

WATER PERMIT NO. 8432-3

Name of Applicant: City of Pierre

Address: 2301 Patron Parkway, Pierre SD 57501

Phone: 605 773-7407

Amount of Water Claimed: 14.22 cfs

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: municipal

County: Hughes

Type of Waste Disposal System:

Location: near Missouri River bridge in Pierre city limits

PRIORITY

Date Received: 3-6-20

Application/License Fee: \$ 4,550

Corrected Application Received: 6-18-20

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 SW 1/4 Section 32-T11N
R79W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

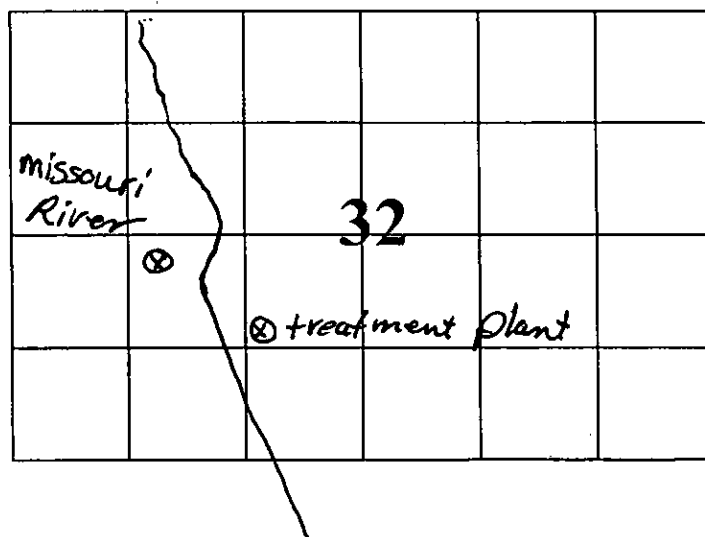
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 6-22-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8432-3

Date of first receipt of application June 18, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8432-3 to City of Pierre, PO Box 1253, 2301 Patron Parkway, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8432-3 appropriates 4,480.6 acre-feet of water annually at a maximum pump rate of 14.26 cubic feet of water per second from the Missouri River located in the NW 1/4 SW 1/4 Section 32-T111N-R79W. This site is located near the Missouri River railroad bridge between Pierre and Ft. Pierre.
2. The water appropriated shall be used for the purpose of municipal use 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 31.
4. The date of approval of Permit No. 8432-3 is July 27, 2020.
5. The date from which applicant may claim right is June 18, 2020.
6. One-fifth of the construction is to be completed on or before January 27, 2023.
7. All construction is to be completed on or before July 27, 2025.
8. Water is to be put to beneficial use on or before July 27, 2029.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri River.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2020

date



RECEIVED

JUN 18 2020

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8432-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal</u> <u>Plainsman</u>

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 Pierre

Mailing Address 2301 Patron Parkway Pierre SD 57501
 (Address) (City) (State) (Zip Code)

Phone 605-773-7407 Mobile _____ Email steve.harding@ci.pierre.sd.us

2. Amount of water claimed 14,26 *CFS or 6400 **GPM and 4480.6 ***AF or 4 MGD 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 Missouri River NW 1/4

4. Location of point of diversion Intake Screen - SW 1/4 Section 32, T111N, R79W County Hughes
 (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)

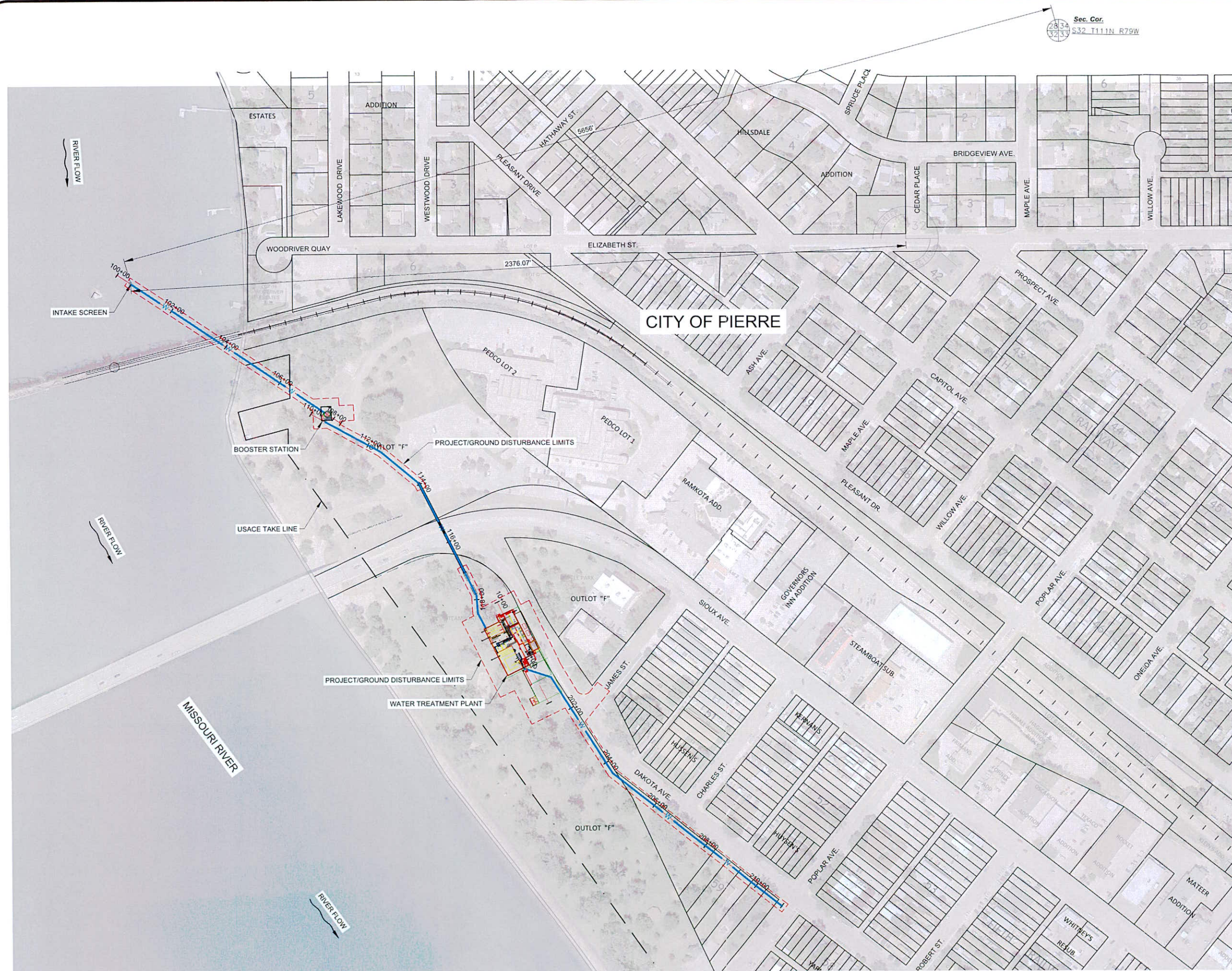
5. County or counties where water will be used Hughes6. Annual period during which water is to be used Entire Year Jan 1 - Dec 31

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)

The City of Pierre is planning to utilize Missouri River water as its primary water source due to water quality issues within its current groundwater well system. The proposed construction project includes a raw water intake system, booster station, water treatment plant, and associated piping. The new water treatment plant will utilize membrane filtration technology and secondary chemical treatment for disinfection and corrosion control. Tentative start date for the project is summer 2020 with completion slated for summer 2022.

I, Steve Harding Mayor Steve Harding, 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.

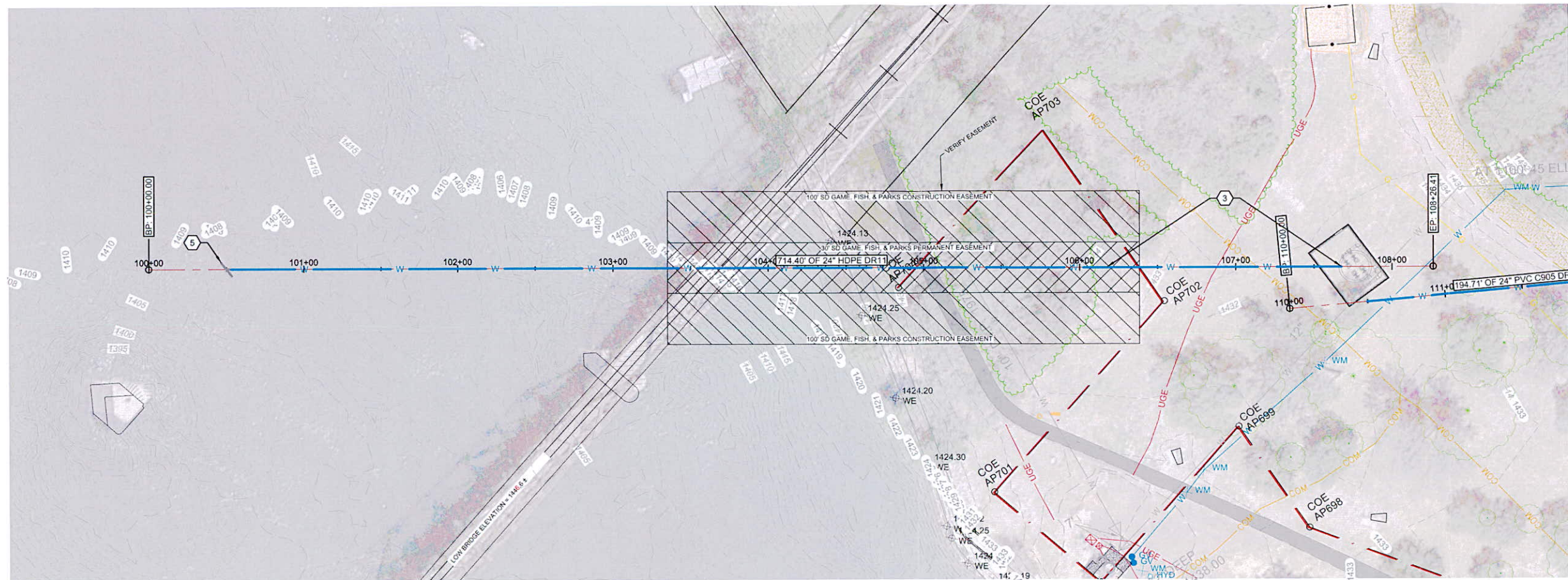


PRELIMINARY
NOT FOR CONSTRUCTION
MILESTONE - 30%

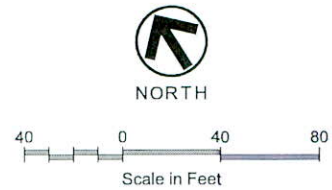


PIERRE WTP AND INTAKE IMPROVEMENTS PROJECT
CITY OF PIERRE
PIERRE, SOUTH DAKOTA
PROJECT OVERVIEW & KEY PLAN

DRAWING TYPE
PRELIMINARY
PREPARED BY
CTM
CHECKED / APPROVED
CDM / BRB
DATE
DEC 2019
PROJECT NUMBER
05419-2017-001
FACILITY
IPS
DRAWING
C100

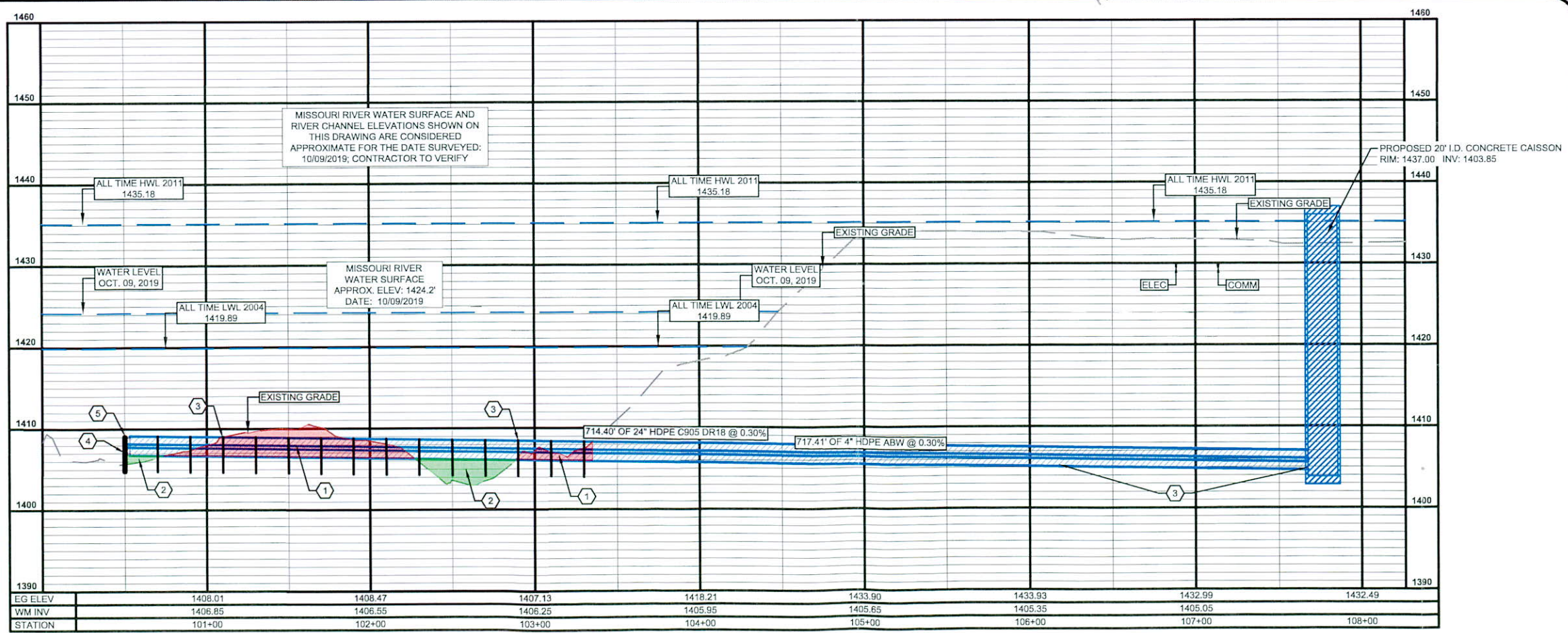


NEXT SHEET NUMBER: C201
MATCH STATION - X+XX



CONSTRUCTION LEGEND & NOTES

- 1 CUT OF RIVER BED
- 2 FILL OF RIVER BED
- 3 HELICAL PIER PIPE SUPPORTS SPACED AT 20' MAXIMUM
- 4 HELICAL PIER SLIDE TABLE AT INTAKE STRUCTURE
- 5 INTAKE TEE SCREEN PARALLEL TO RIVER FLOW. INSTALL CONICAL SECTION ON UPSTREAM SCREEN
- 6 PIPING TO BE FUSED OR TIED WITHIN 150' OF CAISSON



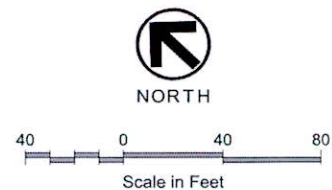
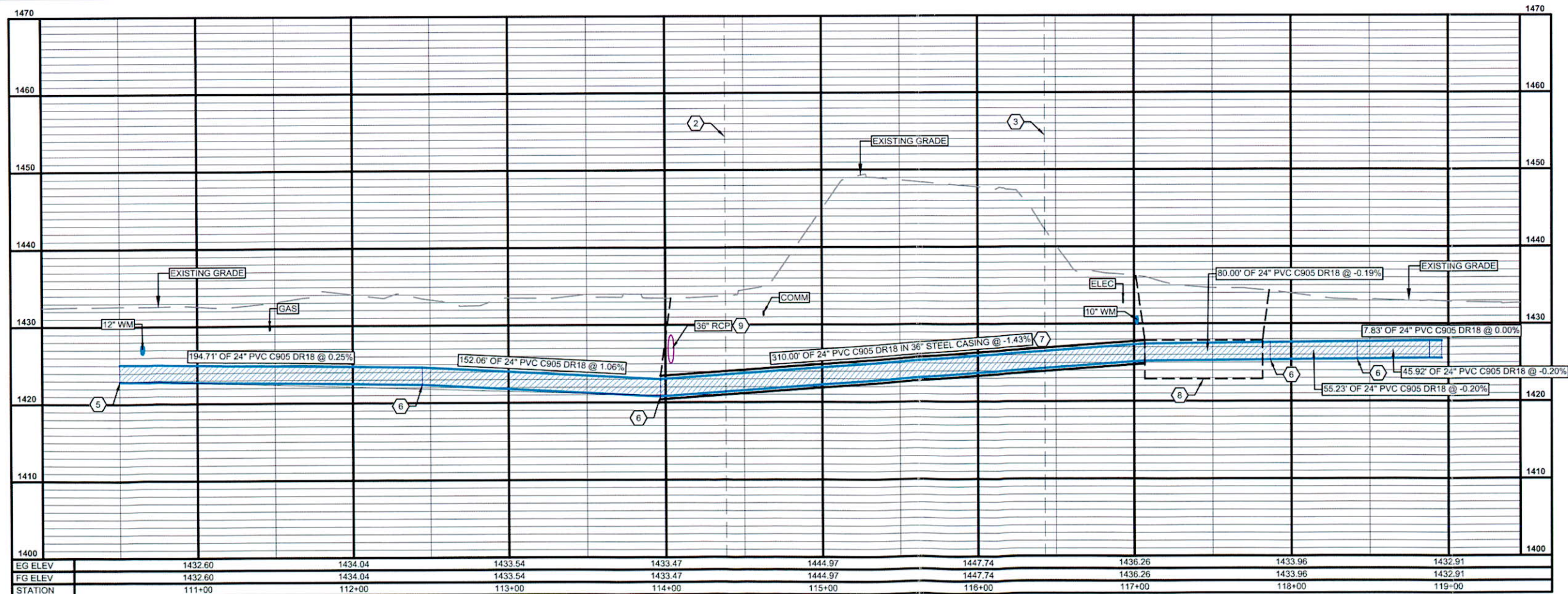
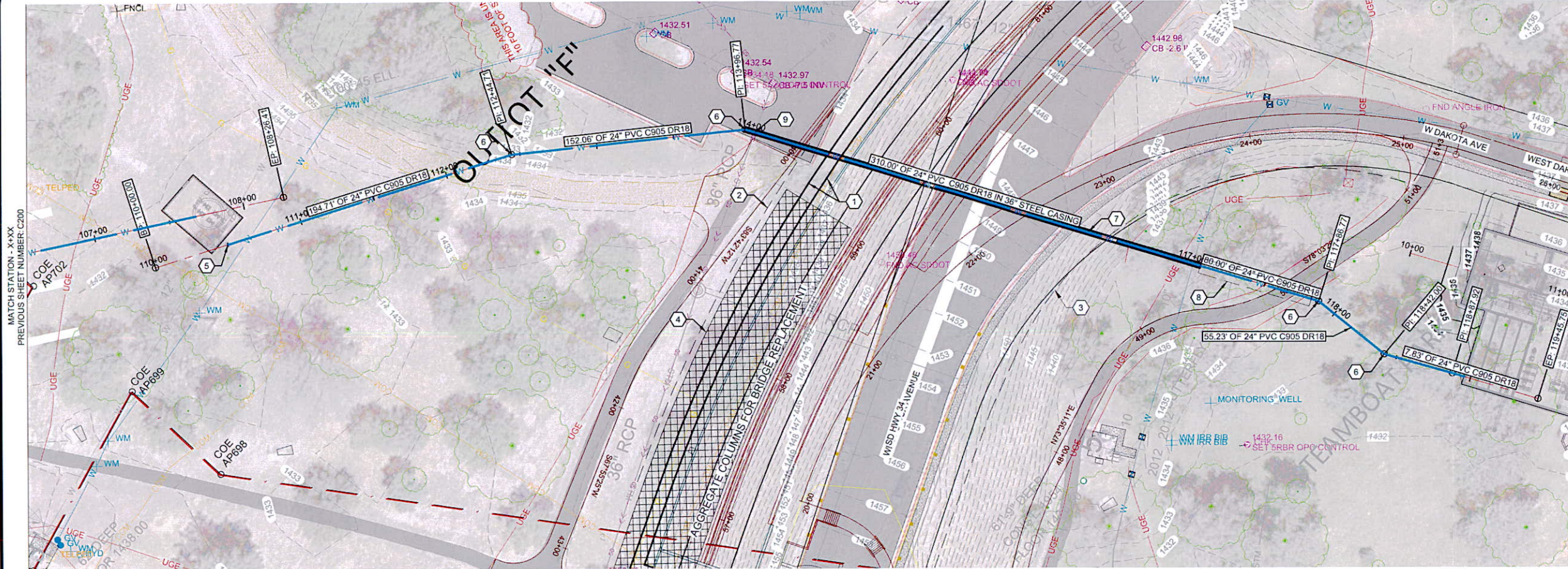
EG ELEV	1408.01	1408.47	1407.13	1418.21	1433.90	1433.93	1432.99	1432.49
WM INV	1406.85	1406.55	1406.25	1405.95	1405.65	1405.35	1405.05	
STATION	101+00	102+00	103+00	104+00	105+00	106+00	107+00	108+00

PRELIMINARY
NOT FOR CONSTRUCTION
MILESTONE - 30%



PIERRE WTP AND INTAKE IMPROVEMENTS PROJECT
CITY OF PIERRE
PIERRE, SOUTH DAKOTA
PLAN & PROFILE - INTAKE PIPE - WATER TO INTAKE BUILDING

DRAWING TYPE
PRELIMINARY
PREPARED BY
CTM
CHECKED / APPROVED
CDM / BRB
DATE
DEC 2019
PROJECT NUMBER
05419-2017-001
FACILITY
IPS
DRAWING
C200



- CONSTRUCTION NOTES**
- 1 PROPOSED HIGHWAY BRIDGE RECONSTRUCTION RETAINING WALL
 - 2 PROPOSED ROW LINE
 - 3 EXISTING ROW LINE
 - 4 AGGREGATE COLUMNS FOR BRIDGE REPLACEMENT
 - 5 TIE OR FUSE WATERMAIN WITHIN 150' OF BEND, IN ADDITION TO THRUST BLOCKING
 - 6 TIE OR FUSE WATERMAIN WITHIN 75' OF BEND, IN ADDITION TO THRUST BLOCKING
 - 7 TIE OR FUSE PVC JOINTS WITHIN CASING PIPE. USE MANUFACTURER'S SPACERS TO POSITION PIPE IN CENTER OF CASING THROUGHOUT. FILL ANNUAL SPACE WITH SILICA SAND
 - 8 SUGGESTED JACKING PIT LOCATION
 - 9 PROTECT EXISTING STORM SEWER DURING JACKING OPERATIONS

PRELIMINARY
NOT FOR CONSTRUCTION

AES

PIERRE WTP AND INTAKE IMPROVEMENTS PROJECT
CITY OF PIERRE
PIERRE, SOUTH DAKOTA

PLAN & PROFILE - INTAKE PIPE - INTAKE BUILDING TO WTP

DRAWING TYPE
PRELIMINARY

PREPARED BY
CTM

CHECKED / APPROVED
CDM / BRB

DATE
DEC 2019

PROJECT NUMBER
05419-2017-001

FACILITY
WTP

DRAWING
C201

First 120 acre feet (or portion thereof)	\$500.00
Second 120 acre feet (or portion thereof)	\$250.00
Each additional 120 acre feet (or portion thereof)	\$100.00
Fee for final inspection/license	\$200.00
TOTAL	

$$\frac{1 \text{ gal}}{7.48 \text{ gal/ft}^3} \times \frac{1 \text{ acre}}{43560 \text{ ft}^2} = \frac{\text{ac-ft}}{325828.80}$$

$$2.65 \text{ MGD} \times \frac{365 \text{ day}}{\text{yr}} = 967,250,000 \frac{\text{gal}}{\text{yr}}$$

$$\frac{967,250,000}{325,828.8} = 2,968.6 \text{ ac-ft}$$

Calculated Fee @ 2.65 MGD

First 120 ac-ft	2,848.6	\$	500.00
2nd 120 ac-ft	2,728.6	\$	250.00
2728.6 / 120 ac-ft =	22.7		
Each addition 120 ac-ft	23	\$	2,300.00
Fee for inspection/license		\$	200.00
		\$	3,250.00

Table 2.6 Water Demand Approach for Calculating Future Average and Peak Day Demands

Year	Population	Per Capita Demand (gpcd)	Metered ADD (MGD)	UAF Water (MGD)	Average Day Demand (MGD)	Peaking Factor	Peak Day Demand (MGD)
2009	13,623*	161	2.20	0.30	2.50	2.49	6.23
2010	13,646	139	1.89	0.31	2.20	2.79	6.14
2011	13,840*	123	1.70	0.25	1.96	2.29	4.48
2012	13,905*	167	2.33	0.31	2.64	2.96	7.82
2013	13,922*	141	1.96	0.39	2.34	2.68	6.24
2014	14,034*	131	1.83	0.36	2.19	2.76	6.04
2015	14,002*	142	1.99	0.41	2.40	2.64	6.34
2016	14,066*	143	2.00	0.43	2.44	2.83	6.90
2020	14,300**	140	2.00	0.35	2.35	3.00	7.05 + 0.88 = 7.93
2025	14,700**	140	2.05	0.36	2.41	3.00	7.23 + 0.88 = 8.11
2030	15,000**	140	2.10	0.37	2.47	3.00	7.41 + 0.88 = 8.29
2035	15,400**	140	2.15	0.37	2.53	3.00	7.59 + 0.88 = 8.47
2040	15,700**	140	2.20	0.38	2.59	3.00	7.77 + 0.88 = 8.65
2045	16,100**	140	2.25	0.39	2.65	3.00	7.95 + 0.88 = 8.83

*Represents US census estimates

**Represents population projection

Non-asterisked population data is true census data

0.88 MGD was added to the Peak Day Demand (PDD) projection to maintain future projections of PDD greater than previous PDD of 7.8 MGD in 2012.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 10, 2020

City of Pierre
Brad Palmer, Utilities Director
2301 Patron Parkway
Pierre SD 57501

Dear Mr. Palmer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the City of Pierre. In order to complete the application, the following needs to be addressed and/or clarified.

- The name of the applicant should be the City of Pierre. Do you agree with that change on the application? Also, DENR will need the application signed by the Mayor or a statement of authority/letter from the Mayor stating you have the authority to act on behalf of the City on all matters involving the water permit application.
- Please confirm that the annual volume of water being requested is 2,983 acre-feet. Is this acre-feet amount intended to be the maximum value used in a year or does it represent an average value. The application needs to request the maximum value. If 2,983 acre-feet is the maximum value, can 2,983 acre-feet replace the 4 MGD listed on the application?
- Based on the original survey plat (see attachment), do you agree with changing the legal description of the point of diversion/intake to the more specific location of NW 1/4 SW 1/4 (Lot 3) Section 32-T111N-R79W?
- Does the City intend to apply for a future use permit from the Missouri River? The current future use permit is for groundwater.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 2020

City of Pierre
Brad Palmer, Utilities Director
2301 Patron Parkway
Pierre SD 57501

Dear Sir:

On March 6, 2020, on behalf of the City of Pierre, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* for municipal use. You were notified what additional information was required to complete the application. A copy of that letter is enclosed.

To date, we have not received the required information.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

A handwritten signature in black ink that reads "Karen Schlaak". The signature is written in a cursive, flowing style.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 9, 2020

RECEIVED OF Brad Palmer City of Pierre PO Box 1253 Pierre SD 57501

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

Fee for Application for Permit No. <u>8432-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$3050.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8432-3</u>	\$200.00
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	\$3250.00

By Eric Gronlund
Chief Engineer

DM

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date June 26, 2020

RECEIVED OF City of Pierre PO Box 1253 Pierre SD 57501

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

Fee for Application for Permit No. <u>8432-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$1300.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
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	\$1300.00

By

Eric Gronlund

Chief Engineer

VM

Schlaak, Karen

From: Brian R. Bergantine <Brian.Bergantine@AE2S.com>
Sent: Monday, May 18, 2020 4:29 PM
To: Schlaak, Karen
Subject: [EXT] City of Pierre WTP and Intake Project - Application for a Permit to Appropriate Water
Attachments: doc04434820200515144809.pdf

Karen:

Could you please contact me at either of the phone numbers below with regards to the City of Pierre's Application for a Permit to Appropriate Water? I have a few questions for you.

- This request is for Missouri River water as the City is changing from Groundwater to Surface Water (Missouri River) with the new Water Treatment Plant construction. The intake will be located north of the Railroad Bridge and I assume this would be considered the diversion point.
- The request for annual volume withdrawn from the City of Pierre is for 4 MGD or 4480.6 Acre-Feet. I believe the 2045 Water Demand Average is estimated at 2.65 MGD, very near to the 2983 acre-feet in your letter.

Brian R. Bergantine, PE (ND, MN, SD)
Operations Manager
Advanced Engineering and
Environmental Services, Inc. (AE2S)
4170 28th Avenue South
Fargo, ND 58104
Brian.Bergantine@AE2S.com
www.ae2s.com
Voice: 701.364.9111
Cell: 701.866.0620

Schlaak, Karen

From: Brad Palmer <Brad.Palmer@ci.pierre.sd.us>
Sent: Thursday, June 18, 2020 3:26 PM
To: Schlaak, Karen
Cc: Twila Hight; Lacey Walz
Subject: RE: [EXT] Water Permit Application for City of Pierre

I missed that part of the email. We will forward the additional payment.

Brad Palmer

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Thursday, June 18, 2020 3:10 PM
To: Brad Palmer <Brad.Palmer@ci.pierre.sd.us>
Subject: FW: Water Permit Application for City of Pierre

We received the Application signed by Mayor Harding. When I talked with you yesterday, I failed to mention that an additional \$1,300.00 was required (highlighted in my email below) . Please submit.

Thank you,
Karen

From: Schlaak, Karen
Sent: Tuesday, May 19, 2020 10:34 AM
To: Brad Palmer <Brad.Palmer@ci.pierre.sd.us> (Brad.Palmer@ci.pierre.sd.us) <Brad.Palmer@ci.pierre.sd.us>
Cc: Brian R. Bergantine <Brian.Bergantine@AE2S.com>
Subject: Water Permit Application for City of Pierre

Brad,

I talked with Brian this morning about the pending application for the City of Pierre. Regarding my letter dated March 10th, there are still a couple of issues that need to be clarified and/or submitted.

The application should be in the name of The City of Pierre. The application should be signed by the Mayor or a statement of authority/letter from the Mayor stating that you have the authority to act on behalf of the City on all matters involving the water permit application.

Brian confirmed the annual volume of water requested should be 4480.6 acre-feet. Based on this acre-feet amount, the application/license fee is \$4,550.00. \$3,250.00 has been submitted. Please submit an additional \$1,300.00.

Brian agreed that the legal description of the point of diversion/intake is the NW ¼ SW ¼ Section 32-T111N-R79W. Brian is also going to submit the legal description of the treatment plant location.

Regarding applying for a future use permit from the Missouri River, Brian indicated the city would not be requesting a future use permit as this time.

Let me know if you have any questions.

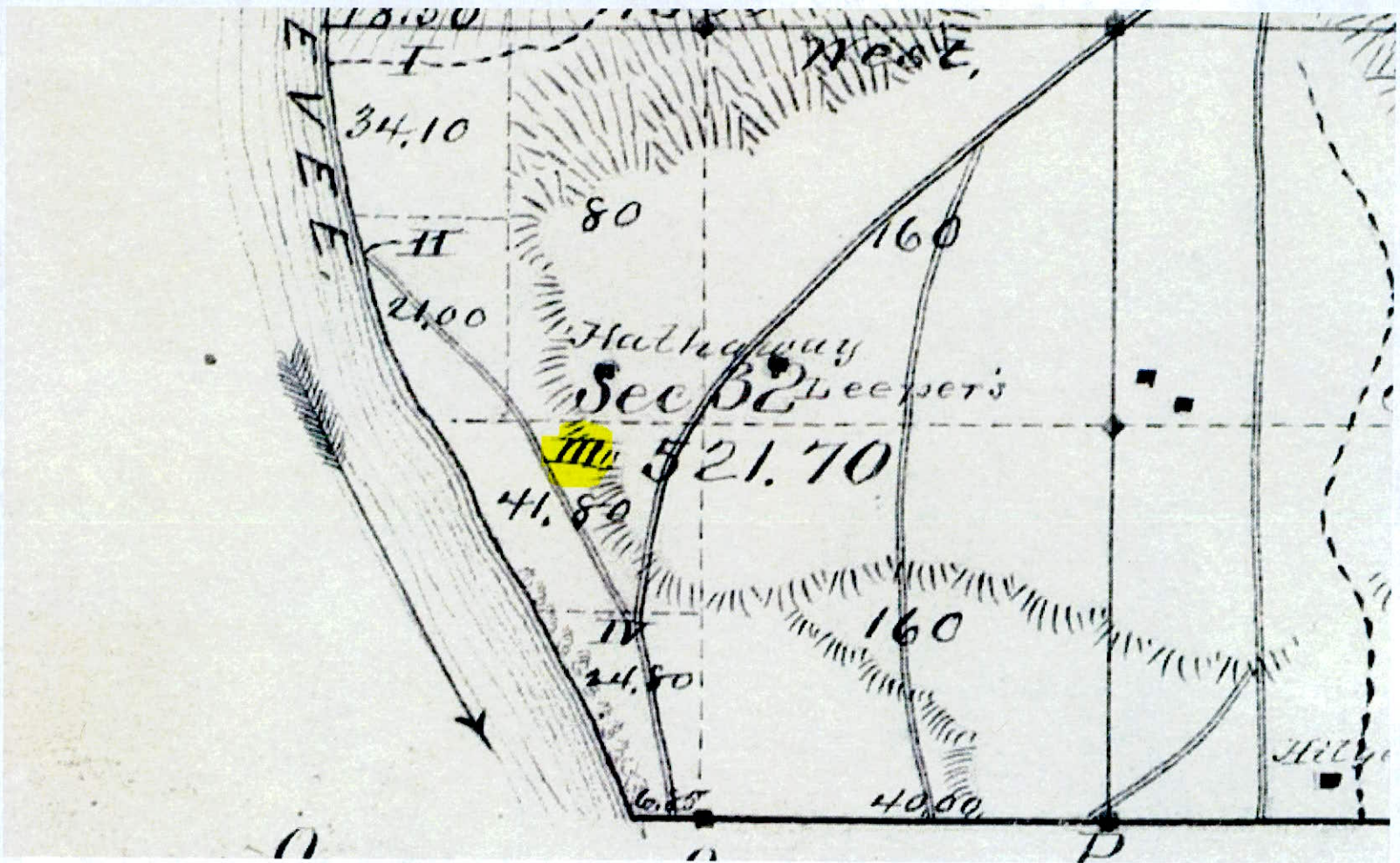
Karen Schlaak

SD DENR, Water Rights Program

(605) 773-3352



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8432-3, City of Pierre**

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 Water Permit Application No. 8432-3, City of Pierre, c/o Mayor Steve Harding, 2301 Patron Parkway, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8432-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri River.

See report on application for additional information.

Eric Gronlund, Chief Engineer
July 7, 2020

REPORT ON WATER PERMIT APPLICATION NO. 8432-3

City of Pierre

June 30, 2020

Application No. 8432-3, proposes to appropriate 4,480.6 acre-feet of water annually at a maximum pump rate of 14.26 cubic feet of water per second from the Missouri River located in the NW 1/4 SW 1/4 Section 32-T111N-R79W for municipal use. This site is located between Pierre and Ft. Pierre near the Missouri River RCP&E Railroad bridge in Hughes County.

Review of the Proposed Project

The City of Pierre plans to utilize the natural flow of the Missouri River water as its primary water source due to water quality issues with its current ground water well system. The proposed project will include a raw water intake system, booster station, water treatment plant, and associated piping. The new treatment plant will utilize membrane filtration technology and secondary chemical treatment for disinfection and corrosion control.

Review of the Water Source

The water source for this application is the natural flow of Missouri River in the Lake Sharpe reach upstream of Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the early 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically, Lake Sharpe Reservoir impounds approximately 1.7 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the natural flows of the Missouri River as a source. Figure 1 shows an estimation of the Missouri River natural flows derived from a 2001 USGS research study at a location approximately 5 miles upstream of this project (Jacobson, 2001).

Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available, if this project is approved, throughout the year. Water availability is not a concern when using the natural flows of the Missouri River as a source.

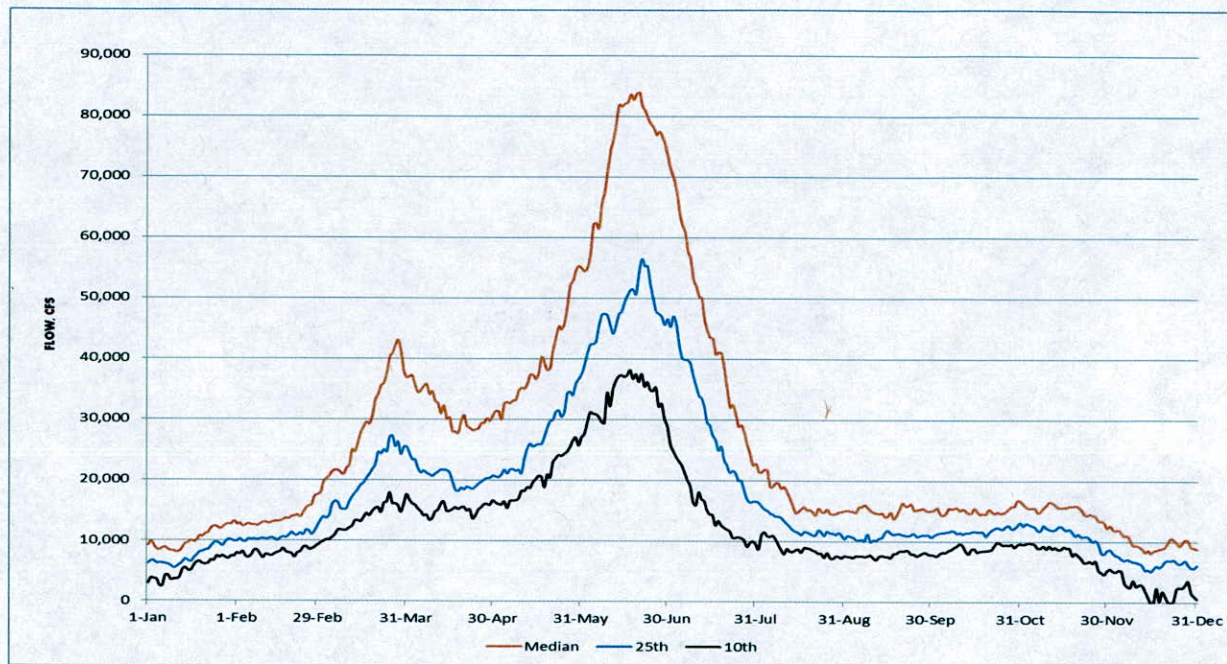


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam (Jacobson, 2001).

Review of the Proposed Project and Existing Water Rights

There are 253 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1,271.69 cfs (Water Rights, 2020). Since water availability is not an issue, approval of this permit will not adversely affect these existing water rights.

Conclusions

1. This application proposes to appropriate 4,480.6 acre-feet of water annually at a maximum pump rate of 14.26 cubic feet of water per second from the Missouri River.
2. The water will be used for supplying the municipal water system for the City of Pierre.
3. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Sharpe immediately downstream from Oahe Dam.
4. Unappropriated water is available.
5. Existing rights will not be unlawfully impaired.

Mark D. Rath
Natural Resources Engineering III

References

1. Jacobson. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO.
2. Water Rights. 2020. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 8, 2020 10:41 AM
To: steve.harding@ci.pierre.sd.us
Cc: Brad Palmer <Brad.Palmer@ci.pierre.sd.us> (Brad.Palmer@ci.pierre.sd.us); Brian R. Bergantine
Subject: Water Permit Application No. 8432-3, City of Pierre
Attachments: 8432-3, City of Pierre.pdf

Attached is the report, chief engineer recommendation and information regarding the public notice for Application No. 8432-3. As stated in the letter, it is important that someone contact the paper to authorize publication and arrange for payment. Paper copy being mailed today.

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Sent: Friday, July 10, 2020 9:43 AM
To: Schlaak, Karen
Subject: RE: [EXT] Water Permit Application No. 8432-3, City of Pierre

I'll be interested to hear, since this statute is related to all publications, not just a certain section. So, it will apply to all my required publications in other sections of the code. Thanks!

Twila Hight, CPA

Finance Officer

City of Pierre

605-773-3063

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Friday, July 10, 2020 9:39 AM
To: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Subject: RE: Water Permit Application No. 8432-3, City of Pierre

Twila,

I see your point. We are checking with our legal counsel on the matter. It may be a situation where it meets the requirement for a legal paper but does not meet the requirements set forth in statute for the Water Rights Program. We will get back to you.

Karen

From: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Sent: Friday, July 10, 2020 9:04 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] Water Permit Application No. 8432-3, City of Pierre

Is this the statute you're referencing? I couldn't find 1.1.

This sounds like if it's not daily, it just needs to be at least once each week for at least fifty weeks each year. The new Capital Journal schedule would still meet that.

I wanted to make sure this didn't jam me up with all my other legal publications that are required. This seems to be related to all legal notices required under SDCL, but the revised schedule still appears to meet the requirement.

...and if the publication is a daily, is distributed at least five days each week, or if not a daily, is distributed at least once each week for at least fifty weeks each year.

Twila Hight, CPA

Finance Officer

City of Pierre

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Friday, July 10, 2020 8:42 AM
To: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Subject: FW: Water Permit Application No. 8432-3, City of Pierre

I should have added that the notice would still be required in the Capitol Journal also.

From: Schlaak, Karen
Sent: Thursday, July 9, 2020 3:02 PM
To: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Subject: Water Permit Application No. 8432-3, City of Pierre

Twila,

As you probably are aware, the Capitol Journal currently publishes 3 days a week (Tues, Thur & Sat). Since the Capitol Journal does not publish five days each week as required in State Statute 17-2-1.1, it will be necessary to publish the Notice of Application No. 8432-3 in the nearest daily paper which is the Plainsman, Huron SD. They publish Mon-Sat with no Thurs paper.

I will be emailing the Plainsman the Notice of Application No. 8432-3 with instructions to publish on July 14, 2020. Please contact them at 605 353-7414 to authorize publication and arrange for payment.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

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Schlaak, Karen

From: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Sent: Friday, July 10, 2020 2:32 PM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: [EXT] publication of city of Pierre's water permit application.

Thanks for the information. Yes, I agree with your determination that the Water Rights publication needs to be in a daily paper. Our other legal publications don't have anything outside of 17-2-2.1, so that's a relief. Have a good weekend!

Twila Hight, CPA

Finance Officer

City of Pierre

605-773-3063

From: Gronlund, Eric [mailto:Eric.Gronlund@state.sd.us]
Sent: Friday, July 10, 2020 11:33 AM
To: Twila Hight <Twila.Hight@ci.pierre.sd.us>
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: publication of city of Pierre's water permit application.

Twila – I am responding on behalf of Karen Schlaak to the issue of publication of the city of Pierre's water permit application. We did consult briefly with our legal counsel.

SDCL §46-2A-4 requires publication of water permit applications in at least one official newspaper in the county where the water will be diverted or works located. If it is a weekly paper, then must also be published at least once in a daily paper as near as possible to where the water will be diverted or used. Therefore, the requirement for publication of a water permit application goes beyond needing to be just in an official or legal newspaper as defined in SDCL 17-2-2.1.

While the CapJournal is a legal newspaper, if it is distributed less than five days in a week not containing a legal holiday, it does not qualify as a daily newspaper. Therefore, it is the position of the Water Rights Program that the publication of the city's water permit application needs to take place in both the CapJournal and Huron Plainsman to comply with SDCL 46-2A-4.

You may want to check with the city's legal counsel to determine whether this may impact other required publications. However, my guess is Pierre's code for other required publications is only in the legal newspapers designated by their city council as set forth in SDCL 17-2-2.1 for which the CapJournal fulfills and does not include the requirement for publication in a daily if the legal newspaper in the county where the diversion/work are located is only a weekly paper.

The requirement currently in 46-2A-4 to publish water permit applications in a daily and put that additional expense on the applicant was not our idea. It became law about 10 years ago after a state representative got mad because a controversial water permit application in Hanson County was not published in the Mitchell newspaper of larger circulation.

Hope this explanation helps. Eric

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



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SOUTH DAKOTA

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RECEIVED

AUG 13 2020

WATER RIGHTS
PROGRAM

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 0360

I, McKendzie Castillo, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: STEVE HARDING- WATER RIGHTS, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 7/14/20. That the full amount of the fee charged for the publishing \$ 27.09 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

McKendzie Castillo

Subscribed and sworn to me before this date 8/1/2020

J. Blair

Notary Public, South Dakota

2000 - Legals

F.P. 07-14-20
NOTICE OF
APPLICATION
NO. 8432-3 to
Appropriate Water
Notice is given that
the City of Pierre, Steve
Harding, Mayor, 2301
Patton Parkway, Pierre
SD 57501 has filed an
application for a water
permit to appropriate
4,480.6 acre-feet of
water annually at a
maximum pump rate of
14.28 cubic feet of water
per second from the
Missouri River located
in the NW 1/4 SW 1/4
Section 32-T11N-R78W
for municipal use. This
site is located near the
Missouri River railroad
bridge between Pierre
and Ft. Pierre.
Pursuant to SDCL
48-2A-2, the Chief
Engineer recommends
APPROVAL of
Application No.
8432-3 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.
The Chief Engineer's
recommendation with
qualifications, the
application, and staff
report are available at
<http://denr.sd.gov/public> or contact
Ron Duvall 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 July 27,
2020.
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.
Nc. 0360 (adv.)
Published once at the
total approximate cost of
\$27.09.

Form 8

RECEIVED

AUG 03 2020

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

7-14-2020

Cost of Printing \$ 31.10

Marylin Baker
(Signature)

Business Manager
(Title)

7-29-2020

(Date Signed)

Legal Notice
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, P.O. Box 1111,
Pierre, SD 57501-0111. The applicant's
mailing address is given
above. A petition filed by either
an interested person or the ap-
plicant must be filed by July
27, 2020.
The petition may be informal
but must include a statement
describing the petitioner's interest
in the application, the peti-
tioner'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 con-
test the recommendation of the
Chief Engineer and no person
to oppose the application is re-
ceived, the Chief Engineer
will act on the application pur-
suant to the recommendation
with no hearing held before the
Water Management Board. If a
petition opposing the applica-
tion or contesting the recom-
mendation is filed, then a hear-
ing will be scheduled, and the
Water Management Board will
consider the application. No-
tice of the hearing will be given
to the applicant and any per-
son filing a petition.
Published once at the first ap-
pearance cost of \$31.10

Published once at an ap-
pearance cost of \$75.00.
SIA/SLP 17525
10/1/14
NOTICE OF APPLICATION
NO. 6432-3
to Appropriate Water
Rights is given that the City of
Pierre, Steve Harding, Mayor,
2301 Patton Parkway, Pierre,
SD 57501 has filed an applica-
tion for a water permit to ap-
propriate 4,450.0 acre-foot of
water annually at a maximum
pump rate of 14.28 cubic feet
of water per second from the
Missouri River Rights in the
New 1st Div. 14, Section 32,
T111N-R79W for municipal
use. This also is located near
the Missouri River railroad
bridge between Pierre and Ft.
Pierre.
Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of applica-
tion No. 6432-3
with conditions because: 1)
unopposed water is avail-
able, 2) existing rights will not
be unduly impaired, 3) it is
a beneficial use of water, and
4) it is in the public interest.
The Chief Engineer's recom-
mendation can be obtained
the application, and staff report
are available at <http://www.sd.gov/public>, or
contact Ron Fawcett for this information, or other
information, at the Water
Rights Program address pro-
vided below.
Any person interested in op-
posing or supporting this applica-
tion or recommendation

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 9, 2020 3:05 PM
To: 'rcrandall@plainsman.com'
Subject: FW: 8432-3, City of Pierre
Attachments: FORM8.FRM.doc; 8432-3public.short.docx

Attached is a notice to be published on July 14, 2020.

City of Pierre, c/o Steve Harding, Mayor, 2301 Patron Parkway, Pierre SD 575701 (605 773-7407) 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

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 8, 2020 10:27 AM
To: 'legals@capjournal.com'
Subject: 8432-3, City of Pierre
Attachments: 8432-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 15, 2020.

City of Pierre, c/o Steve Harding, Mayor, 2301 Patron Parkway, Pierre SD 575701 (605 773-7407) 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
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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 NEWSPAPER RIGHT AWAY.**

July 8, 2020

City of Pierre
Steve Harding, Mayor
2301 Patron Parkway
Pierre SD 57501

Dear Mayor Harding:

Water Permit Application No. 8432-3 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 Capitol Journal printed at Pierre SD (Ph # 605 224-7301). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

Instruction to Newspaper - Publish the Notice on July 15, 2020. The City of Pierre is responsible for payment.

NOTICE OF APPLICATION NO. 8432-3 to Appropriate Water

Notice is given that the City of Pierre, Steve Harding, Mayor, 2301 Patron Parkway, Pierre SD 57501 has filed an application for a water permit to appropriate 4,480.6 acre-feet of water annually at a maximum pump rate of 14.26 cubic feet of water per second from the Missouri River located in the NW 1/4 SW 1/4 Section 32-T111N-R79W for municipal use. This site is located near the Missouri River railroad bridge between Pierre and Ft. Pierre.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8432-3 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall 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 July 27, 2020.

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.

Published once at the total approximate cost of_



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 17 2020

City of Pierre
Steve Harding, Mayor
PO Box 1253
Pierre SD 57501

Dear Mayor Harding:

Enclosed is Water Permit No. 8432-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures