

WATER PERMIT NO. 8538-3

Name of Applicant: City of Springfield

Address: PO Box 446, Springfield SD 57062

Phone: 605 246-2335

Amount of Water Claimed: 0.98 cfs (add'l)

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: municipal

County: Bon Homme

Type of Waste Disposal System:

Location:

PRIORITY Date Received: 7-26-21

Application/License Fee: \$ 700

Corrected Application Received: 8-5-21

Period of Annual Use: January 1 – December 31

Remarks: Increase the diversion rate authorized by Water Right No. 1110-3

Diversion Point: SW 1/4 SW 1/4 Sec 24-T93N-
R60W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

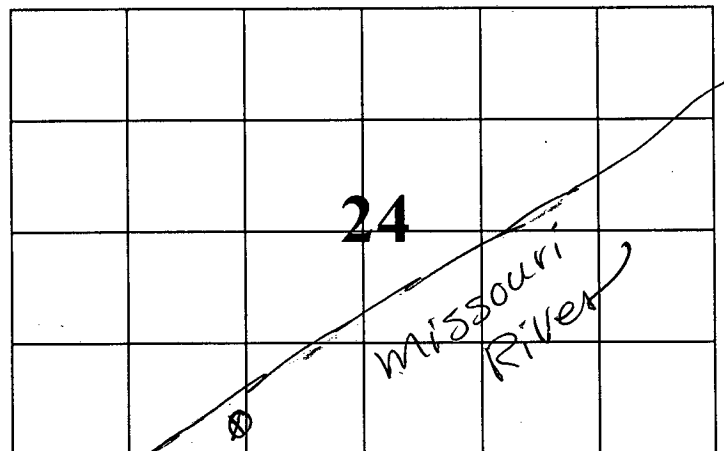
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-10-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8538-3**

Date of first receipt of application July 26, 2021.

Date of return to applicant for corrections, amendments or changes July 26, 2021.

Date of receipt of corrected application August 5, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8538-3 to City of Springfield, PO Box 446, Springfield SD 57062 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. 8538-3 increases the diversion rate authorized by Water Right No. 1110-3. Water Right No. 1110-3 authorizes 1.25 cubic feet of water per second (cfs) from the Missouri River located in the SW 14 SW 1/4 Section 24-T93N-R60W. With construction of a new water treatment plant, the city is requesting to increase the instantaneous flow rate by an additional 0.98 cfs and appropriate a total of 905 acre-feet of water annually from the Missouri River. The new water intake will be in the same location as the existing intake. This permit and Water Right No. 1110-3 will authorize a total of 2.23 cfs (1,000 gallons per minute) for municipal use by the city. This site is located on the southern edge of Springfield SD.
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 from which applicant may claim right is July 26, 2021.
5. The date of approval of Permit No. 8538-3 is September 13, 2021.
6. One-fifth of the construction is to be completed on or before March 13, 2024.
7. All construction is to be completed on or before September 13, 2026.
8. Water is to be put to beneficial use on or before September 13, 2030.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Right No. 1110-3 and this Permit authorize a combined, total annual diversion of 905 acre-feet of water from the Missouri River.
2. The municipal intake in the Missouri River shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
3. 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 Agriculture and Natural Resources

SEP 27 2021
date



SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation

(type or print)

RECEIVED

JUL 26 2021

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8538-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Springfield Times</u>	
	<u>Press & Dakotan</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.)

Increase instantaneous diversion rate from 1.25 cfs in permit 1110-3 to 1,000 gpm.

- Name to Appear on Water Permit City of Springfield, SD
Mailing Address PO Box 446 Springfield sd 57062
(Address) (City) (State) (Zip Code)
Phone 605-246-2335 Mobile _____ Email spfdchbr@gwtc.net
- Amount of water claimed add' 0.98 *CFS or 1000 **GPM and 905 ***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)
- Source of water supply Missouri River
- Location of point of diversion 24 SW SW T 93N R 60W County Bon Homme
(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)
- County or counties where water will be used Bon Homme
- Annual period during which water is to be used 365 Jan 1-Dec 31
- 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)

Update water rights permit 1110-3 to increase instantaneous flow rate for new WTP intake in the same location as the existing intake.

I, Michael Lee Mayor, 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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

Springfield, South Dakota

Proposed WTP

Existing WTP

Existing and Proposed Discharge Location

Existing Intake Building

Existing Intake

Proposed Intake Building

Proposed Intake

Google Earth

© 2021 Google

300 ft

N





RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 5, 2021

RECEIVED OF City of Springfield PO Boxes 446 Springfield SD 57062

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

Fee for Application for Permit No. <u>8538-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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>8538-3</u>	\$ <u>200.00</u>
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>700.00</u>

By Eric Gronlund
Chief Engineer

ym

Dept. of Ag & Natural Resources
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

RECEIVED

AUG 05 2021

WATER RIGHTS
PROGRAM

PAID

AUG 5 2021

Ck# 05116

* INVOICE *

July 27, 2021

City of Springfield
PO Box 446
Springfield SD 57062

Application for Permit to Appropriate Water Within the State of South Dakota
Application/license fee

\$700.00

PLEASE PAY THIS AMOUNT:

\$700.00

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 27, 2021 11:44 AM
To: Camden Hofer
Subject: RE: [EXT] Springfield River Intake
Attachments: 1568.pdf

Camden

Yes, I am glad you brought that to my attention. After double checking, we determined the base fee of \$500 and license fee of \$200 would be required for this application. Attached is an invoice for the correct amount. Please forward the invoice to the appropriate office.

Karen

From: Camden Hofer <chofer@spn-assoc.com>
Sent: Tuesday, July 27, 2021 9:11 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] Springfield River Intake

Karen,
I was going to check one more time on that application fee. I was not sure if that was correct since we are not asking for more water rights just more instantaneous flow. Just checking.

Thanks,

Camden A. Hofer, P.E.
SPN and Associates

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, July 26, 2021 2:37 PM
To: Camden Hofer <chofer@spn-assoc.com>
Cc: Tiffany Balvin <spfdchbr@gwtc.net>
Subject: RE: Springfield River Intake

Thanks for the map. Attached is an invoice for the application/license fee. Let me know if that works.
Karen

From: Camden Hofer <chofer@spn-assoc.com>
Sent: Monday, July 26, 2021 1:23 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: Tiffany Balvin <spfdchbr@gwtc.net>
Subject: RE: [EXT] Springfield River Intake

Karen,

Attached is the City of Springfield Water right permit application with figure. Will the DANR invoice the city for the \$1,350 or how does that work exactly?

Thanks,

Camden A. Hofer, P.E.
SPN and Associates

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, July 26, 2021 11:26 AM
To: Camden Hofer <chofer@spn-assoc.com>
Cc: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: FW: Springfield River Intake

Camden,
Eric forwarded your email to me for review.

The Mayor does not need to sign the application. The map submitted with the application will need to reference a government section corner or quarter corner including section, township and range. The application/license fee will be \$1,350.00.

If you have questions, please let know.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



From: Camden Hofer <chofer@spn-assoc.com>
Sent: Friday, July 23, 2021 2:47 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: [EXT] Springfield River Intake

Eric,
Attached is a water right permit application that I filled out for Springfield.

Do we need to have the Mayor sign this? I did not see a signature line like on other permit applications.

Do you want any changes to this or any other supplemental information?

Thanks,

Camden A. Hofer, P.E.

Project Engineer

SPN and Associates

2100 North Sanborn Blvd.

PO Box 398

Mitchell, SD 57301

Phone: 605 996-7761



**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 WATER PERMIT
APPLICATION NO. 8538-3, City of Springfield**

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. 8538-3, City of Springfield, PO Box 446, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 8538-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Water Right No. 1110-3 and this Permit authorize a combined, total annual diversion of 905 acre-feet of water from the Missouri River.
2. The municipal intake in the Missouri River shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
3. 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
August 25, 2021

REPORT ON WATER PERMIT APPLICATION NO. 8538-3

City of Springfield

August 23, 2021

Application No. 8538-3, proposes to increase the diversion rate authorized by Water Right No. 1110-3. Water Right No. 1110-3 authorizes 1.25 cubic feet of water per second (cfs) from the Missouri River located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24 T93N-R60W for municipal use. The City is building a new water treatment plant and is requesting to increase the instantaneous flow rate by 0.98 cfs and appropriate a total of 905 acre-feet of water annually. If approved, this permit combined with Water Right No. 1110-3 will authorize a total diversion rate of 2.23 cfs by the city. This site is located southeast Springfield in Bon Homme County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project

The City of Springfield is proposing an expansion of their municipal water system with the construction of a new water treatment plant. The proposed increase in diversion rate will be used to supply the new water treatment plant.

Review of the Water Source

The water source for this project is from the natural flow of the Missouri River flowing through Lewis and Clark Lake in the reach impounded behind Gavins Point Dam. The US Army Corps of Engineers constructed Gavins Point Dam impounding Lewis and Clark Lake in the 1950s as a 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 congressionally authorized purposes, including water supply. Specifically, Gavins Point dam can impound up to 428,000 acre-feet of water in Lewis and Clark

Lake when full. Natural flow in an in-stream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in the instream reservoir system and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow (USACE. 2020).

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25, and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 1). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow melt run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available, if this project is approved. As Figure 1 demonstrates, existing water rights will not be adversely impacted by this project. Water availability is not a concern when using the natural flows of the Missouri River as a source.

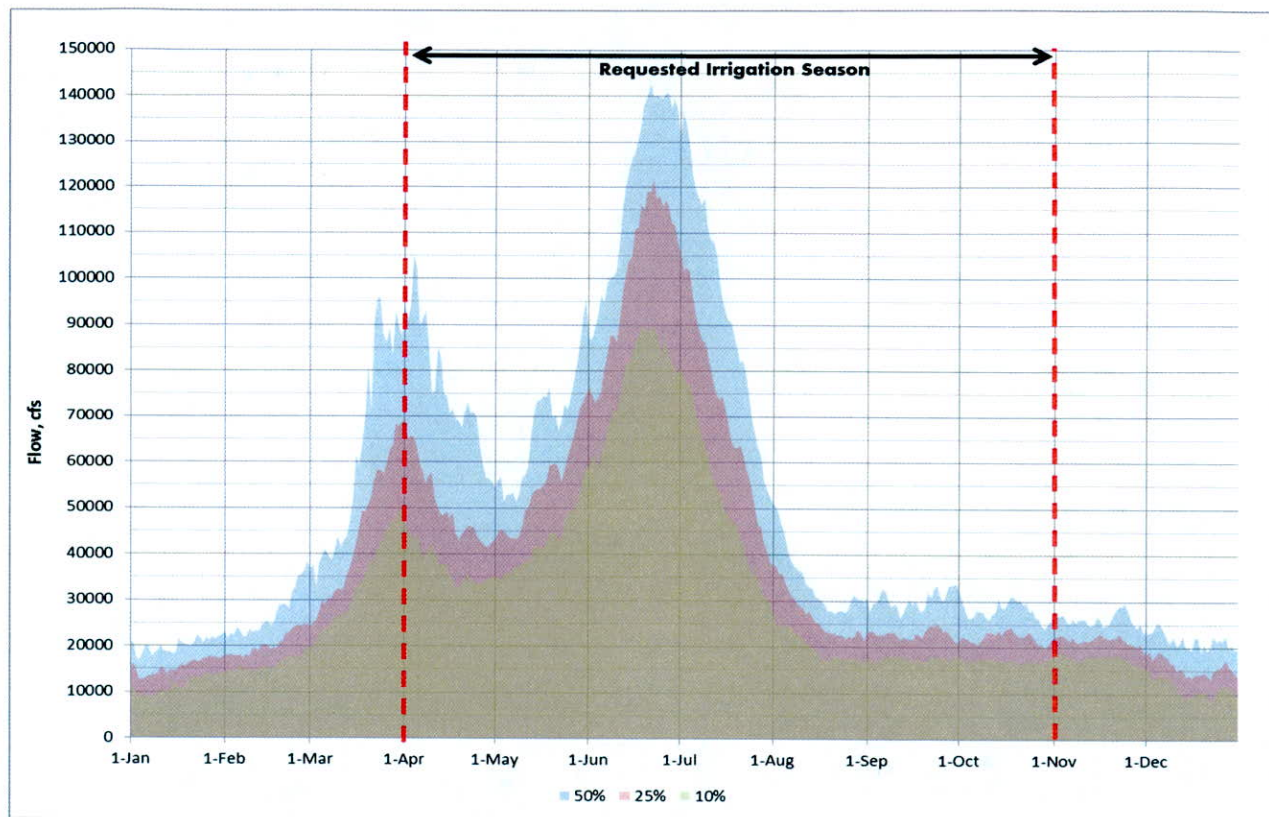


Figure 1 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2012)

Review of the Proposed Project and Existing Water Rights

There are 254 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1,267.81 cfs (Water Rights. 2021). 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 an additional 0.98 cfs to increase the diversion rate authorized by Water Right No. 1110-3 from 1.25 cfs to a total of 2.23 cfs from the Missouri River for municipal use. The volume appropriated will total 905 acre-feet of water annually.
2. The water source for this project is from the natural flow of the Missouri River flowing through Lewis and Clark Lake in the reach impounded behind Gavins Point Dam.
3. Water availability is not a concern when using the natural flows of the Missouri River as a source.

4. Since water availability is not an issue, approval of this permit will not adversely affect these existing rights.



Mark D. Rath

Natural Resources Engineer III

References

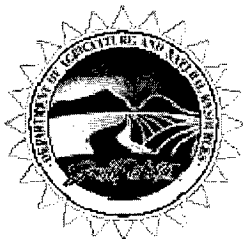
1. USACE. 2020. Missouri River Mainstem System 2020-2021 Annual Operation Plan, December 2020. US Army Corps of Engineers – Northwest Division Missouri Basin Water Management Division.
2. Water Rights. 2021. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
3. 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 26, 2021 9:45 AM
To: spfdchbr@gwtc.net
Cc: Camden Hofer
Subject: Water Permit Application No. 8538-3
Attachments: 1745.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Ly Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Not. of Application #8538-3
to Appropriate Water
114 @ 38

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks, upon the following dates:

.....Sept 1, 2021.....	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$ 43.32, inures 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 has been agreed to be paid to any person whomsoever.

Rebecca Ly Publisher
Subscribed and sworn to before me this
.....1..... day of Sept 2021.

Peggy Schelske
Notary Public, South Dakota
my commission expires 10-24-2021

RECEIVED

SEP 07 2021

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8538-3 to Appropriate Water

Notice is given that the City of Springfield, c/o Michael Lee, Mayor, PO Box 446, Springfield SD 57062 has filed an application for a water permit to increase the diversion rate authorized by Water Right No. 1110-3. Water Right No. 1110-3 authorizes 1.25 cubic feet of water per second (cfs) from the Missouri River located in the SW 14 SW 1/4 Section 24-T93N-R60W. With construction of a new water treatment plant, the city is requesting to increase the instantaneous flow rate by an additional 0.98 cfs and appropriate a total of 905 acre-feet of water annually from the Missouri River. The new water intake will be in the same location as the existing intake. This application, if approved, and Water Right No. 1110-3 will authorize a total of 2.23 cfs (1,000 gallons per minute) for municipal use by the city. This site is located on the southern edge of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8538-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation

with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

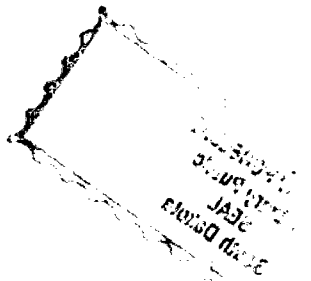
Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 13, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 September 13, 2021.

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 an approximate cost of \$43.32 (Sept. 1)



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

MICHAEL LEE MAYOR
PO BOX 446
SPRINGFIELD SD 57062

RECEIVED

SEP 03 2021

WATER RIGHTS
PROGRAM

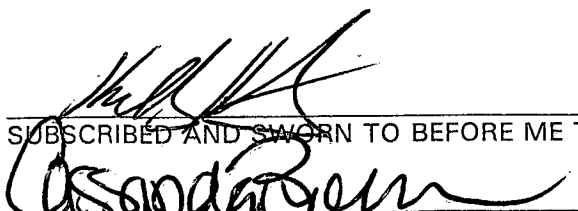
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

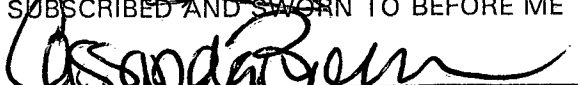
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
9+1 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF September, 2021
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$38.56 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 09/01/2021

FILED ON: 09/01/2021


SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF September, 2021


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026



NOTICE OF APPLICATION NO. 8538-3 to Appropriate Water

Notice is given that the City of Springfield, c/o Michael Lee, Mayor, PO Box 446, Springfield SD 57062 has filed an application for a water permit to increase the diversion rate authorized by Water Right No. 1110-3. Water Right No. 1110-3 authorizes 1.25 cubic feet of water per second (cfs) from the Missouri River located in the SW 14 SW 1/4 Section 24-T93N-R60W. With construction of a new water treatment plant, the city is requesting to increase the instantaneous flow rate by an additional 0.98 cfs and appropriate a total of 905 acre-feet of water annually from the Missouri River. The new water intake will be in the same location as the existing intake. This application, if approved, and Water Right No. 1110-3 will authorize a total of 2.23 cfs (1,000 gallons per minute) for municipal use by the city. This site is located on the southern edge of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8538-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 13, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 September 13, 2021.

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 \$38.56.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 26, 2021 9:41 AM
To: Sam Berres
Subject: 8538-3 City of Springfield
Attachments: 8538-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 1, 2021 in the Press & Dakotan.

City of Springfield, c/o Michael Lee, Mayor, PO Box 446, Springfield SD 57062 (605 246-2335) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 26, 2021 9:40 AM
To: Springfield Springfield Times (times@gwtc.net)
Subject: 8538-3 City of Springfield
Attachments: 8538-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 1, 2021.

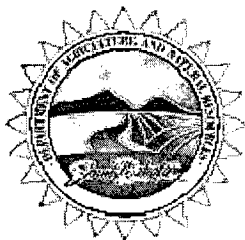
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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

August 26, 2021

City of Springfield
Michael Lee, Mayor
PO Box 446
Springfield SD 57062

Dear Mayor Lee:

Water Permit Application No. 8538-3 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 Springfield Times printed at Springfield SD (Ph # 605 369-2441) and the Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). 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 publishers have been instructed to publish your notice. The newspapers have 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

c: Camden Hofer, SPN and Associates

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. 8538-3 to Appropriate Water

Notice is given that the City of Springfield, c/o Michael Lee, Mayor, PO Box 446, Springfield SD 57062 has filed an application for a water permit to increase the diversion rate authorized by Water Right No. 1110-3. Water Right No. 1110-3 authorizes 1.25 cubic feet of water per second (cfs) from the Missouri River located in the SW 14 SW 1/4 Section 24-T93N-R60W. With construction of a new water treatment plant, the city is requesting to increase the instantaneous flow rate by an additional 0.98 cfs and appropriate a total of 905 acre-feet of water annually from the Missouri River. The new water intake will be in the same location as the existing intake. This application, if approved, and Water Right No. 1110-3 will authorize a total of 2.23 cfs (1,000 gallons per minute) for municipal use by the city. This site is located on the southern edge of Springfield SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8538-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, 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 application, or other matter concerning the application 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 to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 13, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the 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 September 13, 2021.

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 27 2021

City of Springfield
Michael Lee, Mayor
PO Box 446
Springfield SD 57062

Dear Mayor Lee:

Enclosed is Water Permit No. 8538-3 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