells in the Renner area north of Sioux Falls.
- 3) The City of ^USioux Falls Future Use Permit Application No. 5523-3.
- 4) The City of Sioux Falls Water Permit Application Nos. 5521-3, 5533-3 and 5556-3.

The hearing on the declaratory ruling on the decline of water levels in private domestic wells and Application Nos. 5521-3, 5523-3, 5533-3 and 5556-3 were 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. If the agenda issues scheduled for November 13, 1991 extend into the second day of the Board meeting, then the Board will continue hearing these issues at 8:30 am on November 14, 1991, prior to consideration of Future Use Permit Application No. 5522-3.

Applicable provisions of the notice of hearings 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 these hearings.

A procedural order is enclosed which sets a schedule for filing of pre-hearing briefs regarding the declaratory ruling on the decline of the water levels in private domestic wells in the Sioux Falls Management Unit of the Big Sioux Aquifer and appointment of a pre-hearing officer.

If you have any questions regarding the upcoming hearings, 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
Lowen Schuett, Park Superintendent

enclosures

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 proceedings. At this public meeting, the Board determined that the hearings in the above-entitled cases will be held at 8:30 a.m. on November 13, 1991, in the Starlite Room on the 9th Floor, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, South Dakota. In addition, the Board set the following schedule for the filing of prehearing briefs in Matter of the Adequacy of Ground Water for Domestic Wells in the Renner Area:

City will make its brief available to
Petitioners at the City Offices on this
date. In the afternoon the City will
mail the brief to those petitioners who
have not yet picked up their copy as
well as to the Board members, Board
counsel and the Division of Water
Rights. The Division of Water Rights
will send its brief to the Board
members, Board counsel, and the
Petitioners on this date.

Petitioners will leave their briefs at the registration desk of the Sioux Falls Holiday Inn. Copies are to be provided for the Board members, Board counsel,

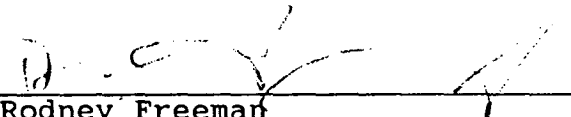
the Division of Water Rights, and the
City (10 copies).

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

As ordered by the Board, NOTICE IS HEREBY GIVEN that the undersigned Board member has been appointed to serve as prehearing officer in each of the above-entitled cases. 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, and

NOTICE IS FURTHER GIVEN that the prehearing briefs are to be filed according to the schedule set forth above. These briefs are limited to legal issues to be considered in Matter of the Adequacy of Ground Water for Domestic Wells in the Renner Area and are not to be filed for the other cases set forth in the above caption.

Dated this 17th 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 Hearings on: 1) Request for a Declaratory Ruling to Establish a Maximum Annual Withdrawal Limitation of 32,200 Acre Feet of Water Annually, 2) Declaratory Ruling on Decline of Water Levels in Private Domestic Wells in the Renner Area North of Sioux Falls, and 3) City of Sioux Falls Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer and Establishment of a Procedural Order for the Hearings, and a copy of the 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.

Lowen Schuett, Park Superintendent, Parks & Recreation Department, 600
E. 7th, Sioux Falls, SD 57102-0496.

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.

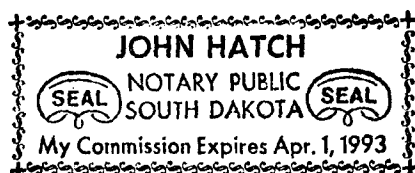
Sent Inter-office To:

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 A. [Signature]
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

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

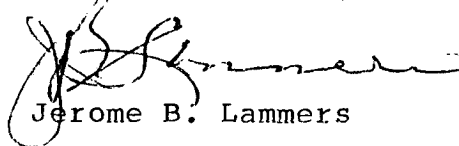
Please let this confirm my telephone conference yesterday with Eric Gronlund of your office whereby I advised him that I was representing approximately thirty-seven people involved in the above captioned matter and would appear on their behalf before the Water Mangement Board on November 13 and 14.

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

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

Francis M. Smith
Merle A. Johnson
Arlo D. Sommervold
Richard O. Gregerson
John E. Simko
William G. Taylor
William P. Fuller
Stuart L. Tiede
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet 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

October 21, 1991



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. Hatch 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

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE
SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890
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Frederick M. Entwistle
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Michael M. Billion
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A. Russell Janklow
James E. Moore

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

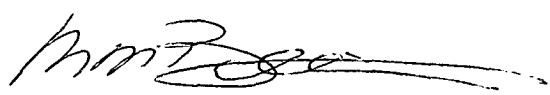
Dear Mr. Hatch:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 1991

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

Dear Mr. Lammers:

Enclosed is the information you requested regarding the Big Sioux Aquifer:Sioux Falls Management Unit issues to be heard by the Water Management Board at their special meeting on November 13, 1991. Specifically the enclosures include:

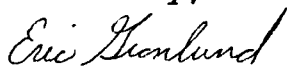
- 1) Original petition requesting declaratory ruling from Renner citizens.
- 2) Notice to Gary Hanson, dated May 8, 1991.
- 3) Affidavits in the matter of the adequacy of ground water for domestic wells in the Renner area.
- 4) Notice, dated August 1, 1991, to Gary Hanson.
- 5) Letter from Gary Hanson, dated August 19, 1991, responding to the Chief Engineer's August 1, 1991 Notice.
- 6) Public Notice published regarding declaratory rulings.
- 7) Petitions of opposition from citizens in the Renner and Meadow View area to Application Nos. 5521-3, 5522-3 (Middle Skunk Creek Aquifer), 5523-3, 5533-3, 5556-3 and in support of annual withdrawal limitation.
- 8) Petition of opposition from Minnehaha Community Water, Corp. and area municipalities.
- 9) "Notice and Order" on filing of briefs.
- 10) Report on petition for declaratory ruling to limit annual withdrawals from the Sioux Falls Management Unit of the Big Sioux Aquifer.

- 11) Reports prepared by Water Rights Division staff on Future Use Application No. 5523-3 and Water Permit Application Nos. 5521-3, 5533-3 and 5556-3.

Obviously, the enclosed information does not include all of the contents in the files. I have tried provide you with the essential information on the declaratory rulings, applications and correspondence that relates directly to the issues at hand. If you believe that I may have overlooked any pertinent information, please let me know.

If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,



Eric Gronlund
Water Rights Division
605 773-3352

enclosure



City of Dell Rapids

P. O. Box No. 10 * SOUTH DAKOTA 57027



Water Management Board
Attn: Rodney Freeman
Holiday Inn City Centre
100 W. 8th Street
Sioux Falls, SD 57102

Dear Board Members:

I am not able to appear before you today because of a previously scheduled trip to Virginia. This letter will address the concerns of the Minnehaha County Rural Mayor's Association as well as my concerns as Mayor of Dell Rapids. The Mayor's Association met on October 17, 1991 to discuss the issue permit applications impacting the Big Sioux Aquifer.

The Mayor's Association is very concerned with the request of the City of Sioux Falls for Permit Applications from the Sioux Falls Management Unit of the Big Sioux Aquifer. With the issuance of any permits there should exist a joint agreement on a regulated water management plan that addresses the concerns and needs of the users of the Big Sioux Aquifer.

The Minnehaha County Rural Mayor's Association represents the ten communities of Baltic, Brandon, Colton, Crooks, Dell Rapids, Garretson, Hartford, Humboldt, Sherman and Valley Springs. Altogether we represent over 11,000 citizens. Obviously most of us depend on the water provided by the Big Sioux Aquifer. Our association was formed to enable us to speak with unity about issues that concern our members. Having begun our united effort at rural economic development, our interest and concern in this issue is directly related to our effort at economic development.

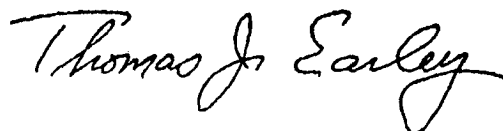
As Mayor of Dell Rapids my immediate concern stems from our city being a customer of Minnehaha Community Water Corporation (MCWC). Our relationship with MCWC has been excellent and we firmly support the position and actions of the MCWC Board of Directors. MCWC is an example of an efficient and well managed rural water system.

In my opinion, this process itself tends to create an impression of us against them. A sense of confrontation is a creation of the legalism and paperwork flowing back and forth.

It is not, I repeat, not my intention to be confrontational or in any way create a situation that will hinder cooperation with our neighbor, the City of Sioux Falls. Just as the towns in the Mayor's Association know that we must cooperate among ourselves to achieve lasting progress for our area, so too must we take the same approach with the City of Sioux Falls. No one can deny the legitimate concerns the City of Sioux Falls has when one looks at the growth they have experienced and the predictions for the next ten to twenty years. We realize these last years have seen a concentrated effort by the City of Sioux Falls to update the water distribution system after years of inattention. In carrying out this responsibility all we are asking is that there be recognition and acknowledgement of the needs and concerns of the other users of the Big Sioux Aquifer. Just as Sioux Falls enjoys the economic benefit offered by our 11,000 plus citizens, we too experience the benefit of the growth of Sioux Falls. Since not everyone decides to live in Sioux Falls, our communities have seen a dramatic increase in new housing starts. We are in reality one economic body. We must arrive at decisions that recognize our unique relationship.

Very simply, since we all share and need the water contained in the Big Sioux Aquifer, doesn't it make sense that we work together at establishing a water management plan for the Big Sioux Aquifer that efficiently manages this resource and meets the needs of all the users. Conservation of water should be an integral part of this plan. All utilities that draw water from the Big Sioux Aquifer should capture the full cost of operation from the consumers. The use of the second-penny sales tax by Sioux Falls to subsidize their utility operation should be phased out over the next five years. Enterprise funds should be self-sufficient.

A water management plan must be flexible to allow for adjustments due to unforeseen future needs. By looking at the big picture I feel we can address all our needs and still protect our valuable resource. Now is the time for us to take a positive approach to the challenge we all face. Let's not let the system get in the way of our putting together a water management plan. In a spirit of cooperation so much more can be achieved. Let's do it.



Thomas J. Earley
Chairman, Minnehaha County
Rural Mayor's Association



GREAT FACES. GREAT PLACES.

**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 5523-3. 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

CERTIFICATION

I hereby certify that on December 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Preparation of Findings of Fact, Conclusions of Law and Final Decision addressed as stated below, and on the attached list:

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

Lyle Johnson, Utility Manager, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

Janet Brekke, Assistant City Attorney, 224 West 9th Street, Sioux Falls, SD 57102.

Sent Inter-office To:

John Guhin, Deputy Attorney General, Capitol Building.

Diane Best, Assistant Attorney General, Capitol building.

Cheryl H. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of December, 1991.



John Hatch
Notary Public

CERTIFICATION

I hereby certify that on December 24, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Preparation of Findings of Fact, Conclusions of Law and Final Decision that was sent back to our office as undeliverable addressed as stated below:

Sioux Falls Development Foundation, P.O. Box 907, Sioux Falls, SD
57101.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE FUTURE	)	FINDINGS OF FACT,
USE WATER PERMIT APPLICATION	)	CONCLUSIONS OF LAW AND
NO. 5523-3, CITY OF	)	FINAL DECISION
SIOUX FALLS	)	

FINDINGS OF FACT

1. This is an application by the City of Sioux Falls for 10,000 acre-feet of water per year from the Sioux Falls Management Unit of the Big Sioux Aquifer. The city proposes to reserve the 10,000 acre-feet of water for the purpose of providing future water supplies for the City of Sioux Falls.

2. The Board takes judicial notice of its adoption of a declaratory ruling on November 14, 1991, to the effect that annual withdrawals due to pumping, excluding withdrawals from individual domestic wells, from the Sioux Falls Management Unit of the Big Sioux Aquifer are limited to 32,200 acre-feet of water per year. It follows that permits granted in the future for water from the Sioux Falls Management Unit of the Big Sioux Aquifer are subject to this declaratory ruling.

3. In considering whether to grant this permit, it must be found that there is water available within the 32,200 acre-feet of water per year available under the declaratory ruling.

4. This permit is also subject to the strictures of SDCL 46-6-3.1 which provides that an application to

appropriate groundwater may not 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 average estimated annual recharge.

5. In the case of the Sioux Falls Management Unit, recharge is approximately calculated from two sources. The first source is precipitation. The second source of recharge of the Big Sioux Aquifer is the Big Sioux River.

6. There is an excellent hydrologic connection between the Big Sioux River and the Big Sioux Aquifer and the river acts as both a gaining stream and a losing stream depending on the hydrologic gradient between the Aquifer and the river.

7. In particular, the Board finds that the Big Sioux River recharges the Sioux Falls Management Unit when water levels in the Aquifer are below the river stage. The Board further finds that development of the Aquifer has created a situation in which, on a regular basis, the river contributes more recharge to the Aquifer than the Aquifer discharges to the river. In general, increased development of the Aquifer will increase recharge to the Aquifer from the river.

8. In translating SDCL 46-6-3.1 into actual practice, the Board finds that the strictures of that statute are met if withdrawals are limited to that quantity of water which can be withdrawn for an infinite period of

years with normal river stage and average precipitation conditions resulting in no net change in storage in the Aquifer.

9. The Board finds that in the Sioux Falls Management Unit of the Big Sioux Aquifer, the amount of water which can in fact be withdrawn for an infinite period of years with normal river stage and average precipitation conditions so as to cause no net change in storage is 32,200 acre-feet per year or less. This figure corresponds to that adopted in the declaratory ruling of November 14, 1991.

10. The best estimate of present use on an annual basis 19,519 acre-feet per year. This is the amount of pumpage from the Sioux Falls Management Unit during 1990 by the Minnehaha Community Water Corporation, the City of Sioux Falls and irrigation permit holders.

11. Future use permits presently reserve 6,765 acre-feet per year from the Sioux Falls Management Unit.

12. Although the amount of water actually utilized from the Big Sioux Aquifer: Sioux Falls Management Unit annually is 19,514 acre-feet, the amount of water actually under permit far exceeds that volume. Only about 15 percent of the water permitted is actually used on an annual basis. It is reasonable to believe that actual usage will remain at the level substantially below that permitted. Nonetheless, the existence of a large amount of unused water under permit suggests caution in the consideration of an application for a large future use permit on behalf of the

City of Sioux Falls or any other entity. The Board will accordingly limit new permits in this aquifer to provide a reasonable margin for expanded use under existing permits.

13. The Board finds that it is in the public interest to reserve a substantial amount of water for future development by other entities in the area including both rural water systems and irrigators and that the permit should be conditioned accordingly.

14. The Board is especially concerned with reserving water for such concerns such as the Minnehaha Community Water Corporation, a rural water system which has 400 service contracts with potential users who have not yet been served by the MCWC. MCWC expects a need for an additional 1,500 acre-feet per year from the Sioux Falls Management Unit of the Big Sioux Aquifer. Moreover, it does not appear likely that the City of Sioux Falls is in a position to directly supply water to potential new hookups which may be served by MCWC.

15. The Board finds that it is in the public interest to grant the City of Sioux Falls a future use permit quantified by considering the total amount available in the Sioux Falls Management Unit on an annual basis as recognized herein and in the November 14, 1991 Declaratory Ruling, i.e. 32,200 acre-feet, less the amount of present use on an annual basis, i.e. 19,519 acre-feet, less the total amount reserved under currently existing future use permits, i.e. 6,765 acre-feet, and less a contingency for

expansion of use under existing legal rights and a contingency for expansion of present and new systems to provide water to individuals and other appropriators of 1,866 acre-feet. The amount remaining which may be granted to the City of Sioux Falls considering the public interest is 4,050 acre-feet per year.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there is 4,050 acre-feet of unappropriated water available for the applicants proposed use.
3. There is a reasonable probability that this quantity of water will be needed by the City of Sioux Falls for municipal purposes.
4. The proposed use for municipal purposes is a beneficial use.
5. The proposed use of 4,050 acre-feet per year is in the public interest as qualified below. The Board concludes, however, that a grant of a larger amount of water to the City of Sioux Falls from the Sioux Falls Management Unit of the Big Sioux Aquifer at this time would not be in the public interest (1) because of the desirability of maintaining the availability of a significant amount of water for expansion of rural water systems within the area and for expansion of water use by private individuals, and (2) because it is prudent to not allocate all water arguably

available so as to accommodate any increase in lawful use of water already under permit.

6. The Board concludes that pursuant to SDCL 46-6-3.1 it is probable that the quantity of water which will be withdrawn annually from the Sioux Falls Management Unit under this permit together with other permits already granted will not exceed the quantity of average estimated annual recharge.

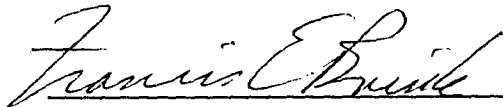
FINAL DECISION

The application for Water Permit No. 5523-3, City of Sioux Falls, is approved subject to the following qualifications:

1. Approval of Permit No. 5523-3 reserves 4,050 acre-feet annually.
2. That Future Use Permit No. 5523-3 is approved with the stipulation that the Permit to appropriate water is subject of 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 Sioux Falls Management Unit of the Big Sioux Aquifer. Wells will be approximately 50 feet deep.

5. If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5523-3 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:



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 5523-3 (Sioux Falls Management Unit: Big Sioux 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:

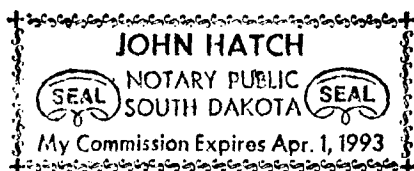
Diane Best, Assistant Attorney General

Jai 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

Richard Vaughn
6600 N. 10th St.
Sioux Falls, SD 57104

Dear Mr. Vaughn:

Per your request, please find enclosed a copy of the Notice of Final Decision by the Water Management Board, and a copy of the Findings of Fact, Conclusions of Law and Final Decision in the matter of Future Use Water Permit Application No. 5523-3, City of Sioux Falls.

If you have further questions, please feel free to contact Eric Gronlund at (605) 773-3352.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

encl

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 Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

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

Dear Mr. Hanson:

Enclosed is Future Use Withdrawal Permit No. 5523-3, 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



**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.

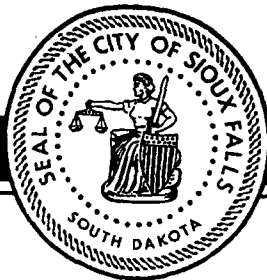
Please respond in writing by January 15, 1999, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records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

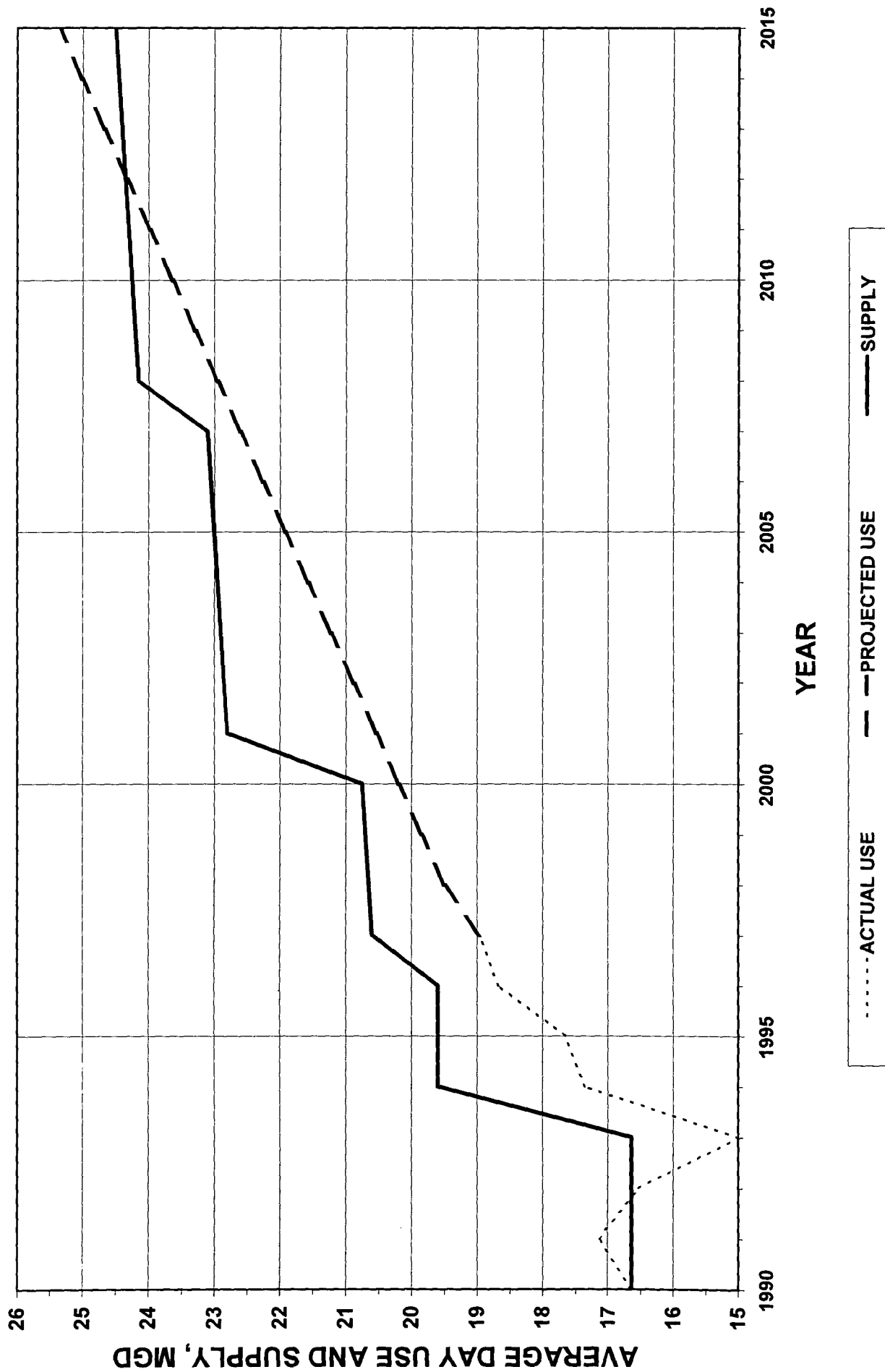
(605) 367-7025
FAX (605) 367-8475

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

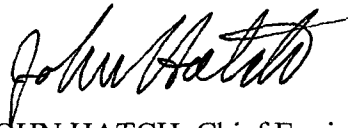
<u>RESOURCE</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
Big Sioux River	9,776.9	9,940.5	7,558.9	9,502.2
Big Sioux Aquifer (Sioux Falls Management Unit)	8,606.1	10,586.8	12,382.6	11,648.4
Middle Skunk Creek Aquifer	1,940.6	857.8	1,673.8	1,838.1

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 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 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



January 21, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

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

Dear Mr. Johnson:

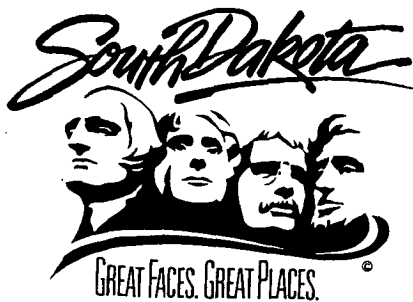
Future Use Permit Nos. 5522-3 and 5523-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publishers of the **Argus Leader** (Phone #605 331-2200) and the **Sioux Valley News** (Phone #605 987-2631). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1999

Sioux Valley News
Box 255
Canton SD 57013-0255

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 January 28, 1999 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of 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 January 21, 1999 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1999

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

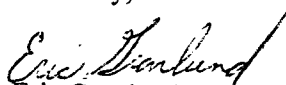
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After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

Date _____

We are in receipt of your letter of January 21, 1999 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 January 28, 1999 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 by Permits.

Permit No. 5522-3 was approved August 22, 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 August 22, 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, 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 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 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.

(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 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Minnehaha) SS

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 36; 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 16; 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 3, 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 in given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 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.

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

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

The hearing to review Future Use 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, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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

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

Jeannette M. Limoges
My Commission Expires
November 18, 2003



**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

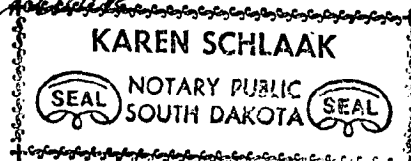
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416134

Pierre, June 2, 1999

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>5523-3</u> to Appropriate Water, for Future Use _____	102	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	102 50

By John Hatcher
Chief Engineer



5523-3
**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.

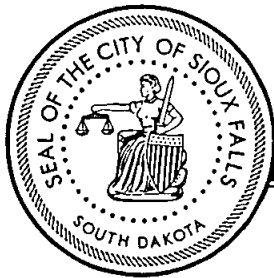
Please respond in writing by January 31, 2006, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

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



CITY OF SIOUX FALLS PUBLIC WORKS

Administration/GIS

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

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

February 1, 2006

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.

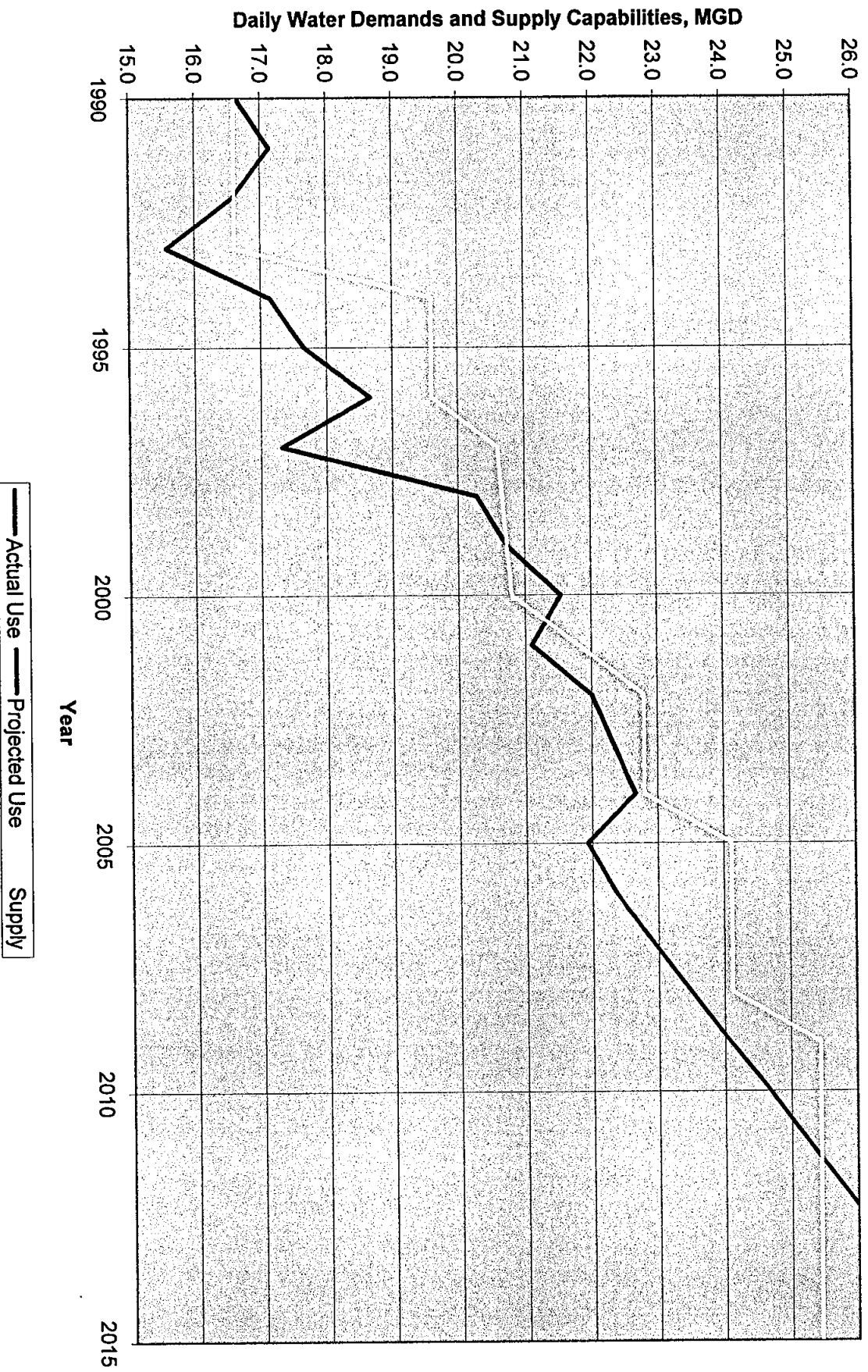
Sincerely,

Randy Janssen
Water Superintendent

Enclosure

RECEIVED
FEB 03 2006
WATER RIGHTS
PROGRAM

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. 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 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

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

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

Betty Jones
Subscribed and sworn to before me 4/5/2006 .

JOAN STAHL
NOTARY PUBLIC
SOUTH DAKOTA
Joan Stahl
Notary Public, South Dakota

My Commission expires June 30, 2011

State Notices

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 ground-water (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 ground-water (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

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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 13 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



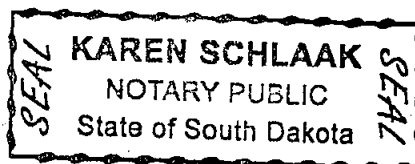
Eric Gronlund
Natural Resource Engineer
Water Rights

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, 2006

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	102	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5523-3</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. _____	TOTAL	102.50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		

No.

03461

By

Darland Eide
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

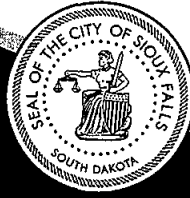
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

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MAR 11 2013

WATER RIGHTS
PROGRAM
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. 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, 2100 N Minnesota Ave, Sioux Falls SD 57104.

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 \$395.00 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	
AD ORDER NUMBER:	1411643		
	4/10, 2013	P.O. Box 677349, Dallas, TX 75267-7349	\$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 ,
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, 16; 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-

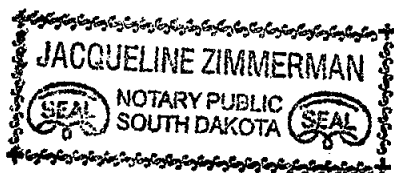
ment, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, 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. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$89.38.
1411643 April 10, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

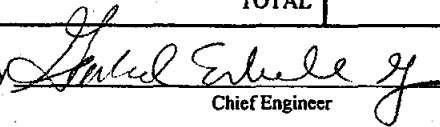
Date 3/11, 20 13

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	395	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5523-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	395 00

No. 06225

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 6, 2013

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:

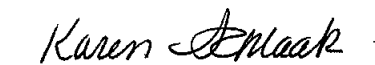
Tim McGannon, City of Mitchell, 612 N Main St, Mitchell SD 57301 #'s 427-3 & 3142-3
Craig Nussbaum, City of Garretson, PO Box 370, Garretson SD 57030 # 1289-3
Kyle Goodmanson, City of Yankton, PO Box 176, Yankton SD 57078 # 3371-3
Janel Ellingson, City of Aberdeen, 12668 391st Ave, Aberdeen SD 57401 # 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



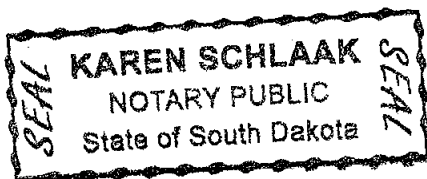
Gail Jacobson
Secretary/Water Rights

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

Karen Schlaak
Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RECEIVED

DEC 26 2019

**WATER RIGHTS
PROGRAM**

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. 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, 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. 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 \$395.00 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

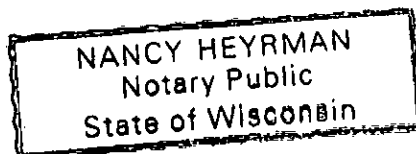
Wednesday, January 15, 2020

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-R51W; E 1/2, SW 1/4 Section 25; Section 36; E 1/2, SW 1/4 Section 26; E 1/2 Section 24; all in T102N-R51W; Sections 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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, 270 Gavin Graverson, South 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. 5523-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located

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, set if legal counsel is obtained. The permit owner need not file a petition. The hearing to review Future Use Permit Nos. 5523-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 46-2-12, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and can view of the water permits indicates 183 acre-feet of tested case procedures currently remains in reserve by Permit No. 5523-3. This hearing is an adversary proceeding. The permit owner or any person, after approved in 1991 from filling 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) 773-3353 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 \$119.00.
 3997756 Jan 15, 2020



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

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.

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(continued)

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

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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

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City of Sioux Falls
Gavin Gräverson, Supt. Water Division
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Gaverson:

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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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)

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

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**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 cursive script that reads "Jeanne 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:

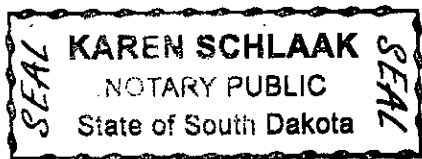
City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen SD 57401
City of Sioux Falls, Gavin Graverson, Superintendent, Water Division, 2100 N Minnesota Ave.,
Sioux Falls SD 57104
Bryan Read, City Administrator, City of Brandon, PO Box 95, Brandon SD 57005


Eric Gronlund
Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 27th day of February, 2020.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019²⁵



RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 9, 2020RECEIVED 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>5523-3</u> after period of seven years.	\$395.00
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	\$395.00

By Eric Gronlund
 Chief Engineer
