

FUTURE USE WATER PERMIT NO. 8400-3

Name of Applicant: City of Harrisburg

Address: 301 E Willow St, Harrisburg SD 57032

Phone: 605498-4949

Amount of Water Claimed: 550 AF

Total Acres: NA

Source of Water Supply: Dakota Aquifer

Water to be used for: municipal

County: Lincoln

Type of Waste Disposal System:

Location: area south and east of Harrisburg

PRIORITY

Date Received: 5-15-19

Application/License Fee: \$ 105

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: future use reservation

Diversion Point: Sections 1,2,11,12,13,14,23,24,
25,26,35,36; all in T99N-R50W and Sections
6 and 7; all in T99N-R49W

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-15-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 8400-3**

Date of first receipt of application May 15, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 8400-3 to City of Harrisburg, 301 E Willow St, Harrisburg SD 57032 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 8400-3 appropriate 550 acre-feet of water annually from the Dakota Aquifer. The area to be reserved for future water use includes all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and all of Sections 6 and 7; in T99N-R49W.
2. The water appropriated shall be used for the purpose of future water supplies for municipal use for the city and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 - December.
4. The date of approval of Permit No. 8400-3 is August 5, 2019.
5. The date from which applicant may claim right is May 15, 2019.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit No. 8400-3 reserves 550 acre feet of water annually from the Dakota aquifer.
2. That Future Use Permit No. 8400-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
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.

WATER MANAGEMENT BOARD

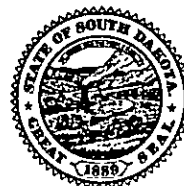
By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

AUG 08 2019

date



RECEIVED

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8400-3</u> (office use only) Hydrologic Unit <u>10170203</u>	MAY 15 2019
	Basin <u>Sioux River</u>	WATER RIGHTS PROGRAM
	Newspaper <u>Sioux Valley News</u>	
	<u>Argus Leader</u>	

PAID
MAY 15 2019
Ck# 01163160

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

Check use(s) of water:

☒ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☒ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit City of Harrisburg

Mailing Address 301 E Willow St Harrisburg SD 57032
(Address) (City) (State) (Zip Code)

Phone 605-498-4949 Mobile _____ Email joe.stonesifer@harrisburgsd.gov

2. Amount of water claimed _____ *CFS or _____ **GPM and 550 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Dakota aquifer

4. Location of point of diversion see attached County Lincoln

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lincoln

6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a description of the 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)

see attached

I, Mayor Julie Burke-VanLuvanee Mayor, Harrisburg, SD, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

APPLICATION INSTRUCTIONS FOR WATER PERMIT FOR NONIRRIGATION USES

If you need assistance with your application, please contact Eric Gronlund at (605) 773-3352 or by email at eric.gronlund@state.sd.us or stop by our office in the lower level of the Foss Building, 523 E Capitol, Pierre SD. We are here to help! Additional information is available on the Water Rights Program website at <http://denr.sd.gov/wr>.

A completed application for a water permit must include the following information.

1. **FORM 2.** Application for uses other than irrigation.
2. **MAP.** The map should be no smaller than 8"x11" and show:
 - a) The location of the diversion point (place where water is to be taken from) marked with an "X".
 - b) A government section corner or quarter corner including a reference to section, township and range.If needed, the chief engineer may request completion of a more detailed map in order to fully and clearly outline the content of the application.
3. **FORM 2A.** One completed copy of Form 2A must be submitted with Form 2 if the diversion is from a well, dugout or storage dam.

If the diversion is from a well, a well log or driller's test log completed by a South Dakota licensed well driller needs to accompany the application unless it is either not practical to drill a test hole or there is existing geologic information available as determined by the chief engineer.

If diversion is for a water distribution system, trailer park, campground or any commercial use, complete the applicable portions of Form 2A regarding the wastewater disposal system.

Also, provide any supplemental plans or drawings for any storage reservoir. If the storage reservoir is 25 feet or more in height or impounds 50 acre-feet or more at the top of the dam, then the structure will need to comply with safety of dams requirements. Safety of dams requirements do not apply to structures if the height does not exceed 6 feet or if the storage capacity at the top of the dam does not exceed 15 acre-feet.

4. **FEE.** According to South Dakota Statutes, the following filing fees are to be submitted with each application: Amount of water claimed (cfs or gpm) should be the actual pump capacity -- NOT an average pump rate.

*First 120 acre feet per year (75 gallons per minute) or portion thereof:	\$500.00
Second 120 acre feet per year (75 gallons per minute) or portion thereof:	\$250.00
Each additional 120 acre feet per year (75 gallons per minute) or portion thereof:	\$100.00
(120 acre feet per year = 75 gpm continuous use)	

Fee for final inspection/licensing of an approved application: \$200.00

(If your application is approved, a licensing inspection will be completed following development of your water use project. Issuance of a water license is the final step in obtaining a water right in South Dakota.)

Example: Filing fee for 90 gpm would be \$750.00 plus the \$200.00 inspection/licensing fee for a total of \$950.00.

*The fee to appropriate 0.10 cfs (45 gpm) or less is \$100.00 plus a \$200.00 inspection/licensing fee. If filing an application to change a diversion point location or to add a diversion point to an existing permit, please contact the Water Rights Program prior to submitting any application fee.

The filing fee for a future use permit application equals 10% of the comparable fee calculated by using the above fee structure excluding the \$200.00 inspection/licensing fee. If after the seven year review the permit is allowed to remain in effect, another 10% filing fee is required. When an application for part or all of the reserved water under a future use is received, the applicable fees must be paid.

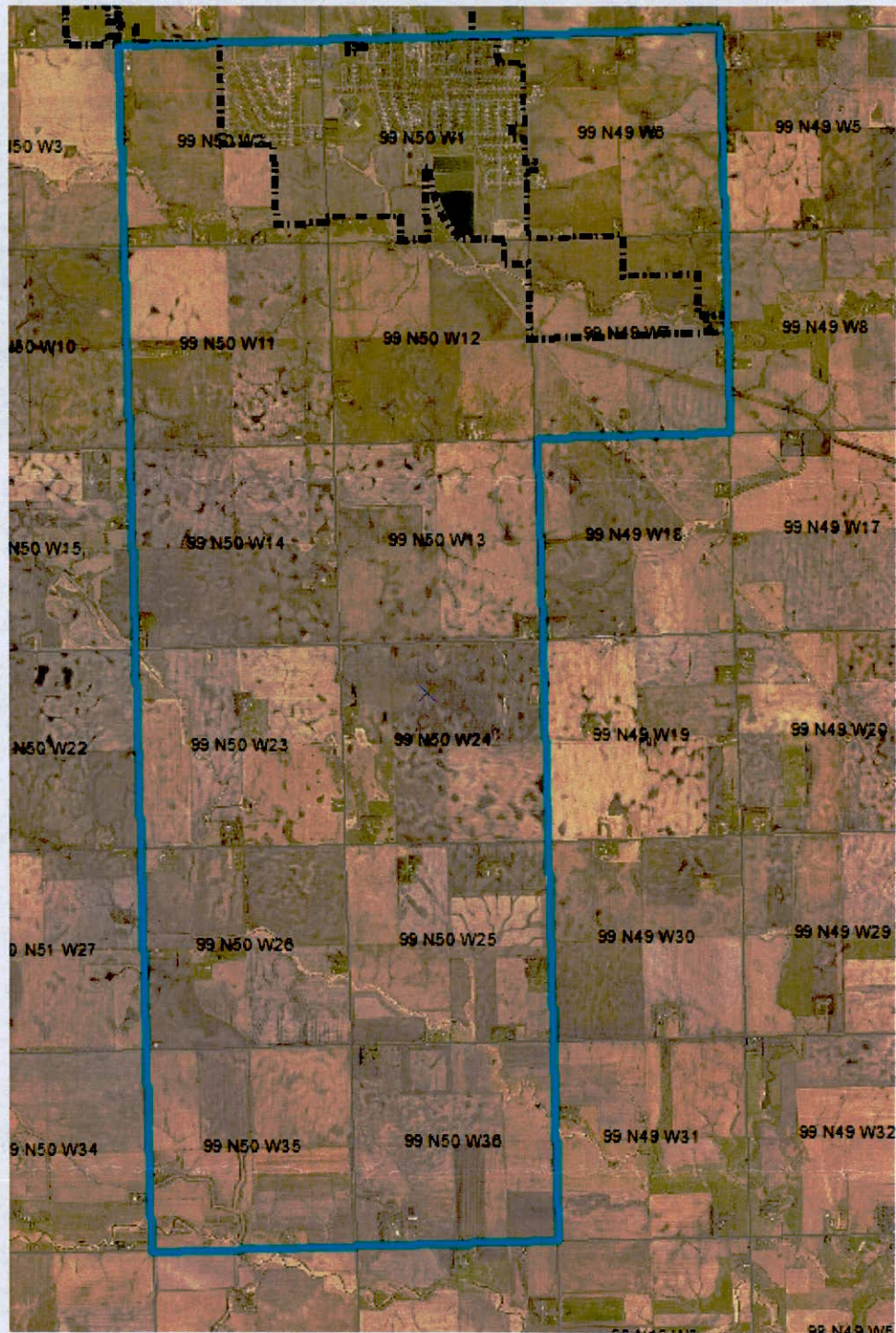
The forms, map, fee and any other information for filing a permit application should be submitted to:
Department of Environment and Natural Resources, Water Rights Program, 523 East Capitol Ave, Pierre, SD
57501-3182

5. **PUBLICATION.** Notice of an application must be published once in a daily newspaper and, in some cases, a weekly newspaper depending on the location of the proposed project. The publication notice will be sent to you and the newspaper(s) by the Water Rights Program. You will be responsible for contacting the newspaper(s) to authorize publication of the notice and to arrange for payment.

The City of Harrisburg's average annual use from 2013 to 2017 is 315,000 gpd (353 ac-ft/yr). The projected water need in 20 years is 1,170,000 gpd (1,310 ac-ft/yr) based on our population projection of about 18,000 in 2040 and the average use per person of 65 gpd as determined by our 2018 draft water study performed by a consulting engineer. We have currently reserved 440,000 gpd and expect to have an additional 237,000 gpd available to us from Lewis and Clark Rural Water System (totaling 760 ac-ft/yr). So, Harrisburg is proposing reservation of 550 ac-ft/yr from the Dakota Aquifer.

Below is a map of the proposed future use area, which includes all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36 all in T99N-R50W, and all of Sections 6 and 7 of T99N-R49W. Extensive review of Dakota aquifer studies has been conducted by city staff. Within these reports, actual test well data indicates suitable water supply is expected within this area at a depth of about 700 feet. While better quality water is expected more south, less infrastructure would be required if wells were closer to the city. Additional test drilling and cost/benefit analysis (water quality vs pipeline length) will be completed in the future to identify exact locations of production wells. We expect about 5 wells, each located about 1 mile from other production wells.

Joe Stonesifer, PE
City Engineer
Harrisburg, SD



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 5 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 700' Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

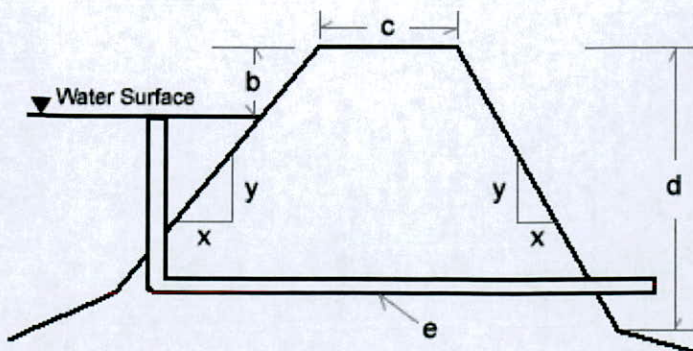
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 15

, 2019

RECEIVED OF City of Harrisburg 301 E Willow St Harrisburg SD 57032

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	105	00	
Fee for Application for Permit No. <u>8400-3</u> to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form _____			
Fee for _____			
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	105	00

No. **09145**

By

Jeannie Goodman
Chief Engineer
JMG

Schlaak, Karen

Subject: FW: [EXT] Harrisburg future use
Attachments: Harrisburg Permit Application.pdf; Harrisburg Permit App Attachment.pdf

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Tuesday, April 16, 2019 1:37 PM
To: Joe Stonesifer <joe.stonesifer@harrisburgsd.gov>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: Harrisburg future use

Joe

We reviewed the draft future use permit application for the City of Harrisburg. Please note the items listed below:

Item No. 2 – The diversion rate does not need to be included just the annual volume which you list as 550 AF.
Item No. 4 - On an attachment, please list the legal descriptions of the entire proposed future use area.
Item No. 5. – List the county or counties where water will be used. Will the water be used only in Lincoln County?

Please complete Form 2A with the proposed depth of the well(s)? Form can be found on our website.

The application filing fee based on 550 AF will be \$105.00.

The application should be signed by the Mayor.

The city may want to consider submitting the consultants 2018 water study in its entirety.

FYI – A future use permit reserves a volume of water and establishes a priority date. A future use permit does not authorize construction of the wells or placing water to beneficial use. Prior to any development, the city will need to submit a separate water permit application to withdraw water from the future use permit.

Given the size of the proposed future use area and past history with the appropriation from the Dakota aquifer by South Lincoln RWS, it is very possible this application will be contested.

A completed application once filed will be reviewed by a staff engineer, a recommendation made by the Chief Engineer and ultimately the application public noticed. Be aware that further question may arise as the application is processed.

Eric

From: Joe Stonesifer [<mailto:joe.stonesifer@harrisburgsd.gov>]
Sent: Monday, April 15, 2019 4:23 PM
To: Gronlund, Eric
Subject: [EXT] Harrisburg future use

Eric,

Please see attached future use permit application for municipal use from the Dakota aquifer.

Please let me know if this all correctly filled out or need more info.

Thanks,

Joe Stonesifer, PE
City Engineer
Harrisburg, SD
605.498.4949

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 16, 2019 7:49 AM
To: Joe Stonesifer (joe.stonesifer@harrisburgsd.gov)
Subject: Application No. 8400-3
Attachments: 8400-3.pdf

Good Morning Joe,

Attached is the letter, report and recommendation for Future Use Application No. 8400-3. As stated in the letter, someone needs to contact the two papers to authorize publication and arrange for payment. I emailed the notices to the papers yesterday. My advice is to wait to contact the Argus Leader until I get a confirmation back from them which I will forward to you. It will be easier if you have that confirmation number 😊 The packet is going in the mail today.

If you have questions, let Eric or I know.

Karen Schlaak

SD DENR, Water Rights Program

(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 16, 2019 7:53 AM
To: Tom Rausch (tom@slrws.com)
Subject: Future Use Application No. 8400-3
Attachments: 8400-3.pdf

Pursuant to your phone conversation with Eric Gronlund yesterday, attached is the public notice, report and recommendation for Future Use Application No. 8400-3 for the City of Harrisburg. If you have questions, please let us know.

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>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 8400-3, City of Harrisburg**

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 Application No. 8400-3, City of Harrisburg, c/o Julie Burke-Vanlunee, 301 E Willow Street, Harrisburg SD 57032.

The Chief Engineer is recommending APPROVAL of Application No. 8400-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Harrisburg has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 8400-3 reserves 550 acre feet of water annually from the Dakota aquifer.
2. That Future Use Permit No. 8400-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 15, 2019

Report to the Chief Engineer
Application No. 8400-3 to Reserve Water for Future Use
City of Harrisburg
July 3, 2019

The City of Harrisburg, c/o Mayor Julie Burke-VanLuvanee, proposes to reserve 550 acre-feet of water annually for future use from the Dakota aquifer. The area to be reserved for future water use includes all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36 in T99N-R50W and all of Sections 6 and 7 in T99N-R49W. The water is to be reserved for the purpose of providing future water supplies to the city. This application does not authorize construction of works or application of water to beneficial use.

Aquifer: Dakota

Hydrogeologic Characteristics

In South Dakota, the Dakota Formation is a bedrock aquifer defined as the Cretaceous sandstone and clay bounded above by the Greenhorn Formation and below by the Skull Creek shale in western and central South Dakota and is stratigraphically equivalent to the Newcastle Formation in the Black Hills (Schoon, 1971). Where the Skull Creek shale is not present, the Dakota Formation overlies earlier sedimentary rocks, the Sioux Quartzite, or other Precambrian rocks (Schoon, 1971). The Dakota aquifer is the part of the Dakota Formation that is permeable and saturated with water (Schoon, 1971). The Dakota aquifer underlies 66,500 of the total 77,047 square miles in South Dakota, has an average thickness of 150 feet, and is almost exclusively under confined conditions (Schoon, 1971). By using a conservative porosity estimate of 15% (Schoon, 1971) and multiplying the porosity, average thickness, and areal extent of the aquifer, the amount of water stored in the Dakota aquifer in South Dakota can be estimated as at least 960 million acre-feet. In Lincoln County, the Dakota aquifer is estimated to store approximately 4.3 million acre-feet of water (Hedges, et al., 1982).

The applicant did not submit a log of a test hole with this application but geologic data is available in this area. While in general the Dakota Formation extends into North Dakota and Nebraska, locally, the formation is bounded to the north and west by the Sioux Quartzite ridge (Schoon, 1971). Adjacent to where the Sioux Quartzite is the highest bedrock unit, the Cretaceous bedrock subcrops are not differentiated into separate formations (Tomhave & Schulz, 2004). It is likely that an edge of the Dakota Formation is somewhere near or within the undifferentiated Cretaceous subcrop adjacent to the Sioux Quartzite (McCormick & Hammond, 2004). Near the future use area proposed by this application, the Dakota Formation extends east into Lyon and Sioux Counties, Iowa and south into Union County, South Dakota (Brenner, et al., 1981). The Dakota formation may end as near as one mile north of the proposed future use area and approximately 3 miles west of the proposed future use area (Tomhave & Schulz, 2004). Groundwater within the aquifer generally flows from north to south in Lincoln County (Niehus, 1997).

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights, and that the proposed use is a beneficial use and in the public interest. This report will assess the availability of water and possibility of developing this application without unlawful impairment of existing rights only.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The City of Harrisburg is a water distribution system as defined in SDCL 46-1-6(17), and the Dakota aquifer is older and stratigraphically lower than the Greenhorn Formation. Therefore it is not necessary to find that recharge exceeds withdrawals to approve this application.

Pursuant to SDCL 46-5-38 an entity that may reserve water for future use must show future need for the water, and unappropriated water must be available for that application pursuant to SDCL 46-2A. The City of Harrisburg is an entity that may reserve water for future use pursuant to SDCL 46-5-38(2). To address the future need, the applicant submitted a document with the application projecting that in 20 years the City of Harrisburg will need 1,310 ac-ft/yr while their average annual use from 2013 to 2017 was 353 ac-ft/yr. The applicant listed other sources of water for 760 ac-ft/yr of the total expected need. This application would supply the remaining 550 ac-ft/yr necessary.

Availability of Water

Hydrologic budget

The main source of recharge to the aquifer in South Dakota is by groundwater flow from lower sedimentary rocks, which are recharged by infiltration from precipitation in the Black Hills (Schoon, 1971). In Lincoln County, the Dakota aquifer receives a small amount of recharge from glacial aquifers that directly overlie it when the potentiometric surface of those aquifers is above the potentiometric surface of the Dakota aquifer (Iles, 1984). Finally, it is also possible that the Dakota aquifer receives recharge from the Sioux Quartzite aquifer where they contact each other (Schoon, 1971). Discharge from the Dakota aquifer is by domestic and appropriative well withdrawals, uncontrolled flowing well discharges, discharge to hydrologically connected higher aquifers when the potentiometric surface of the Dakota aquifer is above the potentiometric surface of the higher aquifers, and groundwater outflow to neighboring counties and states (Schoon, 1971). Table 1 shows the 22 active water rights/permits and future use permits in Lincoln County. While a hydrologic budget is not required to find that recharge exceeds

Report on Future Use Permit Application No. 8400-3

withdrawals in the case of this application, a partial hydrologic budget is included for the information of anyone interested.

Withdrawals due to appropriative users can be estimated by assuming that water rights/permits/future use permits with an annual withdrawal limit in their license/permit/future use permit will eventually fully develop that withdrawal rate and by assuming non-irrigation water rights/permits with only the maximum pump rate defined in their license/permit will pump at the maximum pump rate 60% of the time. The estimated average annual use by non-irrigation permits is 8,418 ac-ft/yr. The only two irrigation permits in Lincoln County are Permit Nos. 6575-3 and 7123-3 (SD Water Rights, 2019c). Their average annual use for the period of record is approximately 16 ac-ft/yr (SD Water Rights, 2018).

Table 1: Dakota aquifer water rights/permits in Lincoln County (SD Water Rights, 2019c)

Permit No:	Status:	Name/Business:	Use Type:	Priority:	Pump Rate (cfs):	Est. Use (ac-ft/yr)
4672-3*	LC	Cliff/Phyllis Elcock	COM	01/01/1920	0.050	22
6449-3*	LC	Eastern Farmers Cooperative	COM	10/27/2003	0.020	9
6252-3*	PE	Haverhals Feedlot Inc	COM	02/12/2001	0.166	72
6406-3*	LC	Haverhals Feedlot Inc	COM	04/10/2003	0.111	48
6416-3*	LC	Haverhals Feedlot Inc	COM	04/11/2003	0.060	26
7162-3*	PE	Haverhals Feedlot Inc	COM	09/28/2009	0.067	29
6439-3*	LC	Hulstein Feedyards LLC	COM	09/02/2003	0.070	30
6575-3	PE	Dakota Alliance Soccer Club	IRR	01/19/2005	0.330	30**
7123-3	PE	Harrisburg School District	IRR	04/02/2009	0.140	60**
1262A-3*	LC	City Of Canton	MUN	03/16/1966	0.300	130
1262C-3	FU	City Of Canton	MUN	03/16/1966	NA	674
5216-3*	LC	City Of Canton	MUN	03/16/1966	0.670	291
5217-3*	LC	City Of Canton	MUN	03/16/1966	0.530	230
5218-3*	LC	City Of Canton	MUN	08/25/1988	0.720	313
5219-3	FU	City Of Canton	MUN	12/05/1988	NA	1,175
6499-3*	LC	City Of Canton	MUN	03/16/1966	0.680	295
6743-3*	LC	City Of Canton	MUN	07/21/2006	0.778	338
5101-3	FU	City Of Lennox	MUN	08/27/1986	NA	0
5101A-3	FU	City Of Lennox	MUN	08/27/2007	NA	0
4982-3*	LC	Town Of Fairview	MUN	10/26/1983	0.090	39
4401-3*	LC	Town Of Worthing	MUN	03/15/1979	0.170	74
5155-3	FU	Lincoln County RWS	RWS	10/21/1987	NA	440
5156-3	PE	Lincoln County RWS	RWS	10/15/1987	3.000	440
4817-3	FU	South Lincoln RWS	RWS	08/17/1981	NA	1,448
5647-3*	LC	South Lincoln RWS	RWS	08/17/1981	1.200	521
6300-3*	LC	South Lincoln RWS	RWS	02/04/2002	1.000	434
6490-3*	LC	South Lincoln RWS	RWS	03/31/2004	1.890	821
6778A-3	PE	South Lincoln RWS	RWS	08/27/1986	2.090	517
Total (excluding irrigation):					13.662	8,418
PE – Permit, LC – License, FU – Future Use, COM – Commercial, IRR – Irrigation, MUN – Municipal, RWS – Rural Water System						
*Withdrawal estimated by assuming user pumps at maximum rate 60% of the time						
**Maximum withdrawal allowed based on acreage						

There are 242 active water rights/permits in the Dakota aquifer in South Dakota (Table 2) and 6 future use permits in the Dakota aquifer in South Dakota. All future use permits in the Dakota aquifer in South Dakota are in Lincoln County (SD Water Rights, 2019c). Farmer (2019) estimated the average annual withdrawal for Dakota aquifer water rights/permits in South Dakota of 22,037.51 ac-ft/yr including the amount allocated for future use permits prior to this application. Since that report was written approximately 3 months prior to this one and used identical methods for non-irrigation rights/permits and there were no Dakota aquifer water rights/permits cancelled in the May, 2019 Water Management Meeting, that estimate should be the same. Using Farmer's (2019) method for irrigation which assumes an annual withdrawal of 10 inches per irrigated acre would result in an estimate of 37.5 ac-ft/yr for irrigation in Lincoln County. Using the average reported withdrawal is likely more accurate in Lincoln County due to the lack of new irrigation permits, although the difference is not significant in this case.

Table 2: Summary of Dakota aquifer water rights/permits in South Dakota (SD Water Rights, 2019c)

Primary Use Type:	Number of Licenses/Permits:
Commercial	96
Domestic	11
Fish and Wildlife Propagation	4
Geothermal	2
Industrial	6
Institutional	2
Irrigation	17
Municipal	89
Recreation	2
Rural Water System	6
Suburban Housing Development	7
Total:	242

The estimated annual recharge to the Dakota aquifer has not been quantified. The estimated withdrawal in South Dakota, including the amount requested by this application, is approximately 22,587 ac-ft/yr. The estimated withdrawal only in Lincoln County, including the amount requested by this application, is 8,984 ac-ft/yr. The estimated annual withdrawals in South Dakota equate to less than 0.01 percent of the available water in storage in South Dakota. The estimated annual withdrawals in Lincoln County equate to approximately 0.2 percent of the available water in storage in Lincoln County. Therefore, there is reasonable probability water is available for this application.

Observation wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely on the record of observation wells among other data to determine the availability of water. The DENR Water Rights Program maintains 46 observation wells completed into the Dakota aquifer in South Dakota as a whole, with 32 of those 46 wells in Lincoln County (SD Water Rights, 2019a). Additionally, potentiometric (also known as piezometric) surface maps

based on well static water levels at the time the wells were completed are available to describe the historic behavior of the Dakota Aquifer (Schoon, 1971). The potentiometric map for the Dakota aquifer in 1909 is not complete in the area of this application, but extrapolation from contours available indicate the potentiometric surface of the aquifer at that time was less than 1,100 feet above sea level (f.m.s.l.) in the area of this application (Schoon, 1971). In 1914-15, the equipotential line for 1,100 f.m.s.l. moved west, indicating the potentiometric surface decreased during that time (Schoon, 1971). From 1936-53, the potentiometric surface near the area of this application was approximately 1,200 f.m.s.l. near the southern end of the area proposed by this application (Schoon, 1971). Observation well data provides a more accurate description of the Dakota aquifer in the proposed area. DENR Observation Well LN-79I coincides with the northern boundary of the proposed area, and Observation well LN-80J coincides with the southern boundary of the proposed area (SD Water Rights, 2019a). Hydrographs of those two wells are shown in Figure 1.

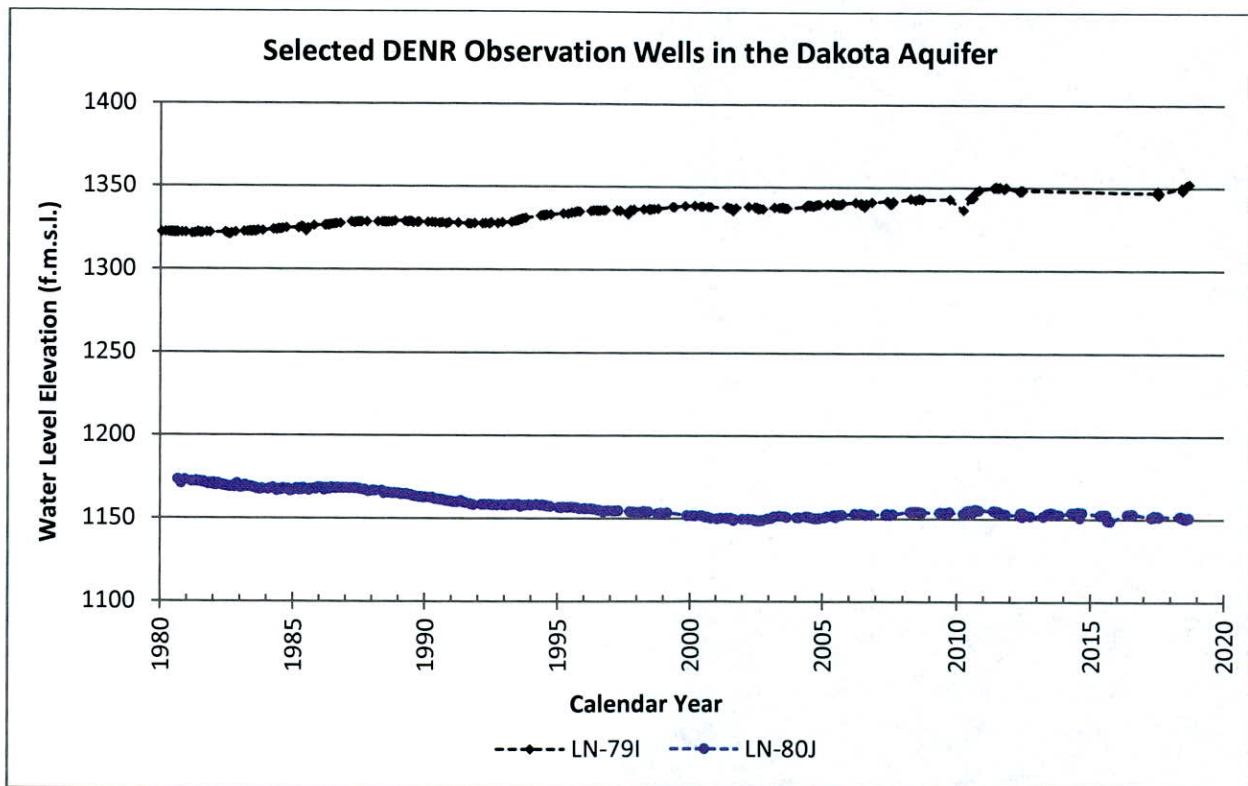


Figure 1: DENR Observation Wells LN-79I and LN-80J. The top of the Dakota Formation is at 1,109 f.m.s.l. at LN-79I and 971 f.m.s.l. at LN-80J (SD Water Rights, 2019a)

While the potentiometric surface of the aquifer has declined along the southern edge of the proposed area, it appears to have stabilized since 2000 and it has generally risen along the northern edge. A decline in observation well water levels does not necessarily indicate a significant decrease in water stored in confined aquifers since the water level measured merely indicates the artesian head pressure in the aquifer at the location measured. This implies that water that was leaving the aquifer by natural discharge is now being withdrawn for beneficial

use. In the March 2010 hearing on the matter of Water Permit Application No. 7165-3 (an irrigation permit in Turner County), the Water Management Board determined that DENR observation well data indicated that recharge exceeded withdrawals and that the aquifer was approaching a new equilibrium as withdrawals increased (SD Water Rights, 2019c). Observation well water level trends have not changed significantly in the area of this application since then. Therefore, based on observation well data, there is reasonable probability water is available for this application.

Existing Users

Figure 2 shows a map including Dakota aquifer observation wells, nearby water rights/permits withdrawing or reserving water from the aquifer, and relevant bedrock geology. The area for Future Use Permit No. 5155-3 is located approximately 0.5 miles east of most of the area for this application and is coincident with a portion of the area of this application along the southern boundary of Section 7-T99N-R49W (SD Water Rights, 2019c). The nearest active Dakota aquifer water right to the area for this application is Water Permit No. 7123-3 held by the Harrisburg School District located 0.2 miles north of the area for this application (SD Water Rights, 2019c). Other nearby water rights that are not as closely associated with the City of Harrisburg are Water Permit No. 6575-3, held by the Dakota Alliance Soccer Club approximately 0.6 miles west of the area for this application and Water Permit No. 5156-3, held by Lincoln County Rural Water System, which has a diversion point located approximately 0.5 miles east of the area for this application (SD Water Rights, 2019c). The nearest domestic well completed into the Dakota aquifer on file with the DENR is located 0.5 miles east of the area for this application in NW ¼ NW ¼ Section 30-T99N-R49W (SD Water Rights, 2019b). In order to place water to maximum beneficial use, SDCL 46-6-6.1 does not require artesian head pressure to be protected, so a certain amount of drawdown may occur. For this reason, ARSD 74:02:04:20(7) defines an adversely impacted domestic well as:

"...a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs."

A future use permit does not grant permission to place the reserved water to beneficial use, so the exact diversion points that may be desired in the future are not given. Proposed diversion points to place this application to beneficial use must be analyzed on a case-by-case basis when the applicant decides to place the future use permit to beneficial use. Until this application is placed to beneficial use, drawdown will not occur. When this application is placed to beneficial use, nearby domestic well users and appropriative users may be required to lower their pumps. There is one complaint in Lincoln County on file with the DENR dated June 28, 1994, in which the complainant had to lower his pump (SD Water Rights, 2019d). However, that is not an adverse impact as defined by ARSD 74:02:04:20(7). Water Right No. 6778-3 (which was incorporated into Water Permit No. 6778A-3) was opposed by a well owner who lived near the diversion

points because the water level in his well “dropped 25-30 feet” prior to approval of that water right due to use by previously approved water rights, although the intervenor did not mention in his letter the timeframe over which the drawdown occurred. The Water Management Board determined that no unlawful impairment of existing rights would occur if Water Permit No. 6778-3 was approved and that the intervenor could rectify his problem by lowering his pump. In the case of the Dakota aquifer, observation well measurements coincident with the boundaries of the proposed area indicate that recently, the artesian head pressure delivered water approximately 240 ft above the top of the aquifer at LN-79I and approximately 180 ft above the top of the aquifer at LN-80J. Based on the factors listed above, there is reasonable probability this application will not unlawfully impact existing water rights, permits, or domestic users.

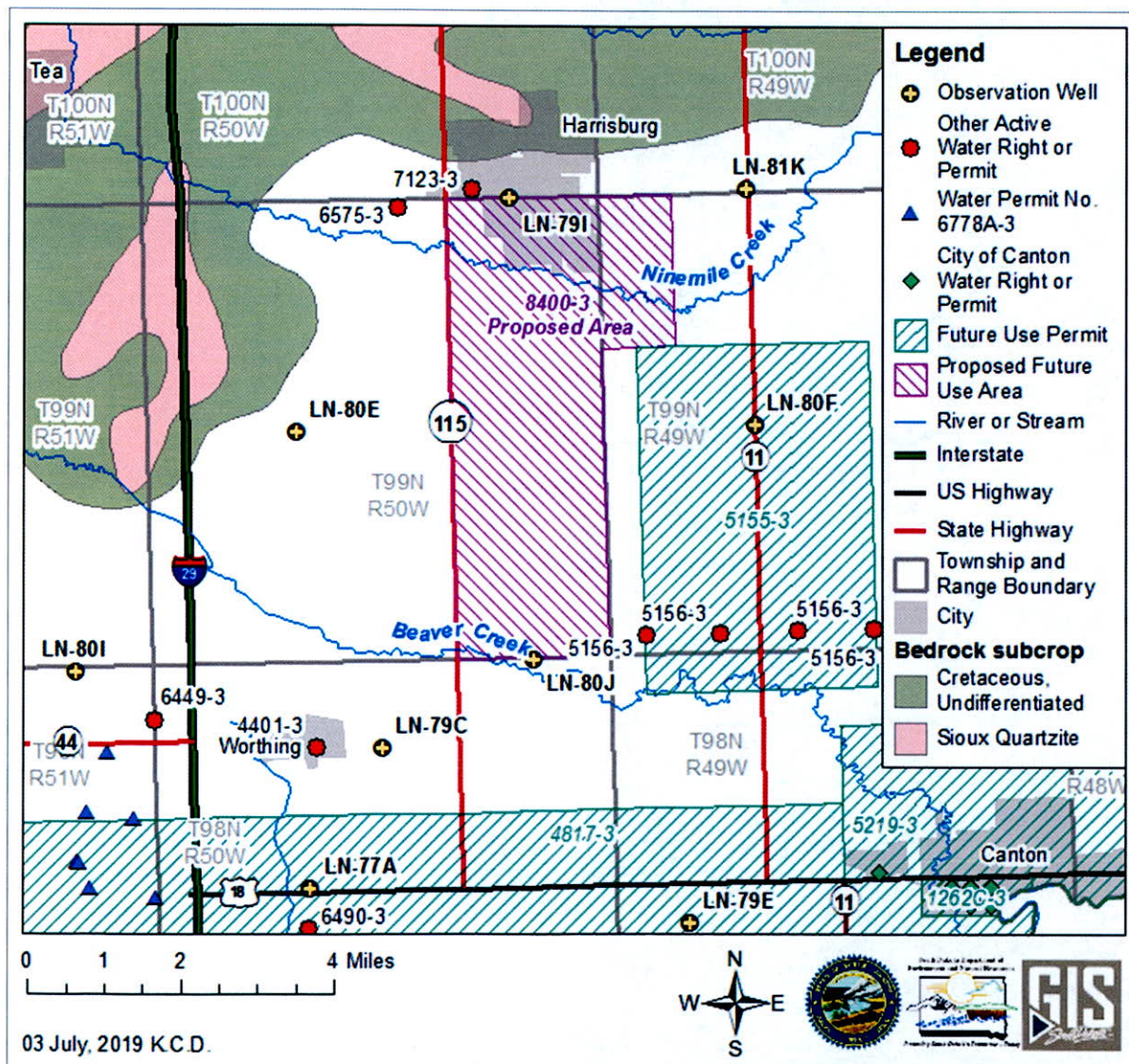


Figure 2: Dakota aquifer observation wells (SD Water Rights, 2019a), water rights/permits (SD Water Rights, 2019c), and relevant bedrock formations near the area of the application (Tomhave & Schulz, 2004). Future use areas that reserve no water are not shown.

Additional Considerations

Artesian head pressure

Historically, there has been concern about the generally declining artesian head pressure in the Dakota aquifer (Schoon, 1971). In 1987, the Water Management Board deliberated on Water Permit No. 5136-3, a permit to use water for commercial purposes, finding the fact that “whether withdrawals exceed the average estimated annual recharge cannot be determined based solely upon a decline in head pressure” (SD Water Rights, 2019c). In order to place the water resources of the state to maximum beneficial use, SDCL 46-6-6.1 does not require artesian head pressure to be protected. However, in deliberating on Water Permit No. 5136-3, the Water Management Board noted that the head pressure within the Dakota aquifer was a potential concern of the public interest aspect of SDCL 46-2A-9 (SD Water Rights, 2019c). Ultimately the Water Management Board approved that application, as there was more public interest in the water being placed to a beneficial use than remaining unused (which would preserve a small amount of artesian head pressure) or being allowed to flow from the uncontrolled flowing wells in the state as would happen if the artesian head pressure was preserved (SD Water Rights, 2019c).

Water quality

The area of this application is within what is known as the “sweet pocket” of the Dakota aquifer. Water quality within the “sweet pocket” is better than elsewhere in the Dakota aquifer. However, while the quantity of higher-quality water is unknown, it is known to be limited, since the water recharging the Dakota aquifer in that location is of poorer quality than the water leaving the aquifer (Iles, 1984). In the past, the Water Management Board has ruled against using the water of the “sweet pocket” for uses that are not municipal use/water distribution systems on the basis of public interest. However, this application is for a reservation for future use for a municipal water system.

Conclusions

1. Future Use Permit Application No. 8400-3 proposes to reserve 550 ac-ft/yr from the Dakota aquifer in the area defined as Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 in T99N-R50W and all of Sections 6 and 7 in T99N-R49W for the purpose of providing future water supplies to the City of Harrisburg.
2. Based on observation well analysis, there is reasonable probability water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights, permits, or domestic wells.



Kimberly C. Dretnon

Natural Resources Engineer

References

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Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: 6044984949

Ad No: 0003685398

PO #: 8400-3

Lines : 112

Ad Total \$73.44

CITY OF HARRISBURG
301 E WILLOW ST
HARRISBURG, SD 57032

of Affidavits: 1
Account No.: 6044984949
Ad No.: 0003685398

Argus Leader AFFIDAVIT OF PUBLICATION

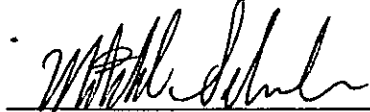
STATE OF SOUTH DAKOTA

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

Thursday, July 25, 2019

Sworn to and subscribed before me this 6 day of August, 2019.



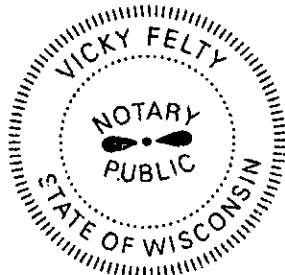
Legal Clerk



Notary Public, State of Wisconsin, County of Brown

9-19-21

My Commission expires



NOTICE OF
APPLICATION NO. 8400-3
to Reserve Water for
Future Use
Notice is given that the City
of Harrisburg, Co. Julie
Burke-VanLuvane, Mayor,
301 E Willow St, Harrisburg
SD 57032 has filed an appli-
cation for a future use
water permit to appropriate
530 acre-feet of water annu-
ally from the Dakota Aquif-
er. The area to be re-
served for future water use
includes all of Sections 1, 2,
11, 12, 13, 14, 23, 24, 25, 26,
35, 36; in T99N-R50W and all
of Sections 6 and 7; in
T99N-R49W. The water is to
be reserved for the purpose
of providing future water
supplies to the city. This
application does not author-
ize construction of works or
application of water to ben-
eficial use.
Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends Approval of Future
Use Application No. 8400-3
because 1) there is reason-
able probability that there
may be development of the
water reserved by this per-
mit, 2) the City of Harris-
burg has demonstrated a
reasonable need for the
water reserved by this per-
mit, 3) the proposed use will
be a beneficial use of water,
and 4) it is in the public in-
terest.
The Chief Engineer's rec-
ommendation with qualifi-
cations, the application, and
staff report are available at
<http://denr.sd.gov/public> or
contact Erik Gronlund for
this information, or other
information, at the Water
Rights Program address
provided below. 3.
Any person interested in op-
posing or supporting this op-
position or recommendation
must file a written peti-
tion with BOTH the appli-
cant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief Engi-
neer's address is "Water
Rights Program, Foss
Building, 523 E Capitol
Pierre SD 57501 (605 772-
3332)" and the applicant's
mailing address is given
above. A petition filed by
either an interested person
or the applicant must be
filed by August 5, 2019.
The petition may be infor-
mal, but must include a
statement describing the pe-
titioner's interest in the ap-
plication, the petitioner's
reasons for opposing or sup-
porting the application, and
the signature and mailing
address of the petitioner or
the petitioner's legal coun-
sel. If legal counsel is ob-
tained.
If the applicant does not
contest the recommendation
of the Chief Engineer and
no petition to oppose the ap-
plication is received, the
Chief Engineer shall act on
the application pursuant to
the recommendation with
no hearing held before the
Water Management Board. 4
If a petition opposing the
application or contesting the
recommendation is filed,
then a hearing will be
scheduled and the Water
Management Board will
consider this application.
Notice of the hearing will be
given to the applicant and
any person filing a petition.
Steven M. Pirner, Secretary,
Department of Environ-
ment and Natural Resour-
ces. Published once at the
total approximate cost of
\$72.87.
3685398 July 25, 2019

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA WILCOX

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

**DENR
Notice of Application**

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

July 25, 2019

that the full amount of the fees charged for publishing the same to-wit: the sum of \$30.00 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

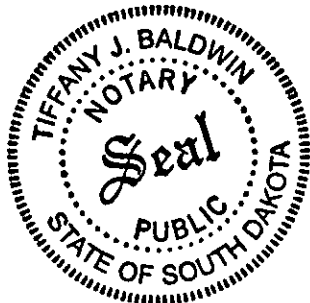


Ascribed and sworn to before me this 25th day of
July, 2019.



Notary Public, South Dakota

(Seal)



My Commission Expires
January 12, 2024

RECEIVED

JUL 29 2019

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION
NO. 8400-3 to Reserve Water for
Future Use**

Notice is given that the City of Harrisburg, c/o Julie Burke-VanLuvanee, Mayor, 301 E Willow St, Harrisburg SD 57032 has filed an application for a future use water permit to appropriate 550 acre-feet of water annually from the Dakota Aquifer. The area to be reserved for future water use includes all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and all of Sections 6 and 7; in T99N-R49W. The water is to be reserved for the purpose of providing future water supplies to the city. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Future Use Application No. 8400-3 because 1) there is reasonable probability that there may be development of the water reserved by this permit, 2) the City of Harrisburg has demonstrated a reasonable need for the water reserved by this permit, 3) the proposed use will be a beneficial use of water, and 4) it is in the public interest.

The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or

recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 August 5, 2019.

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

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published in the Sioux Valley News on July 25, 2019, at the total approximate cost of \$30.00.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 15, 2019 3:11 PM
To: legals@argusleader.com
Subject: 8400-3, City of Harrisburg
Attachments: 8400-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 25, 2019.

City of Harrisburg, Julie Burke-VanLuvanee, Mayor, 301 E Willow St, Harrisburg SD 57032 (604 498-4949) 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

denr.sd.gov

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

July 16, 2019

City of Harrisburg
Julie Burke-VanLuvanee, Mayor
301 E Willow St
Harrisburg SD 57032

Dear Mayor Burke-VanLuvanee:

Future Use Application No. 8400-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Sioux Valley News printed at Canton SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Grönlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8400-3 to Reserve Water for Future Use

Notice is given that the City of Harrisburg, c/o Julie Burke-VanLuvanee, Mayor, 301 E Willow St, Harrisburg SD 57032 has filed an application for a future use water permit to appropriate 550 acre-feet of water annually from the Dakota Aquifer. The area to be reserved for future water use includes all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and all of Sections 6 and 7; in T99N-R49W. The water is to be reserved for the purpose of providing future water supplies to the city. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Future Use Application No. 8400-3 because 1) there is reasonable probability that there may be development of the water reserved by this permit, 2) the City of Harrisburg has demonstrated a reasonable need for the water reserved by this permit, 3) the proposed use will be a beneficial use of water, and 4) it is in the public interest.

The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 August 5, 2019.

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

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 08 2019

City of Harrisburg
Julie Burke-VanLuvanee, Mayor
301 E Willow St
Harrisburg SD 57032

Dear Mayor Burke-VanLuvanee:

Enclosed is Future Use Permit No. 8400-3, as approved by the Chief Engineer on behalf of the Water Management Board.

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

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 4, 2026

City of Harrisburg
c/o Nolan Meyer
301 E Willow Street
Harrisburg SD 57032

Dear Mr. Meyer,

I am writing in regard to the seven-year review of Future Use Water Permit No. 8400-3 from groundwater (Dakota Aquifer) held by city. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 550 acre-feet remain in reserve under this future use permit that was issued in 2019.

Please respond in writing by March 27, 2026, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 8400-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 550 acre-feet remains in reserve, the fee will be \$105.00.

Please contact Amanda Dewell or me, if you have any questions.

Sincerely,

Rachel Rodriguez

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



RECEIVED

MAR 30 2026

OFFICE OF
WATER

301 E WILLOW STREET • PO BOX 26 • HARRISBURG SD • 57032
PHONE: 605-743-5872

March 27, 2026

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

Dear Rachel Rodriguez

Regarding your letter dated March 4 of 2026, it is the City of Harrisburg's intent to retain Future Water Use Permit No. 8400-3 with 550 acre-feet from the Dakota Aquifer:

The population and commercial needs of Harrisburg continue to grow, along with the demand for potable water. In 2016 the city used 133 million gallons, in 2025 that number increased to 212 million. That is an increase of 88% in ten years and shows just how fast the city is developing.

The current growth projections indicate an annual water use of 300,000,000 gallons by 2035 and 430,000,000 gallons by 2045. The city currently meets its water demands by purchasing water from Lewis and Clark Regional Water System and other Lewis and Clark members. As of 2026 we have 690,000 gpd reserved through LCRWS, and that number will grow to 1,125,250 gpd by 2031.

Even with this added allotment, the city will need to expand its water supply to meet the projected water use. Permit No. 8400-3 with 550-acre feet is essential for Harrisburg to retain while it reviews options to meet the growing demand.

If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heath VonEye", written over a horizontal line.

Heath VonEye
Deputy City Administrator | City Engineer
301 E Willow St
Harrisburg, SD 57032
(605) 743-5872 ext 103



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 8400-3, City of Harrisburg**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 8400-3, City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032.

The Acting Chief Engineer is recommending that Future Use Permit No. 8400-3 REMAIN in EFFECT for 550 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 8400-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 8400-3, 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. 8400-3 is subject to payment of the \$ 105.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
May 1, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 19, 2026

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

City of Harrisburg
c/o Heath VonEye
301 E Willow Street
Harrisburg SD 57032

Dear Mr. VonEye:

Future Use Permit No. 8400-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Sioux Valley News in Canton (605-764-2000) and the Argus Leader in Sioux Falls (see contact information). For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on May 28, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

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

enclosures

Instructions to Newspaper - Publish the following Notice on May 28, 2026. The City of Harrisburg is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 8400-3

Notice is given that the Water Management Board will review Future Use Permit No. 8400-3 held by the City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 8400-3. This permit was approved in 2019 and currently reserves 550 acre-feet of water from the Dakota Aquifer located in Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and Sections 6 and 7; in T99N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 8400-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 8400-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 8400-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 19, 2026 8:57 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12345965 8400-3 City of Harrisburg - Public Notice
Attachments: 12345965.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on May 28. The order cost is \$89.80 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

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

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

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 19, 2026 8:44 AM
To: SFA-Legals mbx <allegals@appleton.gannett.com>
Subject: 12345965 8400-3 City of Harrisburg - Public Notice

Attached is a notice to be published on May 28, 2026.

City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032, 605-743-5872 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Account Number:	1248842
Customer Name:	City Of Harrisburg
Customer Address:	City Of Harrisburg 301 E Willow ST Andrew Pietizus Harrisburg SD 57032-2454
Contact Name:	_ Andrew Pietizus
Contact Phone:	(605) 945-0593
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	05/19/2026
Order Number:	12345965
Prepayment Amount:	\$ 0.00

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

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	05/28/2026 - 05/28/2026	Public Notices
SFA argusleader.com	1	05/28/2026 - 05/28/2026	Public Notices

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

Total Cash Order Confirmation Amount Due	\$89.80
Tax Amount	\$0.00
Service Fee 3.99%	\$3.58
Cash/Check/ACH Discount	-\$3.58
Payment Amount by Cash/Check/ACH	\$89.80
Payment Amount by Credit Card	\$93.38

Order Confirmation Amount	\$89.80
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 8:44 AM
To: legals@argusleader.com
Subject: 8400-3 City of Harrisburg - Public Notice
Attachments: 8400-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032, 605-743-5872 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

Sioux Valley News Center

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 8:43 AM
To: SVNTERESA ZOMER
Subject: 8400-3 City of Harrisburg - Public Notice
Attachments: 8400-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032, 605-743-5872 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 2:20 PM
To: 'Heath.Voneye@harrisburgsd.gov'
Subject: 8400-3 City of Harrisburg - Public Notice
Attachments: 8400-3 Rec.pdf; 8400-3 Ltr.pdf; 8400-3 PubNotice.pdf; 8400-3 Argus Leader Info.pdf

Good afternoon,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for Future Use Permit 8400-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

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 publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

City of Harrisburg Notice of Hearing

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

May 28, 2026

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$71.50** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **28th** day of
May, 2026.

Notary Public, South Dakota



My Commission Expires
January 12, 2030

RECEIVED

JUN 01 2026

OFFICE OF
WATER

Notice of Hearing

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 8400-3

Notice is given that the Water Management Board will review Future Use Permit No. 8400-3 held by the City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 8400-3. This permit was approved in 2019 and currently reserves 550 acre-feet of water from the Dakota Aquifer located in Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and Sections 6 and 7; in T99N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 8400-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 8400-3 on July 8, 2026, at 9:35 AM (Central

Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition

form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

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forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

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calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published in the Sioux Valley News on May 28, 2026 at the total approximate cost of \$71.50 and may be viewed free of charge at www.sdpublicnotices.com.

USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
SD Pierre 57501

RECEIVED

JUN 12 2026

OFFICE OF
WATER

STATE OF WISCONSIN, COUNTY OF BROWN

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

05/28/2026

and that the fees charged are legal.
Sworn to and subscribed before on 05/28/2026

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$89.80

Tax Amount: \$0.00

Payment Cost: \$89.80

Order No: 12345965

Customer No: 1248842

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.
8400-3**

Notice is given that the Water Management Board will review Future Use Permit No. 8400-3 held by the City of Harrisburg, 301 E Willow Street, Harrisburg SD 57032 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 8400-3. This permit was approved in 2019 and currently reserves 550 acre-feet of water from the Dakota Aquifer located in Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; in T99N-R50W and Sections 6 and 7; in T99N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 8400-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

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

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RECEIVED
JUN 12 2026
OFFICE OF
WATER

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RECEIVED

JUN 12 2026

OFFICE OF
WATER

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requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us

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

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Published once at the total approximate cost of \$89.80 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

JUN 12 2026

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2026

NOTICE OF ENTRY OF ORDER

City of Harrisburg
c/o Heath VonEye
301 E Willow Street
Harrisburg SD 57032

Dear Mr. VonEye,

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2026, to review Future Use Permit No. 8400-3. The Board allowed the permit to remain in effect for 550 acre-feet of water annually. Future Use Permit No. 8400-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 8400-3 is \$105.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on July 14, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 14, 2026, involving action taken by the Water Management Board hearing on July 08, 2026:

Future Use Permit No. 524-3

City of De Smet
c/o Gary Wolkow
106 Calumet Avenue SE
De Smet SD 57231

Future Use Permit No. 8400-3

City of Harrisburg
c/o Heath VonEye
301 E Willow Street
Harrisburg SD 57032

Future use Permit No. 558A-3

City of Castlewood
c/o Logan Ruesink
PO Box 17
Castlewood SD 57223

Future Use Permit No. 1407-2

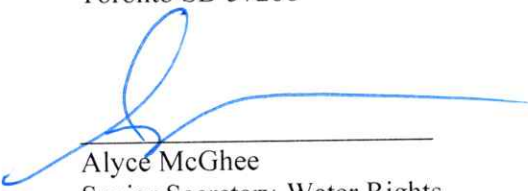
City of Custer
c/o Robert Brown
622 Crook Street
Custer SD 57730

Future Use Permit No. 5358-3

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Future Use Permit No. 6988-3, 6988A-3, and 6988B-3

Joint Well Fields Inc.
c/o Reed Andries
PO Box 340
Toronto SD 57268



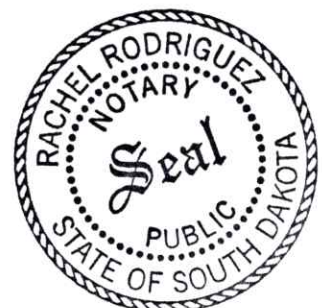
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2026.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 8400-3

Name of Applicant: City of Harrisburg, Heath VonEye

Date of Posting: 5/28/2026

Date of Removal: 7/14/2026

Amanda Dewell, Permitting Administrator

7/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of July, 2026.

Notary Public - South Dakota

My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 07, 2026

RECEIVED OF City of Harrisburg 301 E Willow Street Harrisburg SD 57032

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>8400-3</u> after period of seven years.	<u>\$105.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$105.00</u>



By

Adam Mathison
Chief Engineer