



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

March 16, 2016

**NOTICE OF HEARING**

TO: Chad Anderson  
47866 244<sup>th</sup> Street  
Dell Rapids SD 57022

Diane Best, Public Works Legal Advisor  
City of Sioux Falls  
PO Box 7402  
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer  
Water Rights Program 

SUBJECT: Notice of Hearing on Water Permit Application No. 8195-3, Chad Anderson

The city of Sioux Falls submitted a petition regarding the Chief Engineer's recommendation regarding Water Permit Application No. 8195-3. This was in response to the Notice of Application published in the Moody County Enterprise and Argus Leader. This notice schedules a hearing on Application No. 8195-3 before the South Dakota Water Management Board.

Water Permit Application No. 8195-3 proposes to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8195-3 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 Water Management Board will consider Application No. 8195-3 at 10:30 AM (Central Daylight Time) on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications after it reaches a conclusion based on the facts presented at the public hearing.

The May 5, 2016, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by April 25, 2016. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavits of publication and petition in the matter of Water Permit Application No. 8195-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is March 28, 2016. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46; and Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or [eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us).

enclosures

c: Ann Mines-Bailey, Assistant Attorney General



REPORT ON WATER PERMIT APPLICATION NO. 8195-3  
CHAD ANDERSON  
FEBRUARY 9, 2016

Application No. 8195-3, Chad Anderson, proposes to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W. The water will be used for irrigation purposes. The proposed project is located approximately 10 miles southwest of Flandreau in Moody County.

Review of Existing Water Rights

There are 59 existing water rights/permits appropriating 159.81 cfs from the Big Sioux River from its headwaters to the confluence with the Missouri River in Union County. In addition, there are two water rights from the river appropriating 2000 cfs of flood flows only to maintain lake levels in Lake Poinsett and Dry Lake in Hamlin County. Downstream from this proposed project to the eastern edge of Sioux Falls there are 17 existing water rights/permits appropriating 103 cfs. The Big Sioux River downstream from Sioux Falls generally receives sufficient flow from tributary inflows and effluent discharge from the Sioux Falls waste water treatment plant to meet the needs of the water permit/right holders. The City of Sioux Falls also holds Future Use Permit Nos. 3981-3 and 3981A-3 for a total of 30,000 acre-feet of Big Sioux River water held in reserve for future development (Water Rights, 2016).

Review of the Proposed Water Source

The applicant proposes to pump water for irrigation from the Big Sioux River during the period May through September. The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or "potholes," and are commonly referred to as the "Prairie Pothole Region" (Hoogestrat and Stamm, 2015).

The USGS maintains several long term stream gaging stations on the Big Sioux River between the headwaters and the confluence with the Missouri River. Two of these gaging stations are located in this river reach immediately upstream and downstream of the proposed project (USGS, 2016). The gaging station located approximately 36 miles upstream having a 63 year period of record is the USGS Gaging Station No. 06480000 Big Sioux River near Brookings SD, Figure 1.

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	2	1	12	70	44	31	17	8	5	9	12	4
25%	5	5	50	137	113	85	48	24	18	19	23	12
50%	16	17	191	387	310	261	144	67	52	63	56	37
75%	53	90	587	1211	815	815	453	257	165	168	179	113
90%	143	221	1685	2768	1767	1714	1064	735	480	442	363	208

Figure 1. USGS Gaging Station No. 06480000 Big Sioux River near Brookings SD. Flow in cubic feet per second. Period of Record - 1953 to 2016.

As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains snowpack melt and runoff from larger rain events. Runoff tends to decrease in the late summer months going in to fall and winter. At the 50th percentile, monthly flow values range from 310 cfs in May to 52 cfs in September.

The most recent water permit issued from the Big Sioux River in this reach is Water Permit No. 7110-3. This water permit is located immediately upstream from this proposed project. This permit was issued with the following qualifications to protect existing water rights, including City of Sioux Fall's future use permits.

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
- The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 7110-3 will be subject to these prior rights and an increased by-pass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
- The Water Management Board retains jurisdiction of Permit no 7110-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.

The second nearby stream gaging station is the USGS Gaging Station No. 06481000 Big Sioux River near Dell Rapids located approximately 16 miles downstream and has a 68 year period of record, Figure 2.

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	5	4	29	108	70	46	30	16	12	14	18	11
25%	11	12	83	197	176	133	73	41	32	33	36	21
50%	25	29	291	569	454	391	233	110	82	88	79	54
75%	86	131	857	1696	1095	981	636	352	232	216	246	146
90%	174	319	2041	4296	2153	2106	1383	901	553	525	480	307

Figure 2. USGS Gaging Station No. 06481000 Big Sioux River near Dell Rapids SD. Flow in cubic feet per second. Period of Record - 1948 to 2016.

If this application is approved, with similar qualifications as No. 7110-3, including requiring a 43 cfs bypass at the Dell Rapid gaging station, there should be sufficient water available to satisfy this permit the majority of the time. At the 25th percentile level, even if a 43 cfs by pass is required, the data indicates water should be available during the irrigation season from May into August before the cutoff limit is reached. During drier climatic conditions, particularly during the latter part of the irrigation season, the applicant may not be able to pump due to low flows in the river.

If at a future date the City of Sioux Falls develops water appropriations under their future use permits, or if a review of water availability increases due to increased runoff or a decrease in the use of water by existing rights, the bypass qualification may need to be amended by the Water Management Board.

### Conclusions

1. This application proposes to appropriate 1.33 cubic feet of water per second (cfs) from the Big Sioux River for irrigation of 120 acres.
2. If this application is approved it should contain the following qualifications:
  - Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
  - The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 8195-3 will be subject to these prior rights and an increased by-pass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
  - The Water Management Board retains jurisdiction of Permit No 8195-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.
3. If this application is approved with the proposed qualifications there should be sufficient water available to satisfy this permit the majority of the time. Although during drier climatic conditions, particularly during the later summer months, the applicant may not be able to pump due to low flows in the river.

4. If at a future date the City of Sioux Falls develops water appropriations under their future use permits, or if a review of water availability increases due to increased runoff or a decrease in the use of water by existing rights, the bypass qualification may need to be amended by the Water Management Board.



Mark D. Rath  
Natural Resources Engineer III

#### References

- Hoogestraat, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945-2013. USGS Scientific Investigations Report 2015-5146.
- USGS. 2016. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
- Water Rights. 2016. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



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. 8195-3, Chad Anderson

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. 8195-3, Chad Anderson, 47866 244<sup>th</sup> Street, Dell Rapids SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 8195-3 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 qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior rights must be bypassed. This permit does not authorize diversion of water from the Big Sioux River unless at least 43 cfs is flowing when pumping at the Dell Rapids USGS gaging station No. 06481000, or unless written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders by the Chief Engineer.
2. The City of Sioux Falls has senior priority rights to Big Sioux River flows under Future Use Permit Nos. 3981-3 and 3981A-3. Future diversion under Permit No 8195-3 will be subject to these prior rights and an increased by-pass may be required if and when the City of Sioux Falls develops the water reserved by Future Use Permit Nos. 3981-3 and 3981A-3.
3. The Water Management Board retains jurisdiction of Permit no 8195-3 in the event that the City of Sioux Falls develops the water reserved by their future use permit or additional information shows that a change needs to be made in the by-pass requirement.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

  
Jeanne Goodman, Chief Engineer  
February 23, 2016

# City of Sioux Falls



CITY OF SIOUX FALLS  
PUBLIC WORKS

Providing a Better Quality of Life for You!

#### Administration

224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8600 F: 367-8114

#### Engineering/Real Estate

224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8601 F: 367-4310

#### Environmental

1203 North Western Avenue  
Sioux Falls, SD 57104-1201  
T: 605-367-8276 F: 367-4886

#### Fleet Management

1000 East Chambers Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8240 F: 367-8239

#### GIS

132 North Dakota Avenue  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8651 F: 367-8113

#### Household Hazardous Waste Facility/Sustainability

1015 East Chambers Street  
Sioux Falls, SD 57104-7200  
T: 605-367-8695 F: 367-4993

#### Landfill

224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8162 F: 367-8167

#### Light

2000 North Minnesota Avenue  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-373-6979 F: 373-6974

#### Street

1000 East Chambers Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8255 F: 367-8200

#### Utility Billing

1201 North Western Avenue  
P.O. Box 7401  
Sioux Falls, SD 57117-7401  
T: 605-367-8131 F: 367-7341

#### Utility Maintenance

668 West Algonquin Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-367-8810 F: 367-7883

#### Water Purification

2100 North Minnesota Avenue  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
T: 605-373-6940 F: 373-6941

#### Water Reclamation

4500 North Sycamore Avenue  
Sioux Falls, SD 57104-9612  
T: 605-367-8188 F: 367-8484

March 10, 2016

Jeanne Goodman, Chief Engineer  
Water Rights Program

Foss Building  
523 E. Capitol  
Pierre, SD 57501

Dear Jeanne:

The City of Sioux Falls is submitting comments responding to the Chief Engineer's recommendation regarding Water Permit Application 8195-3 to appropriate water for irrigation by Mr. Chad Anderson of Dell Rapids, SD. We are asking the Water Rights Board to consider changing the minimum flow requirements needed at the Dell Rapids USGS gaging station No. 06481000 to protect the diversion capacity of existing senior surface water rights of the Big Sioux River held by the City. We have concern the recommended required minimum bypass flow rate of 43cfs as measured at the Dell Rapids USGS gaging station will limit water withdrawal rates that will be needed by the City during low river flows or drought conditions. The City will most likely utilize the Big Sioux River source to its fullest extent preserving the ground water resources during extended dry weather or drought conditions.

The City of Sioux Falls currently holds the following senior water rights:

5431-3: 17.8 cubic feet per second (cfs) & 6,360 acre feet

5512-3: 1.23 cubic feet per second (cfs) & 200 acre feet

6210-3: 69.6 cubic feet per second (cfs) & 20,000 acre feet

Note: The existing water rights listed above require a bypass flow rate of 20cfs at the Cliff Avenue USGS gaging station No. 06482020.

If the City wishes to utilize the full potential of the existing 88.63 cfs from the three senior water rights there must be a minimum of 108.63 bypassing the Dell Rapids gaging station.

The City of Sioux Falls would like the Water Rights Board to please consider raising the minimum bypass of Water Right 8195-3 at the Dell Rapids gaging station to protect the most senior water rights held by the City of Sioux Falls. If you have any questions, please contact me at (605) 373-6940.

This is a petition to intervene. Please send a copy of all correspondence to:

Diane Best  
Public Works Legal Advisor  
City of Sioux Falls  
P.O. Box 7402  
Sioux Falls, SD 57117-4-7402

Please inform us of the hearing date. In the meantime, if we can accommodate for a larger bypass at the Dell Rapids gaging station we would entertain withdrawing our intervention on this application.

Sincerely,

Greg Anderson  
Water Superintendent  
Sioux Falls Water Division

Cc: Chad Anderson

RECEIVED

MAR 14 2016

WATER RIGHTS  
PROGRAM

**Affidavit of Publication**

RECEIVED

MAR 07 2016

WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA  
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application  
No. 8195-3 to  
Appropriate Water

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

March 2, 2016

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 25<sup>30</sup>

M. Headrick bookkeeper  
Subscribed and sworn to before me this

2<sup>nd</sup> day of March AD 2016

Roger W. Janssen  
Notary Public, County Moody, South Dakota

ROGER W. JANSSEN  
NOTARY PUBLIC  
SOUTH DAKOTA  
My commission expires: 2/21/18

**NOTICE OF APPLICATION NO. 8195-3 to Appropriate Water**

Notice is given that Chad Anderson, 47880 244th St, Dell Rapids SD 57022 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T105N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8195-3 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 Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 14, 2016.

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

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

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

Published once at the total approximate cost of \$25

CUSTOMER NUMBER:	078200	<b>Argus Leader</b>	
AD ORDER NUMBER:	1084881	P.O. Box 677349, Dallas, TX 75267-7349	
	3/2, 2016		\$65.36

Water Rights Program  
 Attn: Karen Schlaak  
 523 E Capitol Ave  
 Pierre, SD 57501

**RECEIVED**  
**MAR 04 2016**  
**WATER RIGHTS PROGRAM**

NOTICE OF APPLICATION NO. 8195-3 To Appropriate Water  
 Notice is given that Chad Anderson, 47880 244th St, Dell Rapids SD 57022 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from the Big Sioux River located in the SE 1/4 NE 1/4 Section 11 for irrigation of 120 acres located in the NE 1/4 Section 11; all in T10SN-R49W.

Pursuant to SDCL 46-2A-1 the Chief Engineer recommends APPROVAL of Application No. 8195-3 with the following conditions: 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 Eric Gronlund for this information, or other information, of 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 March 14, 2016.

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

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

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

Published once at the total approximate cost of \$65.36, approximately Mar. 2, 2016 1084881

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON

**AFFIDAVIT OF PUBLICATION**

Customer Number: 078200  
 Invoice Number: 1084881

**Argus Leader**  
**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA  
 COUNTY OF MINNEHAHA } ss

Shelley Rasmussen being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday the 2 day of March 2016,  
 \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
 \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 2016  
 \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
 \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 2016,

and that \$65.36 was charged for publishing the same including a \$10.00 affidavit fee.

*Shelley Rasmussen*  
 Subscribed and sworn to before me 3/2/2016

*Betty Gates*  
 Notary Public, South Dakota

My Commission expires March 11, 2016

