

Instruction to Newspaper-Publish the following Notice on April 10, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 5522-3 and 5523-3 held by the City of Sioux Falls, c/o Greg Anderson, Water Superintendent, 2100 N Minnesota Ave, Sioux Falls SD 57104 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 5522-3 was approved in 1991 from groundwater (Middle Skunk Creek Aquifer) located within Section 2-T102N-R51W; E 1/2, SW 1/4 Section 35; Section 36; E 1/2, SW 1/4 Section 25; SE 1/4 Section 26; E 1/2 Section 24; all in T103N-R51W; Sections 30, 19, 18, 7, 6, SW 1/4 Section 8; NW 1/4 Section 5; all in T103N-R50W; E 1/2, SW 1/4 Section 31; W 1/2 Section 32; Sections 29, 20, W 1/2 Section 21; E 1/2 Section 17; W 1/2 Section 16; E 1/2 SW 1/4 Section 9; NW 1/4 Section 10; W 1/2 Section 3; E 1/2 Section 4; all in T104N-R50W. A review of the water permits indicates 183 acre-feet of water currently remains in reserve by Permit No. 5522-3.

Permit No. 5523-3 was approved in 1991 from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer) located within the SW 1/4 Section 5; Sections 6, 7, 8, 18; all in T103N-R49W and the E 1/2 Section 31; Section 32; all in T104N-R49W. A review of the water permits indicates 4,050 acre-feet of water currently remains in reserve by Permit No. 5523-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5522-3 and 5523-3 REMAIN in EFFECT for 183 acre-feet annually and 4,050 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5522-3 and 5523-3 at 9:00 am, May 2, 2013, at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

(continued)

The hearing to review Future Use Permit Nos. 5522-3 and 5523-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on this permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 22, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by April 22, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published once at the approximate cost of \_\_\_\_\_.