

1. Considered: DEC 9, 1982 Water Right No. 4932-3
Map 4132-3
2. Name of Applicant HALLETT CONSTRUCTION COMPANY
3. Post Office Address Box 90, St. Peter MN 56082
4. Amount of Water Claimed 5.00 (non-consumptive) maximum acre feet
5. Source of Water Supply dugout
6. Water to be used for IND-Gravel Washing plant acres to be irrigated
7. County Codington about 8N, 1 1/2 miles EAST of WATERTOWN
8. PROOF OF PUBLICATION: Received 11-15-82 Not Received
- APPLICATION: Approved 12-9-82 Subject to OK Non/Consumption
- Not Approved Action Deferred

PRIORITY 10-27-82 Dated Received 4/28/80 Application complete-yes no xx FEE 150.00

Remarks need 2A, Map and 150.00 filing fee

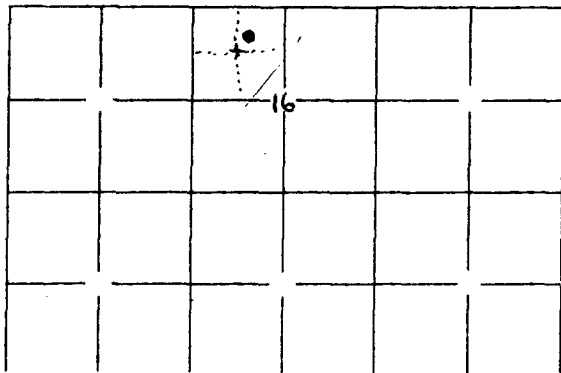
Corrected Application received 10-27-82 Period of Annual Use 4/01 11/30

Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes no Remarks

Disapproved Returned

Diversion Point
NE⁴ NW⁴ SEC. 16-T118N-R52W



Land to be irrigated

WELL LOG Driller Licensed - yes no

Depth 19 FT DEEP DUGOUT

Remarks Mining info in file **BS:N**
BIG SIBUX NORTH

2203-3 } Dave McElroy
 3231-3 } Consultant
 Southern Bell

EV-138

MAP Map No. 4132-3 Map located in Water Right X Map file _____
 Type of Map Aerial Prepared by Co. Agent ASCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
10/27/82
Billy Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4932-3
 Map No. 4132-3 Water Division No. 3 BIG SIOUX RIVER District
 Above for Office Use 10170202



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

Check one of the following:

New ☒ Vested Right ☒ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Hallett Construction Company Phone No. 507-931-3500
 Post Office Address Box 90 St. Peter State Minnesota 56082
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor

3. Name of diversion work Aggregate Washing (Recycled) Non-consumptive.
WASH PLANT #2

4. Amount of water claimed (cubic feet per second) 5

5. Source of water supply Dugout

6. Location of point of diversion NE 1/4 Sec. 16 T118N R52W (BA)

County Codington

7. Annual period or periods during which water is to be used April thru November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Industrial

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PUBLIC OPINION WATER TOWN, SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
6" and 5" Pumps

B. Works proposed to transport water to place of use.
12" and 6" Pipe

C. Works proposed to apply water to beneficial use.
Aggregate washing equipment

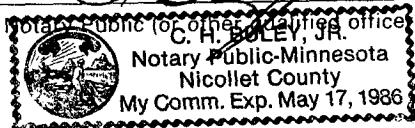
Estimated Total Cost \$ N/A

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
 County of Nicollet)ss.

I, R. M. Brown VP the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed _____
 Subscribed and sworn to before me this 25th day of April, 1980



WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4932-3
Hallett Construction Company Box 90, St. Peter
Minnesota (Applicant) 56082 (Post Office Address)
(State) With the following qualifications.

Date of first receipt of application April 28, 19 80
Date of return to applicant for correction, amendments or changes required May 1, 19 80
Date of receipt of corrected application October 27, 19 82
Approved December 9, 19 82, Recorded in Book Page

WATER RIGHT PERMIT NO. 4932-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4932-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 27, 19 82
 2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed
 3. The whole of said work is ~~not~~ completed
 4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is Completed
 5. The water appropriated shall be used for the purpose of Industrial (gravel washing plant)
 6. 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.
 7. The amount of the appropriation herein granted shall not exceed 5.00 (non-consumptive) cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~to not more than 2 acre foot per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially~~ used for Industrial purposes
- ~~Appropriation~~ on or before this date; said water to be used during the following described annual period: April 1st thru November 30th

Witness my hand this 14th day of December, 19 82

THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued, 19

Water License Issued, 19

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to Form 2)

12. Principal Features of the Proposed Water Supply System (continued).

D. Well Information N/A

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 750' x 1500', Depth 19'

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 11'

Depth to bottom of water bearing material Unknown

Depth to water (ground surface to water level) 11'

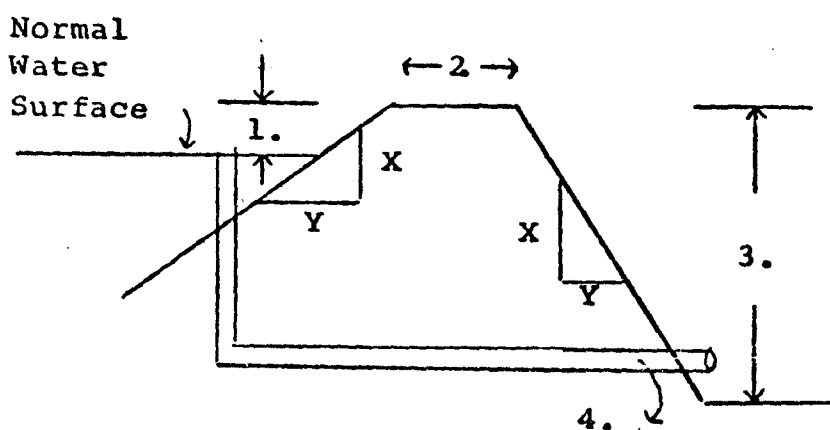
(2) Distance to nearest existing household or livestock watering well.

On same owner's property None rds.

On property owned by others 80 rds.

G. Water Storage Dams N/A

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

Signature of Applicant

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Hallett Construction Company

Post Office Address Box 90 St. Peter, State Minnesota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system April 1976

15. Date that water was first applied to beneficial use May 11, 1976

16. Name of owner of original water supply system Hallett Construction Company

17. Amount of water originally applied to beneficial use 5 c. f. s.

18. Present Use of Water Non-consumptive (Recycled)

Amount of water now being used 5 c. f. s.

Date that this amount of water was first used May 11, 1976

19. Chronological History of Water Use

May thru October 1976

August thru September 1977

June thru August 1978

June thru October 1979

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Nicollet) ss.

I, R. M. Brown VP, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed _____

Subscribed and sworn to before me this 25th day of April, 19 80

(Notary Public or other Qualified Officer)
Notary Public - Minnesota
Nicollet County

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9002

PIERRE, October 27, 1901

RECEIVED OF Hallett Construction Co., PO Box 90, St. Peter MN 56080

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

Fee for Application for Permit to Appropriate Water No. 4232-3 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

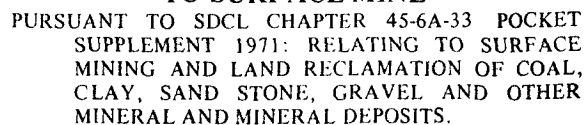
JOHN HATCH



STATE OF SOUTH DAKOTA
STATE CONSERVATION COMMISSION
SURFACE MINING & LAND RECLAMATION
OFFICE BUILDING NO. 1
STATE CAPITOL
PIERRE, SOUTH DAKOTA 57501

PLAN OF RECLAMATION

Name and Address of Operator (Print or type) Hallett Construction Company Box 90 St. Peter, Minnesota 56082 South Dakota Address Hallett Construction Company Box 582 Watertown, South Dakota		Legal Description of area affected SE $\frac{1}{4}$ Sec. 9 and W $\frac{1}{2}$ Sec. 16 Township 118 north, Range 52 west.	
Sec. 9 16	T. ☒ N ☐ S	Range ☐ E ☒ W	County Codington
Describe briefly the plan of operation: Include information as to equipment used and method of mining Open pit mining for sand & gravel. Overburden removed by bulldozers and scrapers. Sand and gravel removed by drag line and/or bulldozers.			
Method and Manner of Reclamation: Must include, but not limited to: ☐ Present land use - ☐ Contour basis for mining operations (slopes of 5% or more) - ☐ Striping and storing of top soil - ☐ Replacement of overburden and top soil - ☐ Disposition of boulders, refuse and tailings - ☐ Type of vegetation to be established - ☐ Proposed water diversion and dams - ☐ Method for controlling siltation -			
Explanation of checked items: Nature of deposit is such that pit bottom will be below water line at least partially after removal of deposits. Banks will be sloped to natural angle of repose or flatter. Eventual use of pond area at property owners option. Area excavated where not below water will be reclaimed to agriculture use by shaping and replacing top soil. Excavated top soil to be placed in stockpile for eventual replacement.			
Estimated cost of Reclamation Per Acre \$40.00			
MAP: Submit a map or aerial photo of the disturbed and adjacent land with the following information - Present mined area; area to be mined this year; total area to be mined; location of streams and natural drainageways; location of proposed access and support roads, railroads, legal subdivision boundaries.			
Signature 	Title Owner	Address Box 90, St. Peter, Minn	Date 1/25/76
COMM USE ONLY Plan accepted by 	Date 3-15-76	Application No. 207	Plan not accepted



APR 14 1977

SOUTH DAKOTA STATE CONSERVATION COMMISSION

SURFACE MINING LAND RECLAMATION

1981 ANNUAL REPORT

PERMIT RENEWAL AND ANNUAL REPORT FOR PERMIT 207 ARE DUE ON March 15, 1981.

PLEASE COMPLETE THIS FORM AND RETURN IT ALONG WITH THE \$25.00 ANNUAL RENEWAL FEE TO THE DIVISION OF CONSERVATION, SIGURD ANDERSON BUILDING, ROOM 322, PIERRE, SOUTH DAKOTA 57501. MAKE CHECK PAYABLE TO THE SOUTH DAKOTA STATE CONSERVATION COMMISSION.

A TEMPORARY PERMIT TO SURFACE MINE CANNOT BE REISSUED BY THE SOUTH DAKOTA STATE CONSERVATION COMMISSION UNLESS THE ANNUAL REPORT AND ANNUAL RENEWAL FEE HAVE BEEN SUBMITTED, AND THE OPERATION IS FOUND TO BE IN FULL COMPLIANCE WITH SDCL 45-6A AND ARSD 12:04.

NAME OF PERMITTEE: Hallett Construction Company

ADDRESS: Post Office Box 90, St. Peter, Minnesota 56082

LEGAL DESCRIPTION OF PERMITTED AREA: SE 1/4 Sec. 9 & W 1/4 Sec. 16 T118N-R52W

1. TOTAL NUMBER OF ACRES MINED TO DATE: 17.75
2. NUMBER OF ACRES MINED THE PAST YEAR: 2.35
3. TOTAL NUMBER OF ACRES RECLAIMED TO DATE: 0
4. NUMBER OF ACRES RECLAIMED THE PAST YEAR: 0
5. QUANTITY OF MATERIAL MINED THE PAST YEAR: 62,150 (TONS)
6. MAXIMUM DEPTH TO WHICH MATERIAL WAS MINED THE PAST YEAR: 12'
7. A STATEMENT IDENTIFYING THE LAND FROM WHICH THE OPERATOR HAS REMOVED MATERIAL AND THE EXTENT TO WHICH TOPOGRAPHY HAS BEEN DISTURBED: _____

8. ATTACH A MAP OF THE AREA MINED. SHOW DIRECTION OF WORK AND AREAS MINED AND RECLAIMED. A HAND DRAWN MAP IS ACCEPTABLE IF LEGIBLE. AERIAL PHOTO OR PHOTO OVERLOOKING THE AREA IS ACCEPTABLE IN LIEU OF MAP.
9. REMARKS: Average depth of overburden 5'

I HEREBY CERTIFY THAT INFORMATION CONTAINED HEREIN AND ON ALL ADDITIONAL PAGES IS TRUE AND CORRECT TO MY KNOWLEDGE. I UNDERSTAND THAT ANY PURPOSELY FALSE OR MISLEADING STATEMENT IS PERJURY.

HALLETT CONSTRUCTION COMPANY

February 2, 1981



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 17, 1982

Lewis Seely
Materials Research Representative
Hallett Construction Co.
Box 78
St. Peter, MN 56082

Dear Mr. Seely:

In January of 1980 we received a vested right application to appropriate water for a gravel washing permit located in SE 1/4, Section 33, T117N, R52W. Also, in April of 1980 we received another application for a gravel washing operation in NW 1/4, Section 16, T118N, R52W, this application does not qualify for a vested right.

We have notified your company several times regarding the signed map, for the application in Section 16 and the filing fees required for both applications. The Vested Right filing fee is \$13 and the other application's fee is \$150 (copies of our letters are enclosed).

Under the new mining laws you will be converting to a life of the mine permit. If a water permit is not acquired before December of 1982, this office will bring adverse action to the hearing before the Board of Minerals & Environment.

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

cc: Mike Davis, POB 582, Watertown
Bill Harris, Water Quality Div.

enclosures

No. 4932-3

Publish first publication, on or before November 12, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 28, 1982

Notice is hereby given Hallett Construction Company whose post office

address is POB 90, St. Peter MN 56082, ~~South Dakota~~, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-38; (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA)~~ ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

5.00 ~~(non-consumptive)~~ cubic feet of water per second of time from a dugout

through the Aggregate Wash Plant #2, the point ~~(s)~~ of diversion which is ~~(are) to be~~ located in the NE 1/4 NW 1/4

of Section 16, Twp. 118N, Range 52W. Said water to be used for purpose of providing ~~irrigation on portions of the following described land:~~

water supplies for industrial use

This Application No. 4932-3 will be considered by the Water Management Board at the Sheraton Inn, Dakota Room, Aberdeen, South Dakota upon the 9th day of December, 1982

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

No. 4932-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

A newspaper which during the whole time 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
two dates:

November 3rd, 1982

November 10th, 1982

(Signature)

General Manager
(Title)

November 10th, 1982
(Date Signed)

Cost of Printing: 41.18

PUBLIC NOTICE

No. 4932-3
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 28, 1982

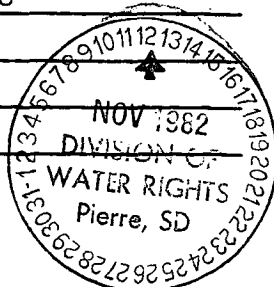
Notice is hereby given Hallett Construction Company whose post office address is POB 90, St. Peter, MN 56082, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 5.00 (non-consumptive) cubic feet of water per second of time from a dugout through the Aggregate Wash Plant #2, the point of diversion which is located in the NE1/4 NW1/4 of Section 16, Twp. 118N, Range 52W. Said water to be used for purpose of providing water supplies for industrial use.

This Application No. 4932-3 will be considered by the Water Management Board at the Sheraton Inn, Dakota Room, Aberdeen, South Dakota upon the 9th day of December, 1982 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

**For the Water
Management Board
BETTY WESTLUND,
Water Rights
Specialist
(November 3, 10, 1982)**



4932-3

WATER RIGHTS DIVISION

(605) 773-3352

December 23, 1982

Hallett Construction Company
Box 90
St Peter, Minnesota 56082

Gentlemen:

Enclosed herewith is your Water Right Permit No. 4932-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4932-3.

The Board will schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 20, 1989

4932-3
4933-3

Northern Con Agg, Inc.
PO Box 90
St. Peter, MN 56082

Dear Sirs:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit No. 4932-3 and Vested Water Right No. 4933-3. Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Also enclosed is Vested Water Right No. 4933-3 originally sent to Hallett Construction. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



T0: Water Rights
Foss Building
Pierre, SD 57501

Date: July 12, 1989

(diversion point location) NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T118N, R52W

formerly owned by Hallett Construction Company

has been transferred to NORTHERN CON-AGG, INC., Box 90, St. Peter, Mn. 56082
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4932-3 as provided for in SDCL 46-5-32 and 46-5-33.

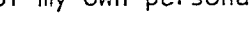
You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF ~~XXXXXX~~ MINNESOTA
County of Nicollet) ss.
)

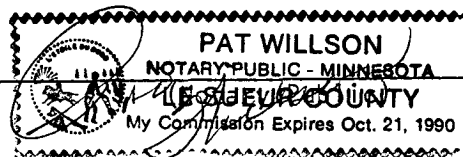
I, Lewis D. Seely being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

now of my own personal knowledge that the information is true and correct.



vice president (Signed) NORTHERN CON-AGG

Subscribed and sworn to before me this 12th Day of July, 1989.



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 19, 1989

4932-3
4933-3

Northern Con-Agg, Inc.
Lewis Seely, Vice President
Box 90
St. Peter MN 56082

Dear Mr. Seely:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4932-3 and 4933-3.

Our records now show your company as the owner of these Water Permits.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Senior Secretary
605 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 14, 1980

RECEIVED OF Northern Con-Agg, Inc., Box 90, St. Peter, MN 60082-0090

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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 <u>Water Permit No. 4902-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch / KSA
Chief Engineer

Permit No. 4932-3
Big Sioux River - Water District

**Report Of Examination Of Works And/Or Application of Water To
Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, August 14, 1996, I made a thorough examination of the water use system constructed by Northern Con-Agg of 3131 Fernbrook Ln, Plymouth, Mn, 55447 holder of Permit No. 4923-3, bearing the priority of October 27, 1982, authorizing the diversion of 5.00 cu. ft. per second of the waters of groundwater from a gravel pit for non-consumptive industrial purposes, in Codington County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A Gorman-Rupp pump with a 3.12 cfs capacity

B. Works used to transport water to place of use:

500 feet of 4" aluminum pipe

C. Works used to apply water to beneficial use:

A gravel washer

The system is in the following condition good. The point of diversion is located From the NW corner of Sec 16 T118N-R52W: 1060 ft South and 2380 ft East. The works are capable of diverting and conveying to the place of use 3.12 cu. ft. per second of water which is to be used for non-consumptive industrial purposes. The license should be issued for 3.12 cfs.

Applicable permit qualifications have been complied with: Y

Exceptions to compliance are: none



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

8/21/96
Date

REPORT ON INSPECTION OF PERMIT NO. 4932-3

DATE OF INSPECTION: 8/14/1996

Contact Person & Address: Joe Pies, Manager: 45631 162 ND St, Rauville, 57201

DIVERSION POINT LEGAL LOCATION: From the NW corner of Sec 16 T118N-R52W:
1060 ft South and 2380 ft East

WATER SUPPLY Source: Groundwater from a gravel pit.

Pump:

- | | |
|----------------------------|-----------------------------|
| 1) Make <u>Gorman Rupp</u> | 2) Model <u>34692</u> |
| 3) Size <u>4</u> | 4) Capacity <u>1400</u> GPM |

Motor:

- | | |
|-----------------------------------|---------------------------------|
| 1) Make <u>Detroit</u> | 2) Model No. <u>371, Diesel</u> |
| 3) Horsepower rating <u>90</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum 2) Size 4 inches 3) Length 500 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|--|
| 1) Special qualifications to permit being abided by <u>Y</u> |
| 2) All structures, wells and lands on map <u>Y</u> |

1792

Gravel Pit

1799

1807

1816

T118N-R52W

1858

Creek

2380'

Gravel Pit

DIVERSION POINT

1060'

1791

1790

16
1804

15
1871

R
A

U
V
I
L

L
E

1784

1790

1795

1808

1818

NORTHERN

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 8/21/92

Handwritten signature

Henricks

4932-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 29, 1996

4932-3

Joe Pies, Manager
Northern Con-Agg
3131 Fernbrook Ln.
Plymouth, MN 55447

Dear Mr. Pies:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4932-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

OCT 15 1996

4932-3

Joe Pies, Manager
Northern Con-Agg
3131 Fernbrook Ln.
Plymouth, MN 55447

Dear Mr. Pies:

Enclosed is Water License No. 4932-3 and Receipt No. 415082 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 4932-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

RECEIPT

415082

Division of Water Rights

South Dakota Department of Environment and Natural Resources

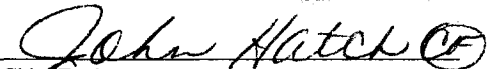
Pierre, _____ September 9, 19 96

RECEIVED OF Northern Con-Agg, Inc., 3131 Fenbrook Ln., Suite 121, Plymouth, MN 55441

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4932-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

STATE OF SOUTH DAKOTA

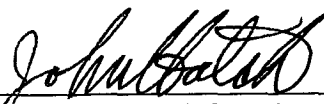
WATER LICENSE NO. 4932-3

(1) Northern Con-Agg, 3131 Fernbrook Ln, Plymouth MN 55447 made Application No. 4932-3, April 28, 1980 for a water permit to divert 5.00 cubic feet of water per second from a gravel pit (groundwater), Codington County, South Dakota for industrial use purposes. Permit No. 4932-3, with a priority date of October 27, 1982 was approved December 9, 1982 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.12 cubic feet of water per second for beneficial use. The location of the diversion point is 1,060 feet south and 2,380 feet east from the northwest corner of Section 16-T118N-R52W (NE 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a non-consumptive gravel washing operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Northern Con-Agg, 3131 Fernbrook Ln, Plymouth MN 55447 the holder and/or owner of Water Permit No. 4932-3 is issued a license to appropriate water, the right to use 3.12 cubic feet of water per second from a gravel pit (groundwater) with a priority date of October 27, 1982 from the location specified in (2) of this license, for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Water Permit No. 4932-3 and subject to South Dakota State Law.



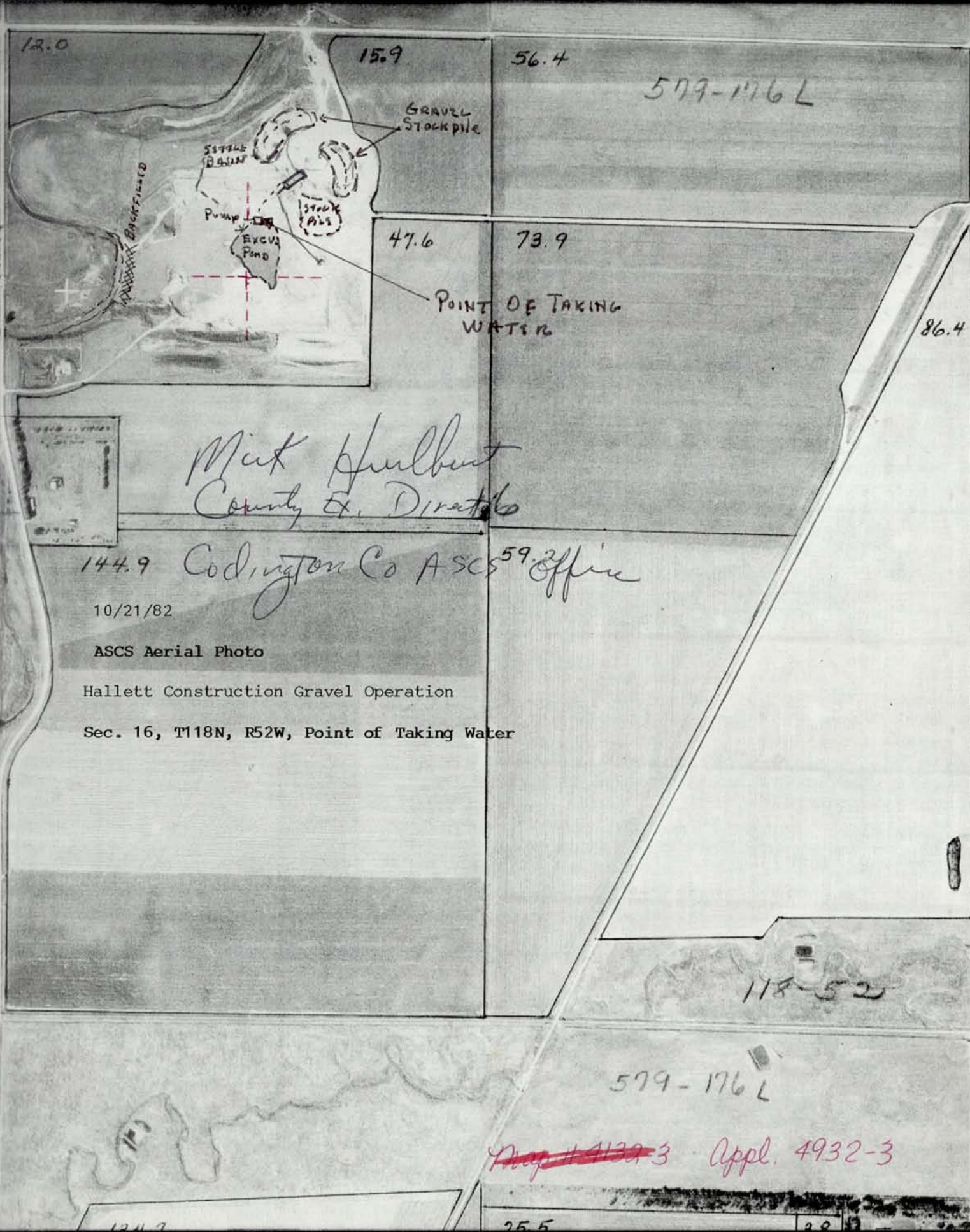
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 15 1996

date



NOT TO SCALE



Mick Hulbert
County Ex. Director

144.9 Codrington Co ASCS Office

10/21/82

ASCS Aerial Photo

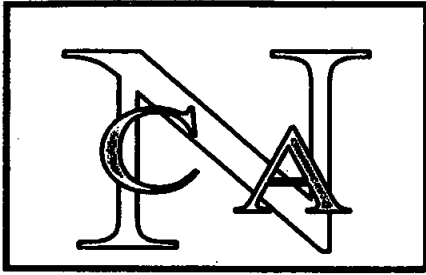
Hallett Construction Gravel Operation

Sec. 16, T118N, R52W, Point of Taking Water

~~Prop. 4932-3~~ Appl. 4932-3

4932-3

Codington Co file



NORTHERN CON-AGG, LLP

3231 FERNBROOK LANE NORTH

PLYMOUTH, MINNESOTA 55447

PH. 763-509-9344 FAX 763-509-9347

RECEIVED

MAY 22 2017

WATER RIGHTS
PROGRAM

May 19, 2017

Ms. Karen Schlaak
South Dakota Department of Environment and Natural Resources
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak,

Regarding our recent Application for a Permit to Appropriate Water for Industrial Use in Codington County, based on community input and internal consideration we have modified our original plans and will not be relocating our wash plant to the site in section seventeen of Rauville Township as outlined in our application. Instead, the wash plant will remain at its current location in section sixteen and continue to operate under existing water permit numbers 4932-3 and 4933-3. Conveyors will be used to transport material from the new site in section seventeen to the wash plant. After working with surrounding neighbors, the township and the county, we determined this was the most effective way to minimize the noise and visual impact of our plans.

Considering these modifications, we would like to withdraw our application and request that a refund be issued. I can be reached at bsalman@northernconagg.com or 763-509-9344 ext. 12 if you have any questions.

Sincerely,

Brad Salman
Northern Con Agg, LLP