

WATER PERMIT NO. 8548-3

Name of Applicant: City of Pierre

Address: 2301 Patron Parkway #1, Pierre SD 57501 Phone: 605 773-7407

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: within city limits of Pierre

PRIORITY Date Received: 9-10-21 Application/License Fee: \$ 100

Corrected Application Received: Period of Annual Use: April 1 – November 31

Remarks: Reinstatement of Water Permit No. 8220-3 and clarify location of diversion points and lands to be irrigated

Diversion Point: between NW 1/2 SW 1/4 Sec 31 to SE 1/4 SE 1/4 Sec 11; all in T110N-R79W

Land to be Irrigated: several locations

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-13-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8548-3**

Date of first receipt of application September 10, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8548-3 to City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Patron Parkway #1, 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. 8548-3 reinstates Permit No. 8220-3. Permit No. 8220-3 appropriates 1.57 cubic feet of water per second from the Missouri River to irrigate 137.9 acres. The permit was approved May 31, 2016, and the project was to be completed by May 31, 2021, with water being put to beneficial use by May 31, 2025. Water Permit No. 8548-3 reinstates Permit No. 8220-3 since the project has not been completed. This permit also clarifies the proposed pumping points from the Missouri River to be between points in the NW 1/4 SW 1/4 Section 32-T111N-R79W to the SE 1/4 SE 1/4 Section 11-T110N-R79W. The 137.9 acres to be irrigated are located in Lot 1 Section 4, E 1/2 Section 5 (Griffin Park) SW 1/4 SE 1/4, Lot 3 Section 4 (Maria Peninsula and city property adjacent to E Sully Ave), SE 1/4 SW 1/4, Lot 1 Section 3; Lot 1 and 2 Section 10 (Oahe Softball Complex, Dan Kelley Field and Arboretum), S 1/2 SE 1/4 Section 3 (soccer fields), W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 3; all in T110N-R79W and the SW 1/4 SW 1/4 of Section 35-T111N-R79W (Riverside Cemetery including expansion).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is September 10, 2021.
4. The date of approval of Permit No. 8548-3 is October 29, 2021.
5. One-fifth of the construction is to be completed on or before April 29, 2024.
6. All construction is to be completed on or before October 29, 2026.
7. Water is to be put to beneficial use on or before October 29, 2030.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

1/18/2022
date



SEP 10 2021

WATER RIGHTS
PROGRAMSubmitted
Karen Schlaak 8/31/2021

PAID

SEP 10 2021

Ck# 114382

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8548-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal</u> <u>Plainsman</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 8220-3
(Use predates Mar 2, 1955)

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

Reinstatement of water permit 8220-3.1. Name to Appear on Irrigation Permit City of Pierre

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 2301 Patron Parkway #1 Pierre SD 57501
(Address) (City) (State) (Zip Code)

Phone 605.773.7407 Mobile 605.280.2268 Email kristi.honeywell@ci.pierre.sd.us

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage no addl
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River

4. Location of point of diversion Point South of SD Hwy 34 bridge to SE City limit. NWSW S32 T111N R79W to
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

SESE S11 T110N R79W Pierre, SD County Hughes

5. County or counties where water will be used Hughes6. Annual period during which water is to be used April to November

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Griffin Park	25	Soccer Fields East Sully Avenue (PILC)	13
Marina Peninsula ; along E Sully Avenue	11.9	Riverside Cemetery and Expansion	53
Oahe Softball Complex, Dan Kelley, Arboreteum	35		
See attached for lot descriptions			

8. Give a description of the project. (Attach sheet if more space is needed)

This application seeks to reinstate application 8220-3. In addition the application seeks to clarify the potential points of diversion to be between locations on the Missouri River between SD Hwy 34 Bridge, Pierre, SD and the Southeast limit of city limit boundaries. Application seeks to clarify the lands to be irrigation. The permitted diversion rate of 1.57 cfs and 137.9 acres will not increase.

I, Kristi Honeywell Kristi Honeywell City Administrator, 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.

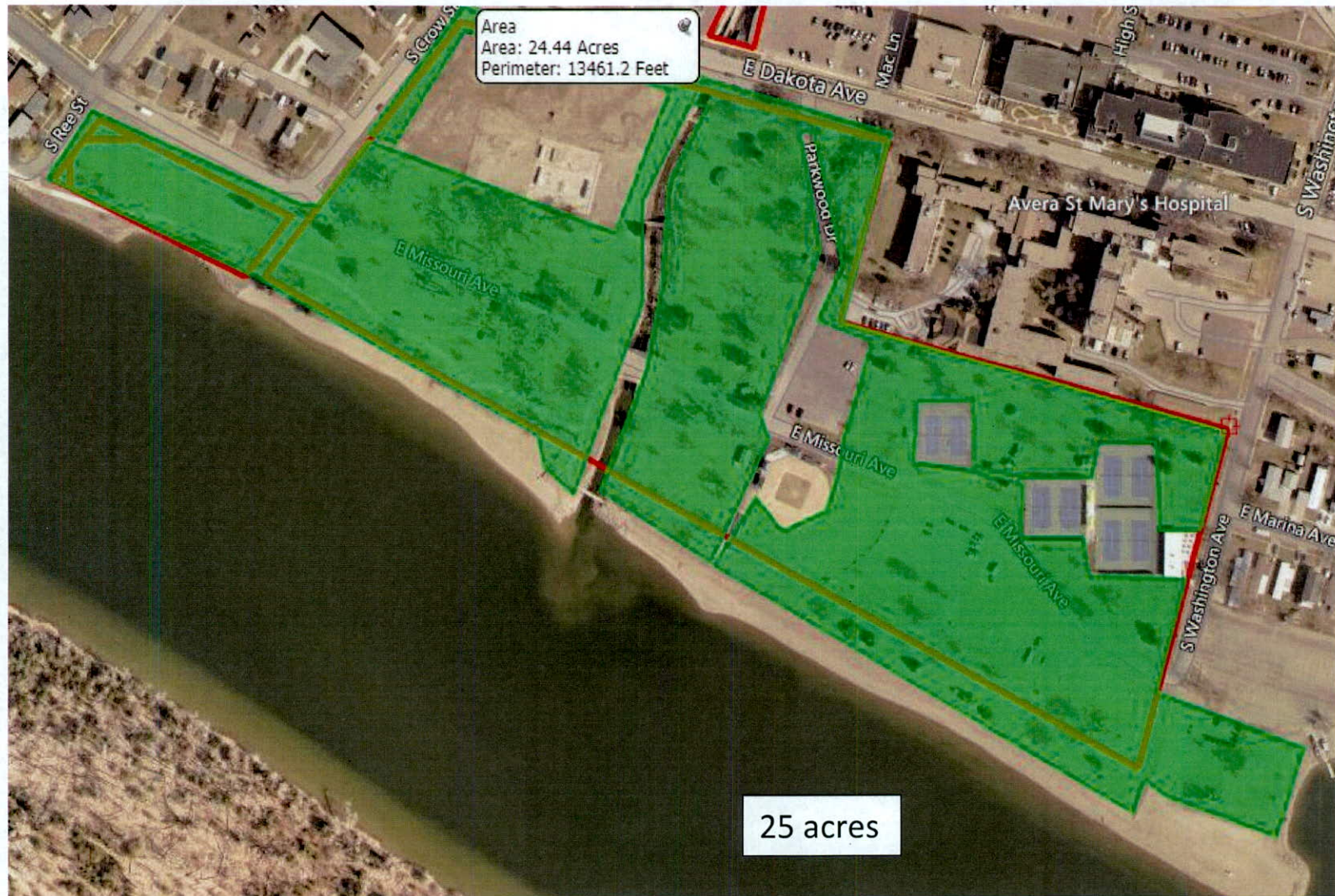
City of Pierre, SD

Permit for irrigating the following lands:

Location		Acreage
Lands in T110N R79W		
a) Griffin Park Area	Lot 1 Section 4, E ½ Section 5	25 acres
b) Marina Peninsula and City Property adjacent to East Sully Avenue	SW ¼ SE ¼ and Lot 3 Section 4	11.9 acres
c) Oahe Softball Complex, Dan Kelley Fields, and Arboretum	SE ¼ SW ¼ and Lot 1 Section 3; Lot 1 and 2 Section 10;	35 acres
d) Soccer Fields	S ½ SE ¼ Section 3	13 acres
e) Riverside Cemetery including Expansion	SW ¼ NW ¼ and NW ¼ SW ¼ Section 2; SE ¼ NE ¼ and NE ¼ SE ¼ Section 3; NW ¼ NW ¼ of Section 2; and SW ¼ SW ¼ of Section 35 T111N R79W	53 acres
Total		137.9 acres

a) Griffin Park

South of E Dakota Avenue from S Ree Street to Marina Entrance



b) Marina Peninsula and City Property adjacent to East Sully Avenue
South of E Sully Avenue from Peninsula entrance to South Polk Avenue



c) Oahe Softball Complex, Dan Kelley Field, and Arboretum

South of E Sully Avenue from S Taylor Avenue to Izaak Walton Road



d) Soccer Fields

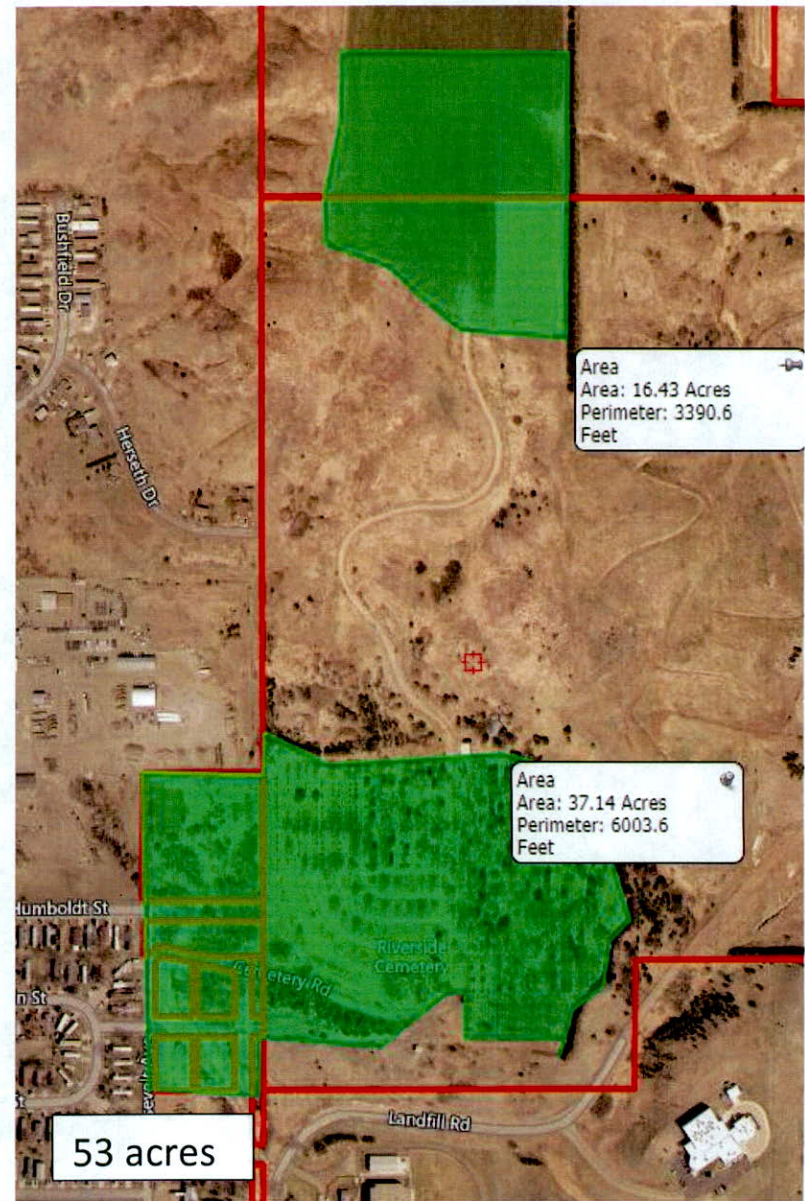
East Park Street to E Sully Avenue from S Garfield Avenue
to Pierre Indian Learning Center Parking Lot



e) Riverside Cemetery including expansion

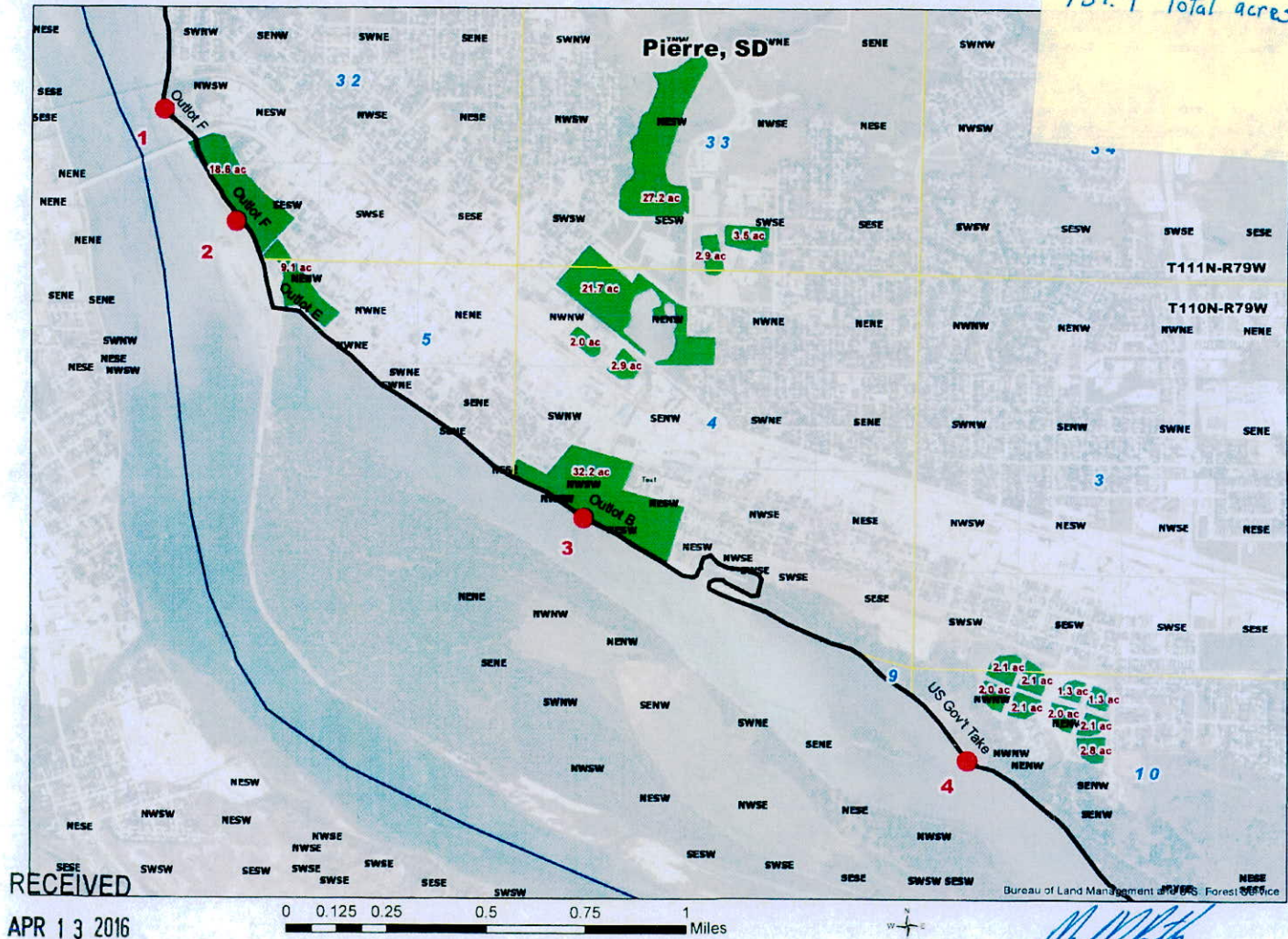
Existing cemetery: 400 S Roosevelt Avenue
South Roosevelt Avenue to Landfill Road
adjacent to Cemetery Road and North

Expansion: South of E Elizabeth Street and
West of Herseth Drive



map w/ 8220-3

137.9 total acres



RECEIVED

APR 13 2016

WATER RIGHTS
PROGRAM

Bureau of Land Management US Forest Service

Handwritten signature
4-14-2016

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 10, 2021

RECEIVED OF City of Pierre 2301 Patron Parkway #1 Pierre SD 57501

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

Fee for Application for Permit No. <u>8548-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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. _____	\$ _____
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>100.00</u>

By Eric Gronlund
Chief Engineer
me



**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. 8548-3, 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. 8548-3, City of Pierre, 2301 Patron Parkway #1, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8548-3 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. 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 12, 2021

REPORT ON WATER PERMIT APPLICATION NO. 8548-3
CITY OF PIERRETION DISTRICT
OCTOBER 5, 2021

Application No. 8548-3 seeks to reinstate Permit No. 8220-3. Permit No. 8220-3 was approved May 31, 2016 with a project completion date of May 31, 2021 with the water being put to beneficial use by May 31, 2025. Permit No. 8220-3 appropriates 1.57 cubic feet of water per second (cfs) from the Missouri River to irrigate 137.9 acres. However, the project was not completed. This application also serves to clarify the proposed pumping points from the Missouri River to between points in the NW ¼ SW ¼ Section 33-T111N-R79W to the SE ¼ SE ¼ Section 11-T110N-R79W. This application also clarifies that the acres to be irrigated are located in Lot 1 Section 4, E ½ Section 5 (Griffin Park) SW ¼ SE ¼, Lot 3 Section 4 (Marina Peninsula and city property adjacent to E Sully Ave), SE ¼ SW ¼, Lot 1 Section 3; Lot 1 and 2 Section 10 (Oahe Softball Complex, Dan Kelley Field and Arboretum), S ½ SE ¼ Section 3 (soccer fields), W ½ NW ¼, NW ¼ SW ¼ Section 2, SE ¼ NE ¼, NE ¼ SE ¼ Section 3; all in T110N-R79W and the SW ¼ SW ¼ of Section 35-T111N-R79W (Riverside Cemetery including expansion).

Review of the Proposed Project and Water Source

Application No. 8548-3 proposes to appropriate water from the natural flow of the Missouri River flowing through Lake Francis Case in the reach impounded behind the Fort Randall Dam. The US Army Corps of Engineers constructed Fort Randall Dam, impounding Lake Francis Case, in the 1940's and 1950's as a part of the Pick-Sloan project for the Missouri River. The six dams constructed under this project - Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point - are operated as a system providing storage and water releases for congressionally authorized purposes, including irrigation. Specifically, the Lake Francis Case reservoir can impound 5.3 million acre-feet (MAF) of water when full. Natural flow in the in-stream Missouri River reservoir system is considered the volume of water moving past a point along the river that is not augmented by artificial releases from reservoir storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in a reservoir 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 natural flow.

The flow hydrograph of the Missouri River, in South Dakota, has been altered in the past 60 to 70 years due to emplacement of the mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows to support the federally-authorized purposes of the Missouri River Mainstem System. The US Geological Survey (USGS) has made an estimation of natural flows on the Missouri River at Oahe Dam and Gavins Point Dam. (Jacobsen, 2001). Figure 2 is a hydrograph, developed from this study at Oahe Dam, displaying the daily 50th, 25th, and 10th percentile flows corresponding to drier climactic conditions. A percentile is a measure used in statistics to indicate the value at which a given percentage of entries in a dataset will be below that value. The Missouri River natural flow hydrograph shows two peaks for the three percentile levels. The first peak occurs in March-April and corresponds to melting snowpack and spring rains from the plains of Montana, Wyoming, North Dakota, and South Dakota. The second peak, in June, represents upstream summer thunderstorms and snowmelt run off from the mountains in Wyoming and Montana.

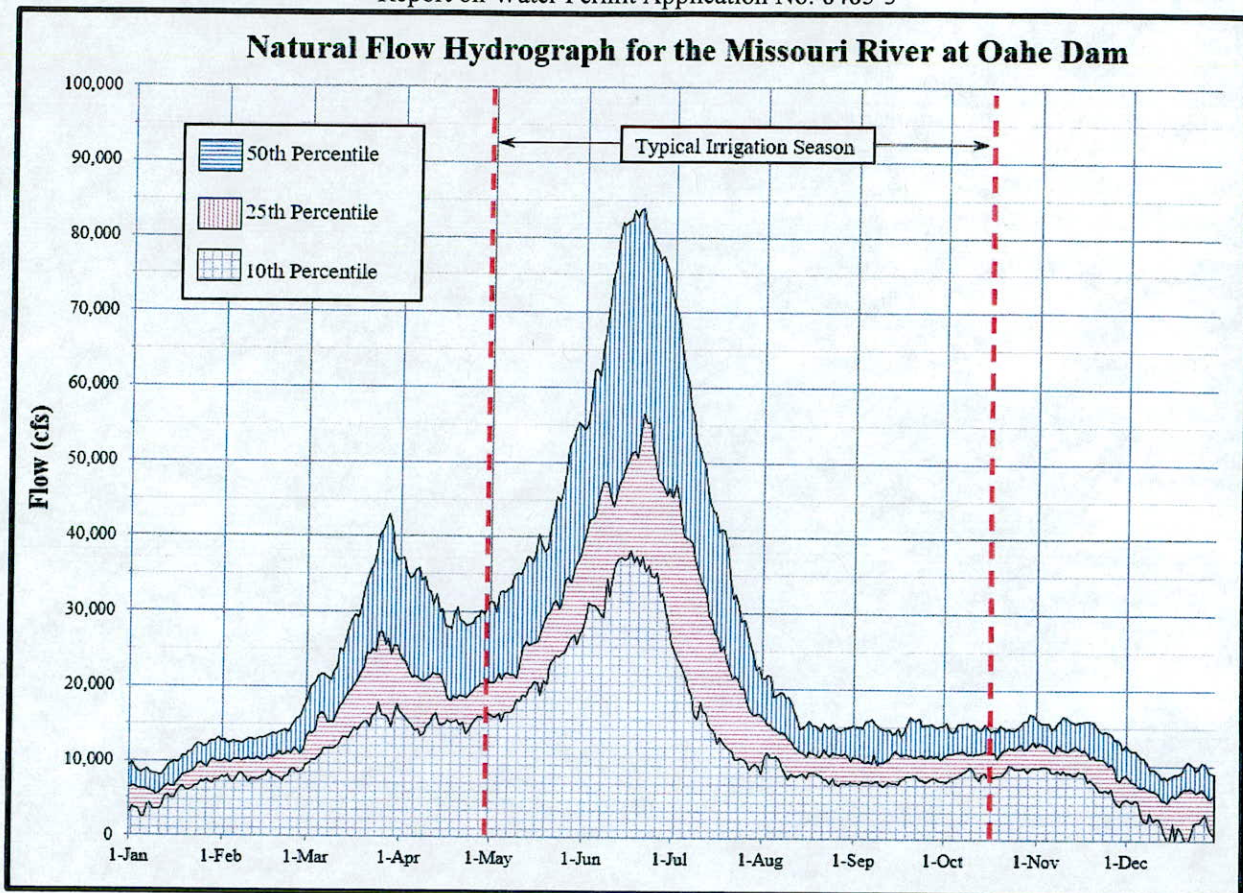


Figure 2. Natural Flow Hydrograph for the Missouri River at Oahe Dam (Jacobson, 2012).

Figure 3 is a hydrograph, developed for the Missouri River at Gavins Point Dam, displaying the daily 50th, 25th, and 10th percentile flows also corresponding to drier climactic conditions. The Missouri River natural flow hydrograph shows two peaks for the three percentile levels. The first peak occurs in March-April and corresponds to melting snowpack and springs rains from the plains of Montana, Wyoming, North Dakota, and South Dakota. The second peak, in June, represents upstream summer thunderstorms and snowmelt run off from the mountains in Wyoming and Montana.

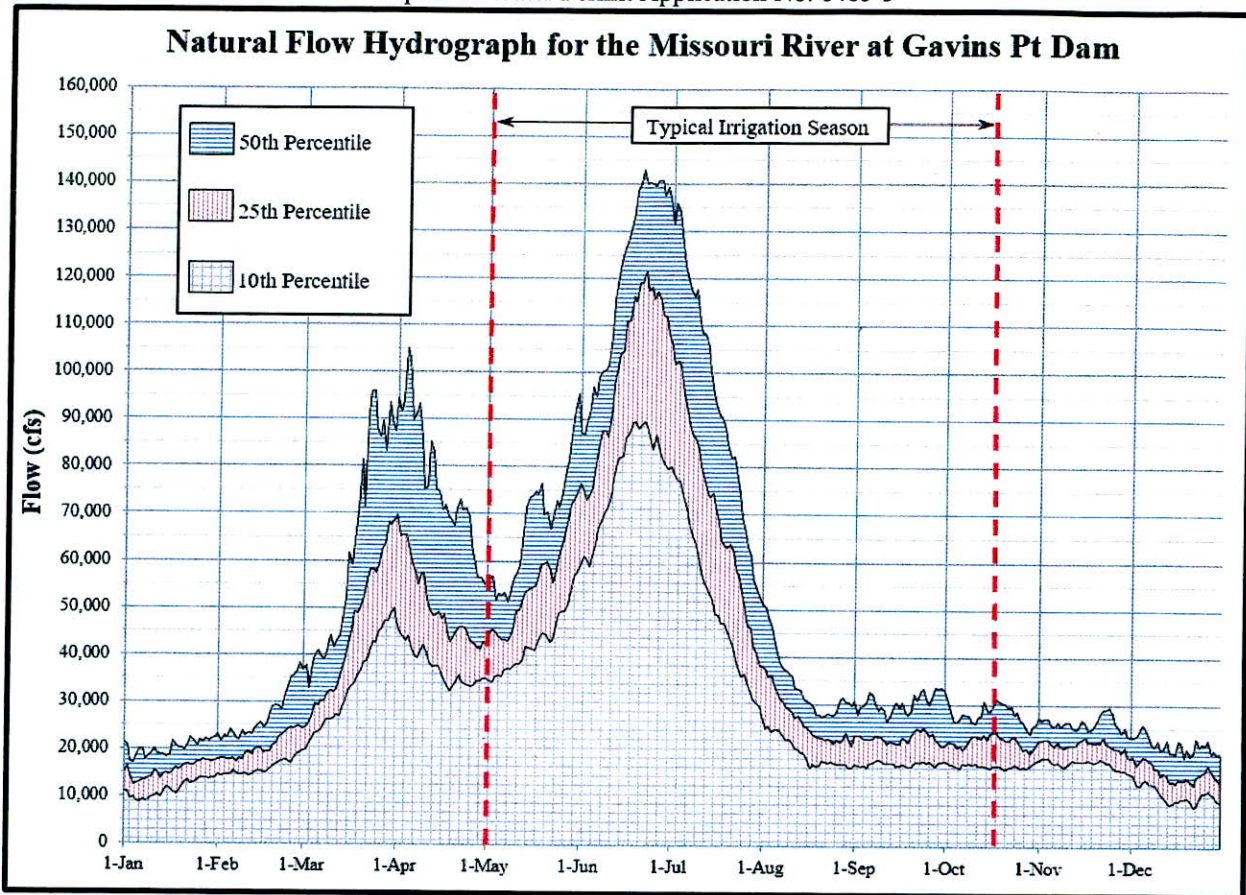


Figure 3. Natural Flow Hydrograph for the Missouri River at Gavins Point Dam (Jacobson, 2012).

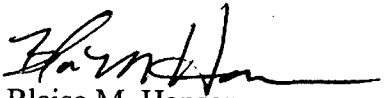
The daily flow values of the 10th percentile hydrograph, the during the irrigation season of April through November, indicate that over 10,000 cfs of water is available on average nine out of ten years. This indicates that there is natural flow available for this application, if approved, and the existing water appropriation. Water availability is not a concern when using the natural flows of the Missouri River as a source. Accessing water due to declining water levels during drier climatic conditions (reduced upstream basin runoff) can become an issue for this reach of the Missouri River.

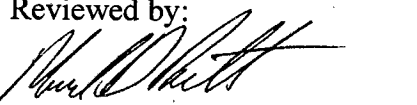
Review of Existing Water Rights and Current Appropriations

There are 256 existing water rights/permits appropriating approximately 1,269 cfs of water from the natural flows of the Missouri River in South Dakota (Water Rights, 2021). Since the hydrograph at Gavins Point Dam indicates in excess of 10,000 cfs is available on average nine out of ten years, approval of this permit will not adversely affect existing water rights.

Conclusions

1. Application No. 8548-3 seeks to reinstate Permit No. 8220-3. Permit No. 8220-3 appropriates 1.57 cubic feet of water per second (cfs) from the Missouri River to irrigate 137.9 acres. Permit No. 8220-3 was approved May 31, 2016 with a project completion date of May 31, 2021 with the water being put to beneficial use by May 31, 2025. However, the project was not completed.
2. This application also serves to clarify the proposed pumping points from the Missouri River to between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33-T111N-R79W to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11-T110N-R79W.
3. This application also clarifies that the acres to be irrigated are located in Lot 1 Section 4, E $\frac{1}{2}$ Section 5 (Griffin Park) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 3 Section 4 (Marina Peninsula and city property adjacent to E Sully Ave), SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 1 Section 3; Lot 1 and 2 Section 10 (Oahe Softball Complex, Dan Kelley Field and Arboretum), S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3 (soccer fields), W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; all in T110N-R79W and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35-T111N-R79W (Riverside Cemetery including expansion)
4. The water source for the proposed project is from the natural flow of the Missouri River.
5. Unappropriated water is available.
6. Existing water rights will not be unlawfully impaired.


Blaise M. Hansen
Natural Resources Engineer I

Reviewed by:

Mark D. Rath
Natural Resources Engineer III

References

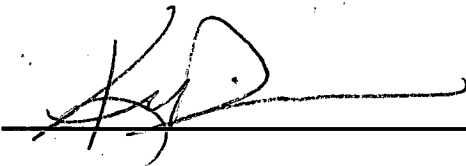
1. Jacobson. 2021. *Visualization of Flow Alternatives, Lower Missouri River*. US Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, US Geological Survey, Columbia, MO.
2. Water Rights. 2021. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Proof Of Publication

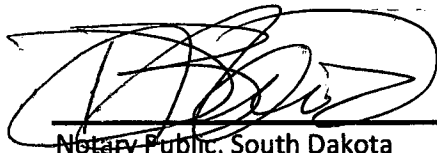
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 1051

I, Kim Davis, 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: CITY OF PIERRE- WATER RIGHTS, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on - 10/19/21. That the full amount of the fee charged for the publishing \$ 52.25 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.



Subscribed and sworn to me before this date 10/25/21.



Notary Public, South Dakota

My Term Expires 03/11/2022

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OCT 27 2021
WATER RIGHTS
PROGRAM

2000 - Legals

F. P. 10-19-21

NOTICE OF APPLICATION NO. 8548-3

to Reinstate Water Permit No. 8220-3

Notice is given that the City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Patron Parkway #1, Pierre SD 57501 has filed an application to reinstate Permit No. 8220-3 appropriates 1.57 cubic feet of water per second from the Missouri River to irrigate 137.9 acres. The permit was approved May 31, 2016, and the project was to be completed by May 31, 2021, with water being put to beneficial use by May 31, 2025. Application No. 8548-3 proposes to reinstate Permit No. 8220-3 since the project has not been completed. This application also serves to clarify the proposed pumping points from the Missouri River to be between points in the NW 1/4 SW 1/4 Section 32-T111N-R79W to the SE 1/4 SE 1/4 Section 11-T110N-R79W. The 137.9 acres to be irrigated are located in Lot 1 Section 4, E 1/2 Section 5 (Griffin Park) SW 1/4 SE 1/4, Lot 3 Section 4 (Maria Peninsula and city property adjacent to E Sully Ave), SE 1/4 SW 1/4, Lot 1 Section 3; Lot 1 and 2 Section 10 (Oahe Softball Complex, Dan Kelley Field and Arboretum), S 1/2 SE 1/4 Section 3 (soccer fields), W 1/2 NW 1/4, NW 1/4 SW 1/4 Section

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2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 3; all in T110N-R79W and the SW 1/4 SW 1/4 of Section 35-T111N-R79W (Riverside Cemetery including expansion).

Application No. 8548-3 to reinstate Permit No. 8220-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed with the five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8548-3 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

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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 October 29, 2021.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's

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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 October 29, 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.

No. 1051 (adv.)
Published one time at the total approximate cost of \$52.25.

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OCT 22 2021

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SSI, Marylin Bakercertify that the attached printed Notice was
takenfrom the Capital Journalprinted and published in PierreCounty of Hughes andstate of South Dakota. The notice was
published

in the newspaper on the following date:

10/19/21Cost of Printing \$59.83Marylin Baker
(Signature)Business Manager
(Title)10-20-21

(Date Signed)

OCTOBER 19, 2021

IEDS

Legal Notices	Legal Notices	Legal Notices
SNAXLP 18609 10/19/21 NOTICE OF APPLICATION NO. 8548-3 to Reinstatement Water Permit No. 8220-3 Notice is given that the City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Paton Parkway #1, Pierre SD 57501 has filed an application to reinstate Permit No. 8220-3. Permit No. 8220-3 appropriates 1.57 cubic foot of water per second from the Missouri River to irrigate 137.8 acres. The permit was approved May 31, 2016, and the project was to be completed by May 31, 2021, with water being put to beneficial use by May 31, 2025. Application No. 8548-3 proposes to reinstate Permit No. 8220-3 since the project has not been completed. This application also serves to clarify the proposed pumping points from the Missouri River to be between points in the NW 1/4 SW 1/4 Section 32-T111N-R78W to the SE 1/4 SE 1/4 Section 11-T110N-R78W. The 137.8 acres to be irrigated are located in Lot 1 Section 4, E 1/2 Section 5 (Griffin Park) SW 1/4 SE 1/4, Lot 3 Section 4 (Marin Peninsula and city property adjacent to E Sully Ave), SE 1/4 SW 1/4, Lot 1 Section 3, Lot 1 and 2 Section 1C (Oake Scitbell Complex, Dan Kelley Field and Arboretum), S 1/2 SE 1/4 Section 3 (soccer fields), W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 3, as in T110N-R78W and the SW 1/4 SW 1/4 of Section 35-T111N-R78W (Riverside Cemetery including expansion). Application No. 8548-3 to reinstate Permit No. 8220-3 is made pursuant to SDCL 46-2A-6.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction necessary to put water to beneficial use, is not completed within the five years of approval of the permit. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8548-3 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 Duvel 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, Post Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above, it containing 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 October 29, 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 October 20, 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. No-	Published once at the total approximate cost of \$59.83. SNAXLP 18707 10/19, 10/21 Notice to Property Owners In compliance with Pierre City Ordinance § 6-7-102, this serves as official notice to all property owners within the City of Pierre to remove all snow and ice on sidewalks within forty-eight (48) hours after the removal of any snow fall or ice accumulation pursuant to city ordinance § 6-7-101. Failure to do so may result in abatement, fines, penalties, and fees as established under Pierre City Ordinance § 6-7-106 and § 6-2-103. Published three times at the total approximate cost of \$10.78.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 12, 2021 9:14 AM
To: 'rcrandall@plainsman.com'
Subject: 8548-3, City of Pierre
Attachments: 8548-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 19, 2021.

The City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Patron Parkway #1, Pierre SD 57501 (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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 12, 2021 9:14 AM
To: 'legals@capjournal.com'
Subject: 8548-3, City of Pierre
Attachments: 8548-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 19, 2021.

The City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Patron Parkway #1, Pierre SD 57501 (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

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.**

October 12, 2021

City of Pierre
c/o Kristi Honeywell, City Administrator
2301 Patron Parkway #1
Pierre SD 57501

Dear Ms. Honeywell:

Water Permit Application No. 8548-3 to reinstate Water Permit No. 8220-3 has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capital Journal printed at Pierre (Ph # 224-7301) and the Plainsman printed at Huron (Ph # 353-7414). 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

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 October 19, 2021. The City of Pierre is responsible for payment.

NOTICE OF APPLICATION NO. 8548-3 to Reinstate Water Permit No. 8220-3

Notice is given that the City of Pierre, c/o Kristi Honeywell, City Administrator, 2301 Patron Parkway #1, Pierre SD 57501 has filed an application to reinstate Permit No. 8220-3. Permit No. 8220-3 appropriates 1.57 cubic feet of water per second from the Missouri River to irrigate 137.9 acres. The permit was approved May 31, 2016, and the project was to be completed by May 31, 2021, with water being put to beneficial use by May 31, 2025. Application No. 8548-3 proposes to reinstate Permit No. 8220-3 since the project has not been completed. This application also serves to clarify the proposed pumping points from the Missouri River to be between points in the NW 1/4 SW 1/4 Section 32-T111N-R79W to the SE 1/4 SE 1/4 Section 11-T110N-R79W. The 137.9 acres to be irrigated are located in Lot 1 Section 4, E 1/2 Section 5 (Griffin Park) SW 1/4 SE 1/4, Lot 3 Section 4 (Maria Peninsula and city property adjacent to E Sully Ave), SE 1/4 SW 1/4, Lot 1 Section 3; Lot 1 and 2 Section 10 (Oahe Softball Complex, Dan Kelley Field and Arboretum), S 1/2 SE 1/4 Section 3 (soccer fields), W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 3; all in T110N-R79W and the SW 1/4 SW 1/4 of Section 35-T111N-R79W (Riverside Cemetery including expansion).

Application No. 8548-3 to reinstate Permit No. 8220-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed with the five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8548-3 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 October 29, 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 October 29, 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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 18, 2022

City of Pierre
c/o Kristi Honeywell, City Administrator
2301 Patron Parkway #1
Pierre SD 57501

Dear Ms. Honeywell:

Enclosed is Water Permit No. 8548-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

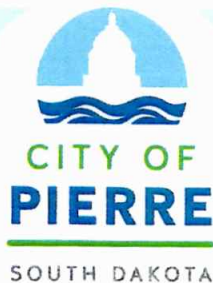
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the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



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APR 25 2022

WATER RIGHTS
PROGRAM

April 21, 2022

Russell Somsen
Natural Resource Specialist
Lake Oahe Project
US Army Corps of Engineers
28563 Powerhouse Road
Pierre, SD 57501

Via Email and Regular Mail

Re: City of Pierre – Application for Department of Army Permit

Dear Mr. Somsen:

I write this to you on behalf of the City of Pierre. As you are aware, the City of Pierre submitted an Application for Department of Army Permit on or about August 23, 2021. This application involved installation of an irrigation pump and screen in order to take water out of the Missouri River to irrigate Griffin Park.

The Corps of Engineers thereafter requested certain other additional information from the City of Pierre in order to consider their application. Among those items requested was execution of an Agreement between the Department of Army and City of Pierre for Temporary Withdrawal of Surplus Water from Missouri River along with execution of an Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property. The City of Pierre executed and returned those documents on or about January 5, 2022.

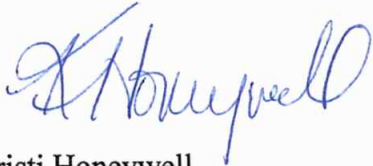
After further consideration, the City of Pierre has elected to withdraw its Application for Department of Army Permit as referenced above. The City has also elected to give notice of its intent to not only terminate the Agreement between the Department of Army and City of Pierre for Temporary Withdrawal of Surplus Water but also to withdraw its Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property. Hence, we intend this letter to serve as formal notice of the same as per Article 14 of the Agreement.

2301 Patron Parkway, Suite 1, Pierre, SD 57501
Phone: 773.7407 • Fax: 773.7406

CITYOFPIERRE.ORG

It is the City's perspective that these waters are free flowing waters of the state and not surplus waters.. Due to this, as well as a number of factors related to the irrigation project itself, we are hereby withdrawing our application at this time to take waters from the Missouri River for the purpose of irrigating Griffin Park.

Sincerely,



Kristi Honeywell
City Administrator
City of Pierre

cc: John Childs

Jeanne Goodman