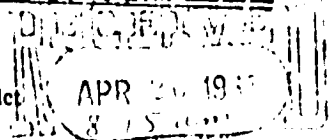


1402-3

1. Considered July 19, 1967
2. Name of Applicant Rudahl Const. Co.
3. Post Office Address Watertown
4. Amount of water claimed 1.0
5. Source of water supply Willow Creek & Ground water
6. Water to be used for Gravel washing
 Acres to be irrigated Cadizton
7. Water to diverted and used in Cadizton County
 about 2 E miles of Watertown.
8. Proof of Publication
 Received _____
 Not Received _____
9. Application
 Approved Sept 21, 1967
 Subject to _____
 Not Approved _____
 Action deferred ✓ inspection
10. Remarks:

No. 1402-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ~~Grindahl Construction Co., Inc.~~ F. J. McLaughlin Co.
Postoffice address WATERTOWN, County 13 CODINGTON, State S.D. DAKOTA.

I. If a corporation

- (a) Name of same GRINDAHL CONSTRUCTION CO., INC.
(b) Date and place of incorporation APRIL 14, 1964 KINGSBURY COUNTY
(c) Amount of capital stock \$ 100,000.00
(d) Amount paid in \$ 100,000.00
(e) Names and addresses of directors
Kenneth Odland Marshall, Minn.
H. L. Schulz " "
D. E. Bailey " "
John V. McLaughlin " "

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
DIRECT LABOR
(b) Cash on hand, \$ 16,594.00 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____
2. Name of diversion work DAM AND OPEN PIT WELL
3. Amount of water claimed 1 cubic feet per second 450 G.P.W.
4. Source of water supply Open pit well N 35° E a distance of 770' from west 1/4 Corner.
5. Location of point of diversion Willow Creek S 77° E a distance of
200' from West 1/4 Corner. on North bank Codington County.
6. Annual period or periods during which water is to be used April 1 - - Nov. 30.
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- no

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use For Washon Mined Gravel

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream See remarks on back of application

MAP # 1012-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$11,000.00

(c) Fluzzing, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures Dam \$100.00

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dam and Well

II. Dimensions of works.

(a) Dam: Height 5 feet; length at bottom 25 feet; length at top 75 feet; thickness at bottom 22 feet; thickness at top 12 feet; slope at front water face 1 to 1; slope at back face 1 to 1 material used in construction Oversize rock and dirt

(b) Reservoir: Capacity when filled 7.04 acre feet. Surface area at highwater mark 3.68 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY
0	3.68		
1	2.57		3.12
2	1.62		2.09
3	1.03		1.32
4	0		.51

(c)* Head gate: Width feet; height feet; Material:

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made)

10. Time required for completion of work 3 years.

11. Time required for complete application of water to the proposed beneficial use 1 year..

12. Choice of newspaper for publication of notice of intention to appropriate Watertown Public Opinion

STATE OF ~~SOUTH DAKOTA~~ ^{MONTANA}

County of ~~Carter~~ ^{Liberty} } ss.

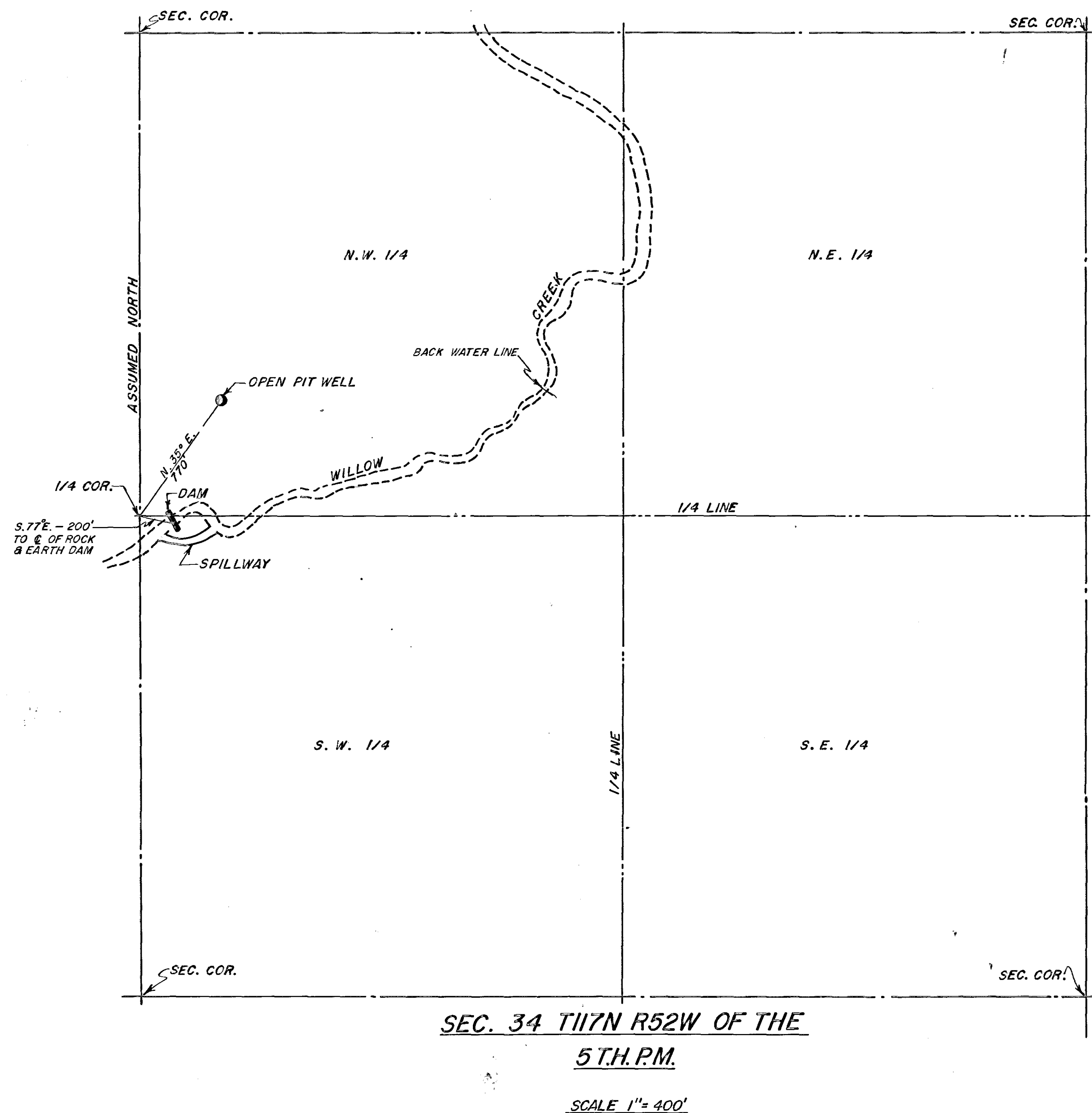
I, JOHN V. McLAUGHLIN, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed John V. McLaughlin

Subscribed and sworn to before me this 24 day of April 1967

Donald E. Thomas
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYORS CERTIFICATION

I, JOHN O. BABCOCK, A REG. PROF. ENG. & LAND SURVEYOR OF WATERTOWN, S. DAK. DO HEREBY CERTIFY THAT AT THE INSTANCE & REQUEST OF THE RINDAHL CONSTRUCTION CO. INC., LESSEE, OF THE N.W. 1/4 OF SEC. 34 T117N R52W OF THE 5TH. P.M., I DID ON OR PRIOR TO THE 7TH. DAY OF APRIL 1967, LOCATE BY COURSE & DISTANCE FROM THE WEST 1/4 CORNER OF SAID SECTION, THE OPEN PIT WELL & DAM SITES FOR A GRAVEL WASHING OPERATION.

I HEREBY CERTIFY THAT THE ADJOINING PLAT SHOWS THE LOCATIONS OF THE OPEN PIT WELL & DAM SITE AS SURVEYED BY ME.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND & SEAL THIS 7TH. DAY OF APRIL 1967

John O. Babcock
REG. PROF. ENG. & LAND SURVEYOR

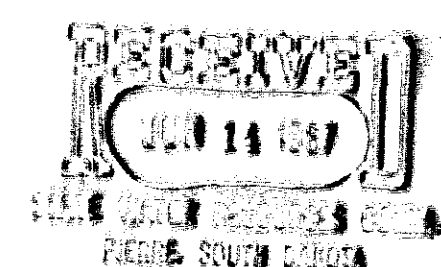
STATE OF SOUTH DAKOTA } S.S.
COUNTY OF CODINGTON }

ON THIS 7TH. DAY OF APRIL 1967, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOHN O. BABCOCK, A DULY REG. PROF. ENG. & LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME IN THE CAPACITY THEREIN STATED AND FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL

Harold Blum
NOTARY PUBLIC

MY COMMISSION EXPIRES MARCH 7, 1974



WATER RIGHTS APPLICATION MAP FOR:

RINDAHL CONSTRUCTION CO. INC.

N.W. 1/4 OF SEC. 34 T117N R52W OF THE 5TH. P.M., CODINGTON CO., S. DAK.

PREPARED BY JOHN O. BABCOCK, REG. PROF. ENG. & LAND SURVEYOR
WATERTOWN, S. DAK.

MAP# 1012-3 Appl# 1402-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 25, 1967

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
A.m. upon the 26th day of April, 1967.

State Water Resources Commission

By: Richard D Schmaier
For Chief Engineer, Executive Officer

Number of permit 1402-3

Date of first receipt of application April 26, 1967

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 26, 1967

Approved September 20, 1967, Recorded in Book 10 Page 2

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 20, 1969

2nd. The whole of said work is to be completed on or before September 20, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 20, 1971

4th. The water appropriated shall be used for the purpose of gravel washing operations

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary ~~for the production of crops in the exercise of the best husbandry and when said appropriation must be limited to not more than one-twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water is actually~~

used for gravel washing purposes
and beneficially applied for irrigation on or before September 20, 1971; said water to be used during the following described annual period:

April 1st through November 30th
Witness my hand this 25th day of September, 1967.

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 19, 1973

Water License Issued JUNE 19, 1973

Remarks by the Applicant:

I intend to pump water for my gravel washing operation from Willow Creek until enough gravel is mined to make an open pit from which I can pump an adequate water supply. The location of the open pit diversion is shown on the map. In my estimation it will be three years before I start pumping from the open pit.

The waste water from the washing operation will be run through a settling basin and discharged into Willow Creek approximately 400' East of the dam site.

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Gravel Pit, Depth 30'
Type of casing, None
(wood, concrete, steel, etc.)
Size of casing _____, Thickness of casing _____
Length of casing _____. If collection gallery, length, size and depth of
gallery _____

(b) Screens

Type of perforated screen None
Size of perforated screen _____ (diameter) _____ (length)
Thickness of gravel pack _____, length of gravel pack _____

(c) Water Bearing Materials

Distance to water 15' Character of water bearing materials Top Soil
Sand and Gravel

Thickness of water bearing material 15'

(d) Pump and Motor

Type of pump Centrifugal
(centrifugal, propeller, mixed flow, etc.)
Name of pump Jaeger #284788, size 450 G.P.M.
Kind of motor Gasoline
(gasoline, electric, diesel, etc.)
Horsepower 40 Name of Motor Continental

(e) Complete well

Capacity undetermined at drawdown of undetermined. Estimated cost \$2.00

(f) Owner of land upon which well is located Victor and Alta McBride
Name
Watertown, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 133 rods. On property owned by others 173 rods

Form 15.

Permit No. 1402-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That F. J. McLaughlin Company

_____ the holder _____ of
Permit No. 1402-3, issued upon Application No. 1402-3, bearing date of priority of April 26, 1967
_____ authorizing the diversion of 1.0 cu. ft. per second of the waters of _____
Willow Creek & ground water County of Codington, State of South Dakota at _____
a dam, South 77° East, 200 ft. and pit - North 35° East, 770 feet,
both from the W $\frac{1}{2}$ Corner, Section 34, T117N, R52W
_____, for gravel washing

_____ has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.0 cu. ft. per second of water.

Date June 19, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1402-3

(1) WHEREAS, On the 26th day of April, A. D. 19 67
Kindahl Construction Company

made Water Right Application No. 1402-3 for a permit to use 1.0 cubic feet per second of the waters of Willow Creek and ground water

County of Codington State of South Dakota, for gravel washing

purpose; and
(2) WHEREAS, On the 25th day of September, A. D. 19 67
Permit No. 1402-3, with a date of priority of April 26, 1967

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of September, A. D. 19 70 and for the application to beneficial use of said water on or before the 20th day of September, A. D. 19 71,

and, Whereas on the 15th day of June, 1973, the permit was transferred to
F. J. McLaughlin Company,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

water is used for a gravel washing operation

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to F. J. McLaughlin Company

_____ of Watertown, S.D.

the holder _____ and owner _____ of said permit No. 1402-3 a water right, dating from April 26, 1967

_____ to use of 1.0 cubic feet per second of the waters of Willow Creek and ground water

in the County of Codington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a dam, South 77° East, 200 ft. and pit -

North 35° East, 770 feet, both from the W¹ Corner, Section 34, T117N, R52W

and ~~xxxxxxxxxxxx~~ conducted to the gravel washing plant

for the purpose of gravel washing

Subject to any limitations listed in Water Right Permit No. 1402-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of June A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

On or before June 27
(First Publication June 27, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., June 16, 1967

Notice is hereby given that the Rindahl Construction Company whose postoffice address is Watertown S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from the Willow Creek and ground water through the Rindahl Construction Co., fl the point of diversion of which is to be located on the right in the SW 1/4 NW 1/4 Section 36 and from ground water bank of said stream/in the SW 1/4 of the NW 1/4 of Section 36 Twp. 117N Range 52W. Said water to be used for the purpose of providing water for the gravel washing operations.

purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1967, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~State Engineer, Pierre, S. Dak.~~
RICHARD D. ECHLOYER
Water Right Specialist

CC: Fenneth B. Way, Publisher
Public Opinion
Watertown, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Codington } ss.

Kenneth B. Way being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Watertown Public Opinion a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the city of Watertown County of Codington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 21st, 1967

June 28th, 1967

July 5th, 1967

July 12th, 1967

in each and every issue of the full number thereof, the first publication being made on the 21st day of June 19 67 and the last publication on the 12th day of July 19 67, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 12th day of July A. D. 19 67

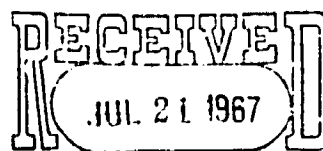
Notary Public Codington County, S. D.

Notary Public, State of S. D.
My Commission expires October 5, 1969

LEGAL NOTICE

No. 1402-3
APPROPRIATION OF WATER
Office of State Water Resources
Commission,
Pierre, S. Dak., June 16, 1967
Notice is hereby given that the Rindahl Construction Company whose post-office address is Watertown, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from Willow Creek and ground water through the Rindahl Construction Co., Inc., the points of diversion of which are to be located on the right bank of said stream in the SW 1/4 NW 1/4 Section 34 and from ground water in the SW 1/4 of the NW 1/4 of Section 34 Twp. 117N Range 52W. Said water to be used for gravel washing operations.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration up to the 15th day of July, 1967, at 2 P.M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: RICHARD D. SCHMOYER
Water Right Specialist
(June 21, 28; July 5, 12, 1967)

3" @ .75 x 4 = 21.00



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

APPLICATION

E-3131R/150/7-65

FOR PERMIT TO DISCHARGE WASTE

Date _____

To: South Dakota Public Health Advisory Committee

(Official Name of Agency Making Application)

In compliance with

Public Health Advisory Committee, South Dakota, Department of Health, Regulations Part 16, Chapter 2 "Requirements of a Permit for the Discharge of Wastes," adopted pursuant to the provision of SDC 1900 Supp. 27.0109 as amended and SDC 1900 Supp. 65.0136 as amended, does hereby make application for permission to discharge the following type of wastes:

Waste water from a gravel washing operation

The treatment proposed consists of the following:

The treatment plant will be located in Section _____ Township _____ Range _____

and will discharge treated wastes into Mill Creek

(Receiving Water)

The Engineering firm in charge of the design and supervision of construction of said sewer system and treatment plant is: Settling basin

Name

Street _____

City _____ State _____

Signed: _____

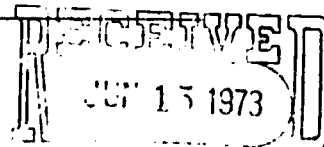
(Title)

Attest: _____

(SEE INSTRUCTIONS ON REVERSE SIDE)

Form 20.

No. 1402-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Date June 5, 1973

This is to notify you that title to the lands described as follows:
portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T117N, R52W

formerly owned by Rindahl Construction Co., Inc.

has been transferred to F.J. McLaughlin Company, P.O. Box 13, Watertown, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1402-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

Minnesota
STATE OF ~~SOUTH DAKOTA~~)
County of Iyon) ss.

I, John V. McLaughlin being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Suscribed and sworn to before me this 12 day of June, 19 73

(Signed)

Pres.

Donald E. Tomasek
(Notary Public)

DONALD E. TOMASEK
Notary Public, Lyon County, Minn.
COMMISSION EXPIRES NOV. 20, 1975

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

DONALD IRISCOLL, Deputy Chief Engineer, W.R.C.

Mr Ken Mohr, F. T. McLaughlin &
Box 13, Watertown Phone 886-3257
called on 3/9/76 asking
about river water right
1402-3 for a gravel washing
operation. He would like to
have an update on the Permit.
I indicated it was in effect
as long as water was used.

He was also concerned with
the Fox application for irrigation
from Willow Creek - Most
concern on Fox being able to
dig a pipe (inverts) under I-29
and cutting off all water on
Willow Creek - Apparently
Hwy Dept. put in river to fill
stockpond - concerned with getting
enough water for washing plants.

Ken W. Butler

1402-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1402-3, FJ McLaughlin

ADDRESS: COUNTY: Codington

DATE: August, 17, 2006 TELEPHONE: 605 886-2257

RE: Phone Call with Mike Dondelinger, Manager

COMMENTS:

I contacted Mike Dondelinger of FJ McLaughlin in response to an on-site visit from DENR staff of their operation. We discussed existing Water Right No. 1402-3 held by FJ McLaughlin. This water right dating back to 1967 appropriates 1.0 cfs from Willow Creek or an open pit (considered ground water). The water right does not quantify the diversion between the two sources. Mr. Dondelinger stated that their diversion rate is that 1.0 cfs. He understand that he could divert 1.0 cfs from either source but not at the same time.

NAME: