

VESTED RIGHT

1. Considered: Dec 9, 1982 Water Right No. 4933-3
2. Name of Applicant HALLETT CONSTRUCTION COMPANY
3. Post Office Address Box 90, St. Peter, MN 56082
4. Amount of Water Claimed 11.00 (non-consumptive) maximum acre feet
5. Source of Water Supply Willow Creek
6. Water to be used for IND-Gravel Washing plant acres to be irrigated
7. County Codington about 3/4 miles EAST of WATERTOWN
8. PROOF OF PUBLICATION: Received Not Received
 APPLICATION: Approved 12-9-82 Subject to LF-Non-Consumptive
 Not Approved Action Deferred

PRIORITY
4/1/54

Dated Received 1/30/80 Application complete-yes X no X FEE 13.00
 Remarks need fee and should have a map

Corrected Application received 10-27-82 Period of Annual Use 4/1 - 11/30

Received yes no APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes no Remarks

Disapproved Returned

Diversion Point
NW⁴ SE⁴ 33-T117N-R52W

Land to be irrigated

WELL LOG

Driller Licensed - yes no

Depth

Remarks

~~WATER
QUALITY~~

na

MAP Map No. 4133-3 Map located in Water Right X Map file _____
 Type of Map Aerial Prepared by 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:

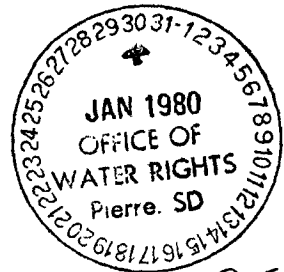
10-27-82

Dette Wasitand
 (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. 4933-3
Map No. 4133-3 Water Division No. 3 BIG SIOUX RIVER District
Above for Office Use 10170202
VESTED RIGHT

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

9:56am
2 maps
2 apps

Check one of the following:

New _____ Vested Right X 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
4. Amount of water claimed (cubic feet per second) 11
5. Source of water supply Willow Creek (Make-up Supply)
6. Location of point of diversion NW 1/4 Sec. 33 T117N R52W

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.
<u>Non-Irrigation</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 0 years. Additional time required to complete application of water to the proposed beneficial use 0 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water N/A

12. Principal Features of the Proposed Water Supply System.

- A. Works proposed to divert water from its natural source. Operation in Watertown Vicinity since 1940.
10" and 6" Pumps
- B. Works proposed to transport water to place of use.
8" and 12" 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 MINNESOTA)
STATE OF SOUTH DAKOTA) ss.
County of Nicollet)

I, R.M. Brown 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 [Signature]
Subscribed and sworn to before me this 28th day of Jan, 1980

Notary Public (or other qualified officer)
C. H. BULEY, JR.
Notary Public-Minnesota
Nicollet County
My Comm. Exp. May 17, 1986

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4933-3
HALLETT CONSTRUCTION COMPANY Box 90, St. Peter
 (Applicant) (Post Office Address)
MINNESOTA 56082
 (State) With the following qualifications.

~~On 03-03-82 the Board of Water Management approved the application for a water right to be used for the purpose of~~
~~irrigation, and the water right must be for the purpose of~~

"Vest Right" Claimed

JK 12-13-82

Date of first receipt of application January 30, 19 80
 Date of return to applicant for correction, amendments or changes required February 4, 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. 4933-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4933-3 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 April 1, 1954, to
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~
3. The whole of said work is ~~to be~~ completed ~~on or before~~
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is completed, 19
5. The water appropriated shall be used for the purpose of Industrial (Aggregate wash 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 11.00 (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 served, and it for irrigation purposes said appropriation shall be limited to not more than 2 cubic feet per acre per year and be limited to not more than one acre of land to which water is actually and beneficially applied~~

USED for a sand/gravel wash plant

A for irrigation on or before This date, 19 ; said water to be used during the following described annual period: April 1st thru November 30th

Witness my hand this 13th 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 2B Affidavit of Water Use (Supplement to Form 2)

No. _____

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 1954

15. Date that water was first applied to beneficial use July 1954

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

17. Amount of water originally applied to beneficial use 11 c. f. s.

18. Present Use of Water Nonconsumptive (Recycled)

Amount of water now being used 11 c. f. s.

Date that this amount of water was first used July 1954

19. Chronological History of Water Use

July thru November 1954

April thru November 1955 to present time.

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, 1980

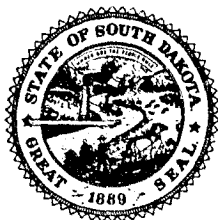
(Notary Public or other qualified officer)

Notary Public Minnesota

Nicollet County

My Comm. Exp. May 17, 1980

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



DEPT. OF AGRICULTURE
DIVISION OF CONSERVATION
SIGURD ANDERSON BLDG., RM. 322
PIERRE, SOUTH DAKOTA 57501
605/773-3258

MINING
INSPECTION REPORT

PERMIT NUMBER 43 DATE OF LAST INSPECTION 3/11/80 INITIAL ANNUAL ☒

1. OPERATOR'S NAME Hallett Construction Co.
ADDRESS St Peter, Mn - P.O. Box 582 Water town, SD
TELEPHONE (507) 931-3500 - 884-6478
2. LEGAL DESCRIPTION Outlets 1, 2, 3 of Sec 4; Outlet 4 less W 660 ft; 3 20 Acres
MATERIAL MINED Sec 4, N 2 4 S 15 Acres Sec 33 - T117N - R53W
Reclaiming for SD
3. STATUS: NEW MINE ☐ OLD MINE ☒ EXEMPT ☐ ABANDONED ☐
4. BOND AMOUNT \$10000 INCREASE TO DECREASE TO RELEASE
5. JUSTIFICATION FOR BOND OK for gravel depth of pits
6. PROVISIONS NEEDED IN RECLAMATION PLAN
7. DEPTH OF PIT 8 to 20 ft AREA SLOPES Flat PIT SLOPES Steep - North
DEPTH OF TOPSOIL ~ 8 in DEPTH OF OVERBURDEN 2-4 ft
8. AMOUNT OF OVERBURDEN STOCKPILED Some AMOUNT OF TOPSOIL STOCKPILED Some
9. ACRES MINED PRIOR TO 6/71 ? ACRES MINED AFTER 6/71 ~ 28
ACRES MINED PAST YEAR ~ 5 TOTAL ACRES UNRECLAIMED ~ 18
TOTAL ACRES RECLAIMED ~ 8 ACRES RECLAIMED PAST YEAR ~ 4
10. EQUIPMENT ON SITE Crusher - Loaders - Wash Plant - Conveyors - Scale - Office
11. OPERATOR CONTACTED Steve Messer APPLICATION DISCREPENCIES
12. TYPE OF EXISTING VEGETATION Native Grasses
13. HAZARDS/PROBLEMS None
14. ACTION REQUIRED BY INSPECTOR OR OPERATOR
15. COMMENTS/RECOMMENDATIONS Have started back filling & leveling depleted
area in West & Northeast parts of pit area.
Using reject material as back fill
Mining cut area directly N of office & scale.
Area is kept in good condition

I HEREBY CERTIFY THAT I HAVE MADE AN ANNUAL INSPECTION OF THE SURFACE
MINING OPERATION SHOWN ABOVE, AND THAT THE SAME IS TRUE AND ACCURATE.

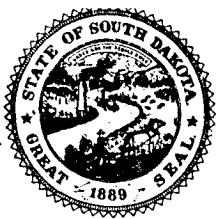
REPORT SUBMITTED BY W. H. Harris DATE OF INSPECTION 2/25/81



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 78 St. Peter, Minnesota 56082		Legal Description of area affected Out Lots 1, 2, & 3, SE $\frac{1}{4}$ & Outlot 4 less the West 660' thereof SW $\frac{1}{4}$. South 30 Acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ & the South 15 Acres SW $\frac{1}{4}$, NE $\frac{1}{4}$.			
South Dakota Address: Hallett Construction Co. Box 582 Watertown, South Dakota 57201		Sec. 33	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 remove by bulldozers, and scrapers. Sand & Gravel removed by dragline.					
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 after removal of deposits. Present anticipated reclamation is limited to Wild Life Reserve. Banks will be sloped to natural angle of repose.					
Estimated cost of Reclamation Per Acre					
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 <i>[Signature]</i>		Title Vice President		Address Box 78 St. Peter, Minnesota	
				Date April 18, 1972	
COMM USE ONLY	Plan accepted by <i>Howard Hens</i>	Date 4/24/72	Application No. 43	or Plan not accepted because <i>subject to inspection</i>	



STATE OF SOUTH DAKOTA
STATE CONSERVATION COMMISSION
SURFACE MINING & LAND RECLAMATION
STATE CAPITOL
PIERRE, SOUTH DAKOTA 57501
TELEPHONE 605/224-3258

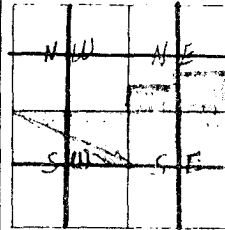
APPLICATION FOR TEMPORARY PERMIT
TO SURFACE MINE

PURSUANT TO SDCL CHAPTER 45-6A-33 POCKET
SUPPLEMENT 1971: RELATING TO SURFACE
MINING AND LAND RECLAMATION OF COAL,
CLAY, SAND STONE, GRAVEL AND OTHER
MINERAL AND MINERAL DEPOSITS.

Names and Addresses of Applicant

Hallett Construction Company
Box 78
St. Peter, Minnesota 56082

South Dakota Address: Hallett Construction Co.
Box 582
Watertown, South Dakota
57201



Size and Legal Description of area to be mined
Outlots 1,2,& 3, SE $\frac{1}{4}$ & Outlot 4
less the west 660' thereof SW $\frac{1}{4}$.

South 20 acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ & the
South 15 acres SW $\frac{1}{4}$, NE $\frac{1}{4}$.

Sec. 33 T ☒ N
117 ☐ S

R ☐ E
52 ☒ W

County
Codington

Ownership: Surface of land to be mined
(Show Names & Addresses)

Marvin & Edward Aljoe
Watertown, South Dakota 57201
&

Hallett Construction Company
Box 78
St. Peter, Minnesota 56082

Home Office: Crosby, Minnesota 56441

Approximate Maximum Depth of Overburden

5'

Average Depth of Overburden

3 $\frac{1}{2}$ '

Ownership of Mineral Rights
(Names & Addresses)

Hallett Construction Company
Box 78
St. Peter, Minnesota 56082

(Home Office: Crosby, Minnesota 56441)

Estimate of Total Area to be
mined

85

Number of acres to be mined the
first year

8 $\frac{1}{2}$

Date Operation was or will
commence

April, 1970

Area disturbed to date
27

Estimated tons to be removed
700,000

Minerals or Materials to be removed

Sand & Gravel

Method of Mining

Open Pit

Applicant affirms that he (it) has the rights and power by legal estate
to mine by surface mining the land so described and to grant access
by the Commission or its agents as necessary to assure compliance
with this act, rules and regulations and Standards of the Commission.

RETURN BOTH COPIES

Instructions:

This application must be accompanied by:

1. Fee of \$50.00
2. Bond or other Surety
3. Plan of Reclamation Form MR2
4. Map of Total Area

Signature

Date
April 18, 1971

Title R.M. Brown
Vice President

Fee \$50.00

FOR COMMISSION USE ONLY

Date April 24, 1972

Bond \$10,000

FORM MR1

JUN 10 1977

APR 1

APR 20 1976

1975

Fee Received

Application Number

43

RENEWED

APR 11 1974

MAR 27 1973

February 4, 1980

Hallett Construction Company
Box 90
St. Peter MN 56082

Phone No. 507-931-3500

Dear Sir:

We have received your application for a Vested Right on the wash plant in Section 33, T117N, R52, enclosed are our forms 2B, "Affidavit of Water Use" & Instruction Sheet. Please complete, sign, notarize and return to this office. The fee for filing a "Vested Right" will be \$8.00 for filing, examination, and \$2.50 each for the issuance of the Water License and Certificate of Completion of Works.

Upon receipt of the Form 2B and the \$13.00 fee the application will be heard before the Water Management Board. The next Board Meeting will be held on March 26, 1980. Unless there is some unforeseen development, a "Vested Right" Water License will be sent to you soon after that date. This "Vested Right" will also be recorded and filed in the office of the Water Management Board.

In talking with the State Conservation Commission it was my understanding you also have a wash plant from groundwater in Section 16, T118N, R52. If this is correct, enclosed are additional forms for your convenience.

If you have any questions please feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures: 2 form 2, 2A & Instruction sheet
2B

cc: Bill Harris
State Conservation Comm.

May 1, 1980

Hallett Construction Company
Box 90
St. Peter MN 56082

Dear Sir:

Enclosed please find the check in the amount of \$26.00 which you submitted to this office along with the form's 2B to accompany your "Application for a Permit" for water from Willow Creek. The \$13.00 filing fee is correct for vested right application on Section 33, T117N, R52W. The other application on Section 16, R118N, R52W submitted for water from a dugout, requires a filing fee of \$150.00. Since this project was not constructed until April of 1976 it does not qualify as a vested right. To qualify for a vested right the project had to be constructed July 1, 1955.

Both maps are being returned also, as they have not been signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

Upon receipt of the signed maps and the fees further processing of your application will proceed (\$163.00 total).

If you have any questions please contact this office.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

KW

enclosure

Water Rights Division
605 773-3352

August 12, 1981

C. H. Buley Jr.
Office Mgr.
Hallett Construction Co.
P.O. Box 90
St. Peter MN 56082

Dear Mr. Buley:

In talking to the Surface Mining Staff we were advised to write directly to you regarding the Water Right Applications for Hallett Construction Company. Enclosed are copies of the letters sent your office May 1, 1980 and February 4, 1980.

A map for the vested right application is not required, we have a map on file. Upon receipt of the signed map for the NW¹/₄, Section 16, T118N, R52W and the filing fees for both applications (\$150 & \$13 = \$163) further processing will proceed.

To maintain your priority date on your applications for permit to appropriate water, in accordance with SDCL 46-5-16, you will now have 60 days from the date of this letter to have the above information submitted to this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures

cc: Bill Harris
Surface Mining Prog.
Anderson Bldg.

MODERN SCREENING
WASHING AND CRUSHING PLANTS
CLEAN UNIFORM AGGREGATES

HOME OFFICE: CROSBY, MINNESOTA

GENERAL CONTRACTORS
CONCRETE & ASPHALT ROADS
READY MIX CONCRETE



MINNESOTA PLANTS:

ST. PETER
DETROIT LAKES
LIVERNE
MANKATO
MONTEVIDEO
GRANITE FALLS

KANSAS:

LITTLE RIVER
MARION
WOODBINE
COTTONWOOD FALLS

IOWA PLANTS:

BOONE
AMES
ASHTON
CHEROKEE
CLEMONS
DES MOINES
GENEVA
GILMORE CITY
JOHNSTON
LAKE VIEW
SPENCER

SOUTH DAKOTA:
WATERTOWN
RAUVILLE

MISSOURI:
MT. MORIAH

Hallett Construction Company

P.O. Box 90

St. Peter, Minnesota 56082

October 25, 1982



Department of Water and Natural Resources
Water Rights Division
Joe Foss Building
Pierre, South Dakota 57501

ATT: Betty Westlund
Water Rights Specialist

Dear Ms. Westlund:

In reply to your letter of August 17, 1982, transmitted are two signed ASCS aerial maps, one for the property located SE $\frac{1}{4}$, Section 33, T117N, R52W and the other for property located in the NW $\frac{1}{4}$, Section 16, T118N, R52W showing the point of water appropriation. Also enclosed is a copy of Form B "Affidavit of Water Use" for Section 35, T117N, R52W, as previously requested, along with our checks #20497 and 20498 in the amounts of \$13.00 and \$150.00 respectively.

This should complete the requirements for these two water permits. If we can be of any further help, please feel free to contact this office.

Sincerely,

HALLETT CONSTRUCTION COMPANY


C.H. Buley, Jr.
Office Manager

CHB:jkp

Encls. 5

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9003

PIERRE, October 27, 1982

RECEIVED OF Hallett Construction Co, PO Box 90, St. Peter MN 56082

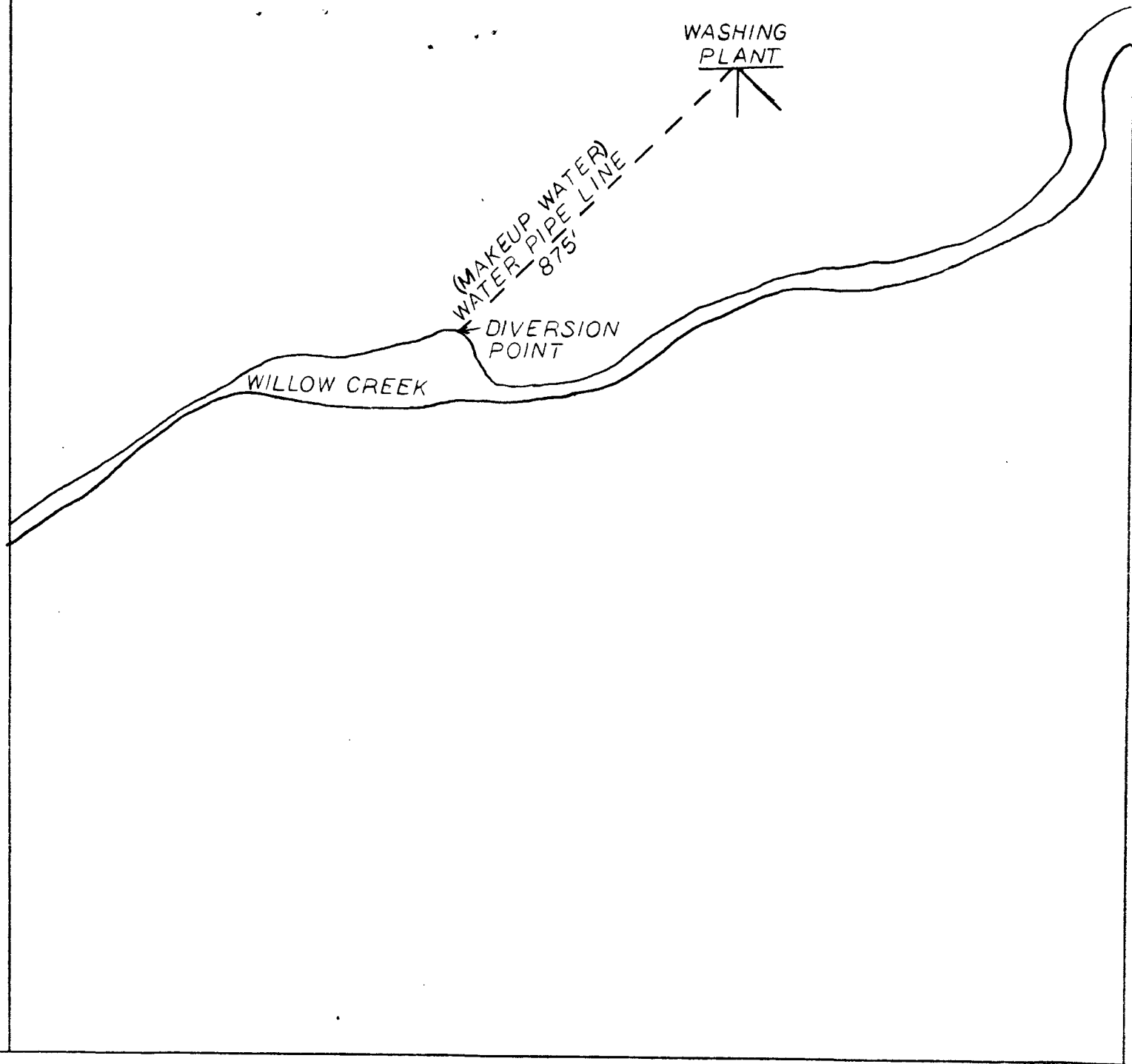
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4933-3</u> (examination, processing, recording and filing) -----	8	00
Fee for inspecting Construction and issuing Cert. of Construction No. <u>4933-3</u> -----	2	50
Fee for inspecting Beneficial Use and issuing Water License No. <u>4933-3</u> -----	2	50
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	13	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (ks)



U.S. 212



HALLETT CONSTRUCTION CO.
WATERTOWN, S. DAK.

SCALE 1"=330'

FROM AERIAL PHOTO 7-19-71

DRAWN BY KESSELRING DATE 1-28-80

APPROVED BY *[Signature]* DATE 1-28-80

SE 1/4 SEC. 33 T 117 N R 52 W

Map # 4133-3

Copy - appl 4933-3

Put on microfiche

Permit No. 4933-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Hallett Construction Company

Vested
Right

_____ the holders _____ of
Permit No. 4933-3, issued upon Application No. 4033-3, bearing date of priority of April 1, 1954

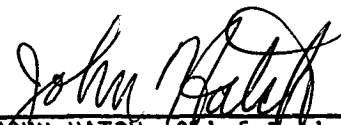
_____ authorizing the diversion of 11.00 (non-consumptive) cu. ft. per second of the waters of _____
Willow Creek County of Codington, State of South Dakota *

In the NW1/4, Section 33-T117N-R52W

_____, for Irrigation

purposes, ~~have~~ 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~~ ^{recognized as} satisfactory ~~condition~~ for diverting and conveying to the place of intended use 11.00 (non-consumptive) cu. ft. per second of water.

Date December 13, 1982



JOHN HATCH, Chief Engineer
Water Rights Division



Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

December 22, 1982

Hallett Construction Company
Box 90
St. Peter, Minnesota 56082

Gentlemen:

Enclosed herewith are your Vested Right Permit, Water License No. 4933-3
and Certificate of Construction.

This Water License is the final water right document completing your process
of obtaining a vested water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:ms

enclosures

WATER LICENSE NO. 4933-3

(1) WHEREAS, On the 30th day of January A. D. 19 80
Hallett Construction Company

made Water Right Application No. 4933-3 for a Vested Right 11.00 (non-consumptive) cubic feet per second of the waters of willow creek

County of Codington, State of South Dakota, for Industrial (Aggregate wash plant) purposes; and

Vested Right (2) WHEREAS, On the 9th day of December A. D. 19 82
Permit No. 4933-3, with a date of priority of April 1, 1954 recognizing
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 day of A. D. 19 82 and for the application to beneficial use of said water on or before the day of A. D. 19 82

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 11.00 (non-consumptive) 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 supplies for an aggregate wash plant

(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 Hallett Construction Company

_____ of Box 90, St. Peter, Minnesota, 56082

the holder s and owner s of said Vested Right 4933-3 permit No. _____ a water right, dating from April 1, 1954

_____ to use of 11.00 (non consumptive) cubic feet per second of the waters

of Willow Creek

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 NW 1/4 (DB) Section 33, T117N-R52W

and conducted ~~to and upon~~ thru an aggregate wash plant

for the purpose of Industrial Use

This Water License No. 4933-3 is based on a Vested Right Claim recorded and filed by the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 4933-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 13th day of December A. D.

Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH



Department of Water & Natural Resources

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

JUN 13 1989

Hallett Construction Company
PO Box 90
St. Peter MN 56082

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 4933-3. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 4933-3

Date Claim Accepted For Filing January 30, 1980.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 4933-3 for Hallett Construction Company, PO Box 90, St. Peter, Minnesota 56082 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4933-3 appropriates 11.0 cubic feet of water per second (non-consumptive) from Willow Creek. The point of diversion is located in the NW 1/4 SE 1/4, Section 33, T117, R52W.
2. The appropriated water is used for supplying water for an aggregate washing plant and may not exceed the amount of water needed for beneficial use for industrial purposes.

The water is to be used during the following annual period:
April 1 - November 30.
3. The priority date of the Vested Water Right is: April 1, 1954.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989

date

 **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

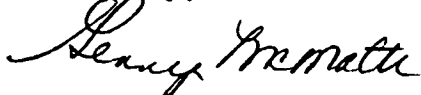
Dear Sirs:

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



NOTICE OF TRANSFER OF VESTED WATER RIGHT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 12, 1989



This is to notify you that the title to the lands described as follows:

(diversion point location) NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T117N, 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

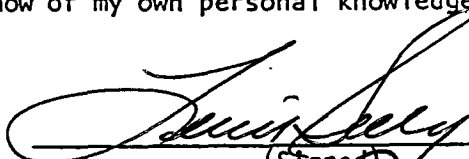
Vested Water Right No. 4933-3 as provided for in SDCL 46-5-32 and 46-5-33.

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.

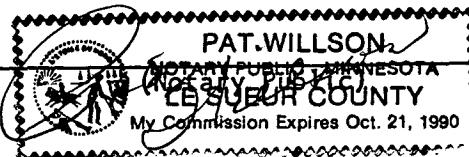
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~) MINNESOTA
County of Nicollet) ss.

I, Lewis D. Seely being first duly sworn on my oath despose 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.


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 SCHLAACK
Senior Secretary
605 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 14, 1989

RECEIVED OF Northern Con-Agg, Inc., PO Box 90, St. Peter MN 56082-0090

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. 4933-5</u>	3	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 H. Baker
Chief Engineer

NOT TO SCALE

3.7

8.2

117-52

14.4

119.6 119.6

111.0

399-47L

10/21/82

ASCS Aerial Photo

Hallett Construction Company- Gravel Operation

Section 33, T118N, R52W

Codington, South Dakota

"POINT OF TAKING WATER".

(VESTED RIGHTS)

2.7

2.0

63.1

POINT OF
TAKING WATER

SETTLING-
BASIN
(Recycle)

PUMP

POND

Settling

Basin

Mick Hulburt
County Ex. Director
Codington County ASCS Office

117-52

~~Map # 4123-3~~
Appl # 4933-3