

Considered: _____

WATER PERMIT NO. 5083-3

MAP No. Same

Name of Applicant L. G. Everist Inc.

Post Office Address P.O. Box 829 Sioux Falls, S.D.

Amount of Water Claimed 0.05 cfs Total Acres

Source of Water Supply Ground water, one well

Water to be used in an office building at the quarry Minnehaha County

About 1/2 miles East of Dell Rapids

PROOF OF PUBLICATION: Received April 17, 1986 Not Received

APPLICATION: Approved May 14, 1986 Subject to

F.F. & C.L. Adopted Not Approved Deferred

PRIORITY Date Received Feb. 18, 1986 Fee \$5000 Remarks

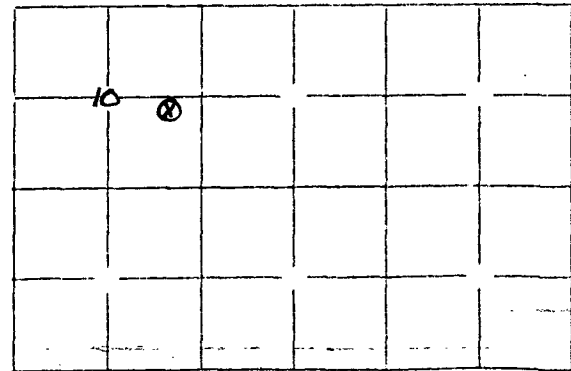
Corrected Application Received Period of Annual Use Jan. 1 to Dec. 31

WATER QUALITY APPROVAL RECEIVED NA. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS

Diversion Point NE⁴ SE⁴ sec. 10 T104N-R49W

Land to be Irrigated NA.



Well Log: Driller Lacey Well Drilling Licensed YES X NO

Depth of Well 12 feet REMARKS

Type of Map Aerial Photo & Topo PREPARED BY K.C. Larson Reviewed and the Number

assigned on 2-24-86 By Kevin C. Larson

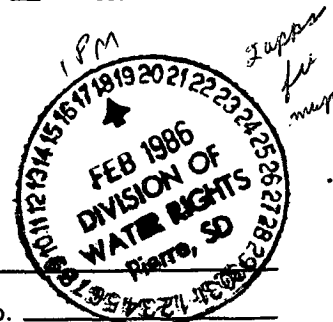
No. 5083-3 Hydrologic Unit 10170203
 Map No. same Basin Sioux River
 Newspaper Dell Rapids Tribune Box 99 (Wed)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
 Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant L. G. Everist, Inc. Phone No. 334-5000
 Post Office Address P. O. Box 829, Sioux Falls State South Dakota Zip Code 57117
(Street, RR or Box)
- Amount of water claimed (c.f.s) .05
- Source of water supply Well
- Location of point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T104N-R49W

 _____ County Minnehaha
- Counties where water will be used Minnehaha
- Annual period during which water is to be used continuously January 1. December 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
 County of MINNEHAHA)^{ss}

I, L. G. Everist, Inc. the applicant, certify that I have read the foregoing application, 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 L. G. Everist, Inc.Subscribed and sworn to before me this 13th day of February 19 86

Sheldon J. Horne
 Notary Public (or other qualified officer)

My Commission Expires 6-27-86

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5083-3

L.G. Everist, Inc (Applicant) P.O. Box 829, Sioux Falls (Post Office Address)

SD (State) 57117 (Zip Code) With the following qualifications.

Date of first receipt of application February 18, 1986.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved May 14, 1986.

The Water Management Board hereby approves this Water Permit No. 5083-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Permit approval, subject, however, to the following limitations and conditions:

The date from which applicant may claim right is February 18, 1986.

The equivalent of at least one-fifth of the specified work is ~~to be~~ completed ~~on or before~~ _____, 19____.

3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____.

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.

5. The water appropriated shall be used for the purpose of commercial use in an office building

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 unlawfully impaired by this appropriation.

7. The amount of the appropriation herein granted shall not exceed .05 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 uses served and to which water is actually and beneficially applied for commercial use ~~on or before~~ _____, 19____; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD
By: [Signature] Chief Engineer
Division of Water Rights
Dept of Water and Natural Resources
JUN 20 1986

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 12'
- b) Casing Type PVC Diameter 12" Thickness 1/2"
- c) Screen Type slotted Diameter 12" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 6'
- e) Depth to Top of Water Bearing Material 6'
- f) Depth of Water (ground surface to water level) 6'
- g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others 3/4 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

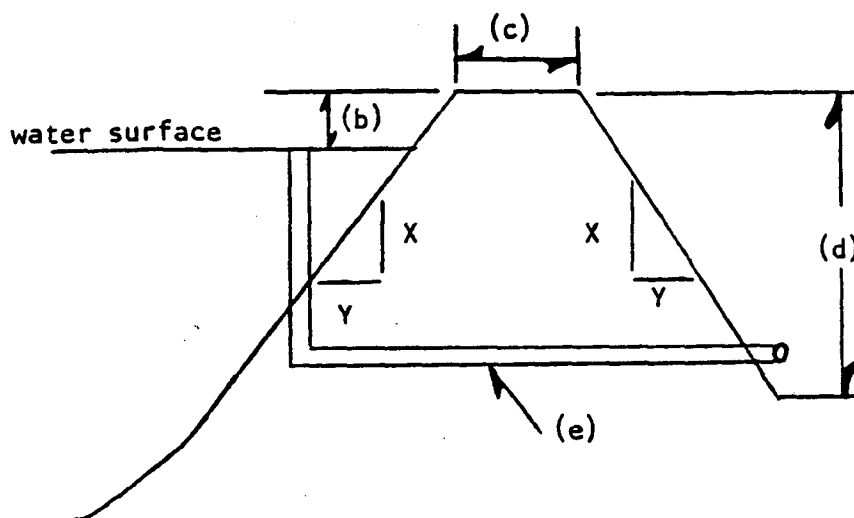
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



L. B. Everist, Inc.

Gay Van Dusen Tap

Signature of Applicant

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NE 1/4 NE 1/4 Sec 10 Twp 104N Rg 49WCounty Sioux

North

W

E

1 mile

Please mark well location with an "X"

Well Completion Date 4-16-85

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Stock

Method of Drilling:

Auger Casing

WELL CONSTRUCTION:

Diameter of hole 18 inches Depth 12 feetCasing: ☐ Steel ☒ Plastic ☐ OtherSpecify 12" PVCPipe Weight Diameter From To
lb/ft inches feet feet

lb/ft inches feet feet

Is a well screen used? ☐ Yes ☐ No

If Not Specify

Screen Type slotted 12" PVC Slot Size 100Length 4' Diameter 12"Is Casing left open end? ☐ Yes ☒ NoIs a Packer or seal used? ☐ Yes ☐ No

If so what material?

Is well gravel packed? ☒ Yes ☐ NoIs well grouted? ☐ Yes ☒ No

Describe grouting procedure

To what depth? Feet

What was grouting material?

If cement, how many sacks?

Location of packer(s) and screen or perforated pipe

IS WELL PLUGGED OR ABANDONED ☐ Yes ☐ No

If so how and with what material?

Well Owner:

Name LG. EVERIST INCAddress DELL RAPIDS SD 57022

Well Log:

Depth

Formation

From

To

Topsoil06GRAVEL612CLAY -STATIC WATER LEVEL 5' Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify

Can well be completely shut off?

WELL TEST DATA:

☒ Pumped☐ Bailed☐ Other

Describe:

Pumping Level Below Land Surface

9 ft. After 2 Hrs. pumped 30 GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

Remarks:

little
Good CLEAN WELL - less
than 1 PPM on N
PACKED & SETTLED dirt back on top

This well was drilled under license # 111

and this report is true and accurate

Drilling Firm LARRY W. DILLONSigned by James D. Dillon5-24-85

Date





Well

SIMPSON
PURCHASE

REARLIE
PURCHASE
1940-50

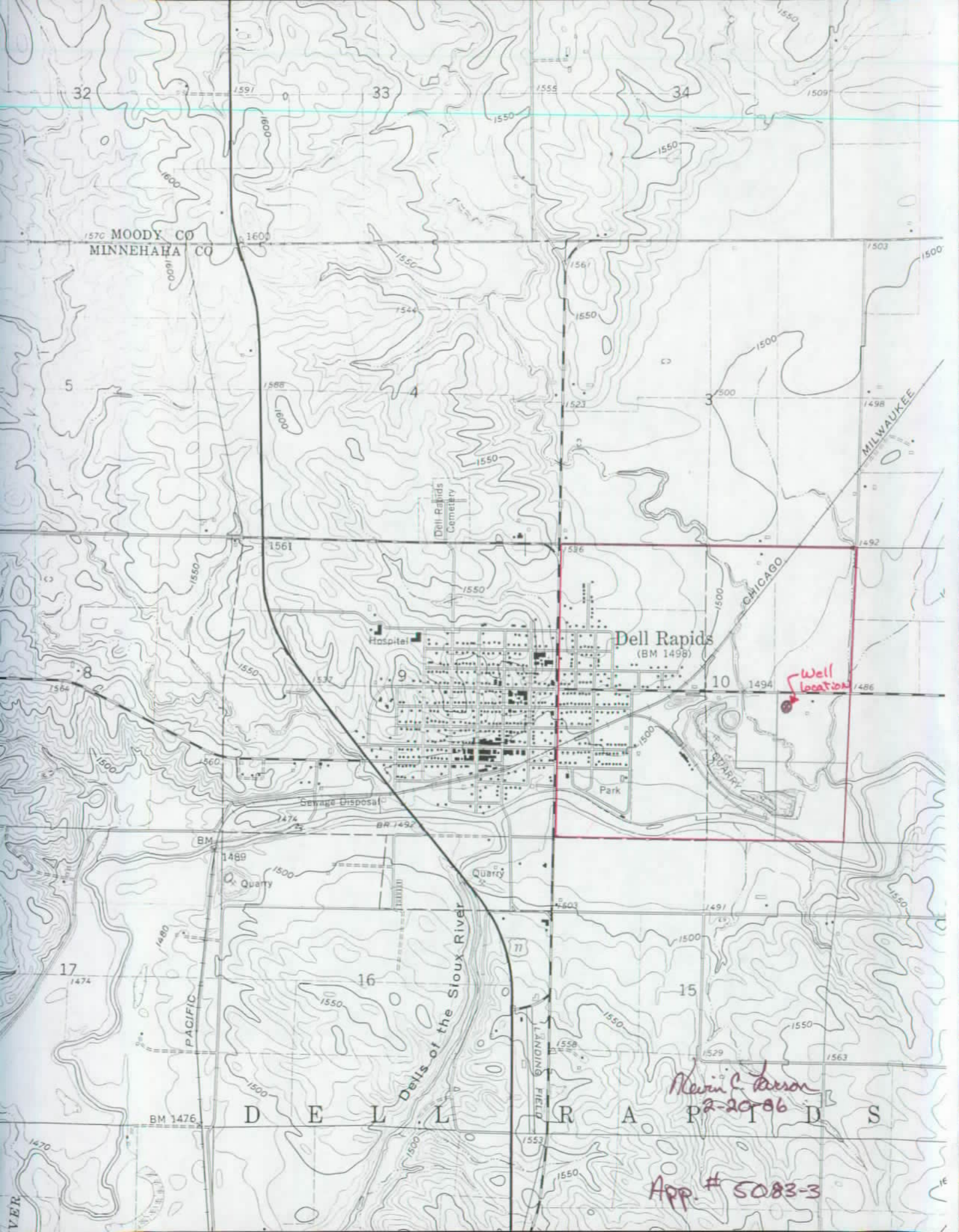
JORGENSEN PURCHASE
1941-50

App # 5083-3

10/11
15/14

9/10
16/15

12672



157C MOODY CO
MINNEHAHA CO

Dell Rapids
Cemetery

Hospital

Dell Rapids
(BM 1498)

Well
location

Sanitary Disposal

Park

Quarry

Quarry

PACIFIC

Missouri River

LANDING FIELD

Kevin C. Larson
2-20-06

APP. # 5083-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410327

Pierre, February 18, 1986, 19

L. G. Everist, Inc., PO Box 829, Sioux Falls, SD 57117

RECEIVED OF

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 _____	50	00
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 _____		
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	50 00

By

Chief Engineer

JOHN HATCH/ms

 **Department of
Water & Natural Resources**

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

June 24, 1985

L. G. Everist, Inc.
Dell Rapids, SD 57022

Dear Sir:

A well drillers report filed with this office by Lacey Well Drilling Indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter is to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

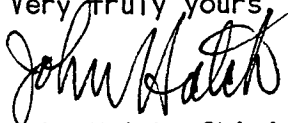
General Information. The following is being provided to all new well owners for information purposes and may not apply to you.

1. If a well will be allowed to flow or will be pumped more than 18 gallons per minute (gpm) or if a person intends to use more than 18 gpm or more than 26,000 gallons per day (average of 18 gpm) for domestic use, a water permit is required pursuant to SDCL 46-1-6(4) and (6), 46-1-15, 46-5-8 and Water Management Board Rules 74:02:01:01(1) and 74:02:01:03. A pump larger than 18 gpm may be used as long as the total daily domestic use does not exceed 26,000 gallons per day (gpd). Water for geothermal heating and/or cooling for a home is domestic use, and may be used without a water permit, if the use is no more than 18 gpm.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14 and 46-6-21.
3. Any common distribution system such as a city, town, subdivision or rural water system that pumps or diverts more than 18 gpm is required by SDCL 46-5-8.2 to have a water permit.

4. A water permit is required pursuant to SDCL 46-1-15 to use water for commercial business operations, industrial purposes, mining or irrigation of more than 1/2 acre.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Well Driller

S514.wr



Department of Water & Natural Resources

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

January 23, 1986

L.G. Everist, Inc.
Dell Rapids, SD 57022

Dear Sir:

June 24, 1985 we sent you a letter which outlined South Dakota State laws as they apply to well owner responsibilities and water permit requirements. In reviewing the drillers log that was submitted for your well, it appeared that you may need a water permit. Please send us the details of your water use system such as: installed pump capacity, number of users and type of users. With this information we can determine if you need a water permit. Please respond to this request by February 14, 1986.

If we can answer any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

S521.wr

B12003KL:WR

Tim Lacey called about this 1-29-86

Sent letter and forms 1-30-86

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

*L. M. Everist, Inc.
Dell Rapids 57022*

4. Type of Service:

- | | |
|--|----------------------------------|
| ☒ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | |

Article Number

P 404 786 612

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

Daniel Kupel

7. Date of Delivery

1-27-86 SA

8. Addressee's Address (ONLY if requested and fee paid)

PO BOX 9

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

This will notify you that the Water Management Board cancelled
your Water_____.

This action was taken under conditions outlined in our letter
to you dated_____.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

Water Rights Division
605 773-3352

January 30, 1986

L.G. Everist, Inc.
Daniel Kupee
PO Box 9
Dell Rapids SD 57022

Mr. Kupee:

I spoke with Jim Lacey yesterday concerning the well he drilled for you. After discussing your situation with several staff members and the Chief Engineer we have determined that your use of water will require a water permit. I am enclosing the necessary forms and instruction sheet. The filing fee for your application will be \$50.00. If you have any questions concerning these forms, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosure

PERMIT APPLICATION NO. 5083-3

L.G. EVERIST, INC.

March 19, 1986

Application No. 5083-2 proposes appropriation of 0.05 cfs from one well 12 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T104N, R49W. The water is to be used in an office building at the quarry located on half mile east of Dell Rapids.

Aquifer: Big Sioux-Moody

The Big Sioux-Moody Aquifer is an alluvium-mantled valley train outwash consisting of stratified deposits of well to poorly sorted sand, gravel, silt and minor amounts of clay. The unit underlies approximately 2400 acres of Minnehaha County, and contains an estimate 9000 acre feet of recoverable water in storage (Hedges, 1982). The aquifer is under water table conditions and receives recharge from infiltration of precipitation on the surface of the aquifer and streambed infiltration from the Big Sioux River. Discharge from the aquifer is through evapotranspiration, flow to the Big Sioux River and pumpage from wells. The estimated specific yield of the Big Sioux-Moody is 20% and the hydraulic-conductivity is estimated to be between 200 and 400 ft/d (Koch, 1982). The well drillers report submitted for the applicant's well, indicates a saturated thickness of the Big Sioux-Moody of 7 feet, and a specific capacity of 7.5 gpm/ft.

The Water Rights Division monitors several observation wells in the Big Sioux Aquifer, and observation well No. MA-57A is located approximately $\frac{1}{2}$ mile north of the applicant's well. The water level measurements show seasonal fluctuations of groundwater in response to changes in recharge and discharge is greater than recharge. Water levels rise during spring and summer when recharge is greater than discharge, and decline in midsummer through midwinter when discharged. The observation wells show no definite decline in the water level of the aquifer (Water Rights Division, 1986).

Review of Existing Permits

The only permit appropriating ground water in the area is No. 562-3 held by the City of Dell Rapids, for 4.11 cfs from three wells. The Dell Rapids' wells are all completed into the Sioux Quartzite. In this area, the quartzite is separated from the Big Sioux-Quartzite by at least 10 feet of relatively impermeable glacial till.

Conclusions

1. The Big Sioux-Moody is a viable source of groundwater in the area of the applicant's well.
2. The Big Sioux-Moody is under water table conditions and is hydraulically connected to the Big Sioux River.
3. Water level measurements taken from the Division of Water Rights observation wells indicate discharge from the aquifer does not exceed the average annual recharge.
4. The withdrawal of groundwater from the Big Sioux-Moody Aquifer should not effect the water level of the Sioux Quartzite, therefore should not interfere with the wells supplying permit No. 562-3.
5. The withdrawal of 0.05 cfs from the water table aquifer should create a minimal cone of influence.



KENT BUHLER

Natural Resource Engineer

References

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.S., 1982, Evaluation of Ground Water Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract No. DACW 45-80-C-0185.

Koch, N.C., 1982, A Digital-Computer Model of the Big Sioux Aquifer in Minnehaha County, South Dakota, U.S. Geological Survey, Huron SD.

Division of Water Rights, 1986, Domestic Well Log and Observation Well Files.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 5083-2, L.G. Everist, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5083-3, L. G. Everist, Inc. PO Box 829, Sioux Falls SD.

The Chief Engineer is recommending APPROVAL of Application No. 5083-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
March 20, 1986

No. 5083-3

Instruction to Newspaper - Publish first publication of the following Notice on or before March 26, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5083-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that L. G. Everist, Inc. whose mailing address is
P.O. Box 829, Sioux Falls, South Dakota has made an application for a permit

to appropriate 0.05 cubic feet per second from one well, 12 feet deep, located in the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T104N-R49W. The water is to be used in an office building at the
quarry located one half mile east of Dell Rapids.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5083-3 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss
Building, 523 E. Capitol, Pierre, South Dakota, May 14 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.

AFFIDAVIT OF PUBLICATION

State of South Dakota

SS

County of Minnehaha

Maries Kruger of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the **Dell Rapids Tribune**, a weekly newspaper, published by Prairie Publications in the City of Dell Rapids, in said County of Minnehaha, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper has been published within the said County of Minnehaha and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

<u>April 2</u>	19 <u>86</u>
<u>April 9</u>	19 <u>86</u>
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____
_____	19 _____



That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 38.99

Maries Kruger

Subscribed and sworn to before me this

9 day of April 1986.

Vane Weiseler

Notary Public in and for the County of Minnehaha, South Dakota. My Commission expires June 9, 1989.

(Seal)

Notice is hereby given that L.G. Everist, Inc. whose mailing address is P.O. Box 829, Sioux Falls, South Dakota has made an application for a permit to appropriate 0.05 cubic feet per second from one well, 12 feet deep, located in the NE 1/4 SE 1/4 Section 10, T104N-R49W. The water is to be used in an office building at the quarry located one half mile east of Dell Rapids.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5083-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 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.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Cir-

cuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division DWNR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with Chief Engineer by May 2, 1986.

T-April 2, 9



5083-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUN 20 1986

L. G. Everist, Inc.
P.O. Box 829
Sioux Falls, South Dakota 57117

Dear Sir:

Enclosed herewith is your Water Permit No. 5083-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5083-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

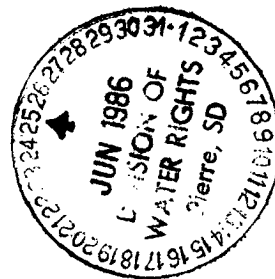
JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office 829

Date 6/24/86

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 5083-3.

Water Right Permit No. 5083-3 states that the diversion system is to be constructed by —, and that the water is put to beneficial use by —.

The diversion system was completed on 4/16/85. Applying the water to beneficial use was completed on 4/16/85.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

L. G. Everist, Inc.

L. G. Everist, Inc.
(Signature)

File No.

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: **LG Everist - Kevin Oliver**

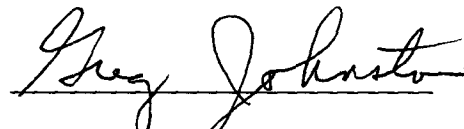
ADDRESS: **Dell Rapids, SD** COUNTY: **Minnehaha**

DATE: **1/14/92** TELEPHONE: **334-5000**

RE: **Discharge Permit for reactivating quarry**

COMMENTS:

Kevin Oliver called and needed information regarding a discharge permit. LG Everist wants to pump out an old idle quarry (located in the NE 1/4 Section 17 and the NW 1/4 Section 16 in the Dell Rapids Township) that has filled with water in order to resume mining activities. I called Kent Woodmansey (773-4609) and asked if he handled this type of permit - he does, and I told him Mr. Oliver would call with the specific information. I returned a call to Kevin Oliver and told him to call Kent Woodmansey regarding the discharge permit.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 1993

Ken Oliver
L.G. Everist Co.
P.O. Box 829
Sioux Falls, SD 57117

Dear Mr. Oliver:

Last August, I inspected the well covered under Water Permit No. 5083-3 (located in the NE1/4 SE1/4 Section 10-T104N-49W) which supplies water to the shop area at the Dell Rapids quarry. During the inspection, it was discovered that another well, (located at the east end of the weigh station) approximately 140 feet deep, was diverting 22 GPM from the Sioux Quartzite to supply water to the office bathrooms and weigh station. After checking out permit and license files, it was discovered that we do not have any records for this well. The well does need to be permitted to appropriate water for commercial use.

Enclosed is a water permit application and instruction sheet for the well supplying water to the office and weigh station at the Dell Rapids quarry. Please complete, notarize and submit the application with a \$50 fee to appropriate 22 GPM. All other necessary items needed for the application process are highlighted on the instruction sheet.

Thanks for your attention to this matter. If you have questions, please call me any time.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
605 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 19, 1993

5083-3

L.G. Everist, Inc.
P.O. Box 829
Sioux Falls, SD 57117

Dear Sirs:

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. 5083-3, 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(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

SEP 20 1993

5083-3

Harvey Schmidt/Comptroller
L. G. Everist, Inc.
P.O. Box 5829
Sioux Falls, SD 57117-5829

Dear Sirs:

Enclosed is Water License No. 5083-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413741 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5083-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

Permit No. 5083-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by L.G. Everist Co. of P.O. Box 829, Sioux Falls, SD 57117 holder of Permit No. 5083-3, bearing the priority of February 18, 1986 authorizing the diversion of .05 cu. ft. per second of the waters of Big Sioux-Moody Aquifer for Commercial purposes, in Mimnehaha County.

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

A. Works used to divert the water:

One well - 12' deep with 8' of 12" PVC casing and 4' of .100 slotted PVC screen. Pump make and model unknown, 22 GPM @ 20 PSI; Motor is 1 HP.

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

900' of 2" PVC pipe

C. Works used to apply water to beneficial use:

Supplies water to quarry office and shop

The system is in the following condition good. The point of diversion is located 1210'W and 2486'N of the SE corner of Section 10-T104N-R49W. The works are capable of diverting and conveying to the place of use .05 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use. The license should be issued for .05 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 8/5/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5083-3

DATE 8/5/92

Other permit(s) associated with the project None

DIVERSION POINT LEGAL LOCATION: 1210' W and 2486' N of the SE corner of Section 10-T104N-R49W

WELL INFORMATION: Well Drilling Firm Lacey

No. of Wells 1 Depth(s) 12

a) Casing: 1) diameter 12 inches

2) length 8 feet

3) type PVC

d) Static Water Level 5 feet

e) Motor:

1) make unknown

2) model No. unknown

3) horsepower rating 1 hp

b) Screen: 1) type .100 slotted PVC

2) length 4 feet

1) make Unknown*

2) model Unknown

3) size 3 inches

4) capacity 22 GPM

5) turbine pump - No. of stages unknown

6) operating pressure 20 PSI

DISTRIBUTION LINES OR CANALS:

a) type PVC b) size 2 inches c) length 2448 feet

System Type:

a) Water supply for office and shop building at quarry

CHEMIGATION EQUIPMENT:

a) does chemigate N/A (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)

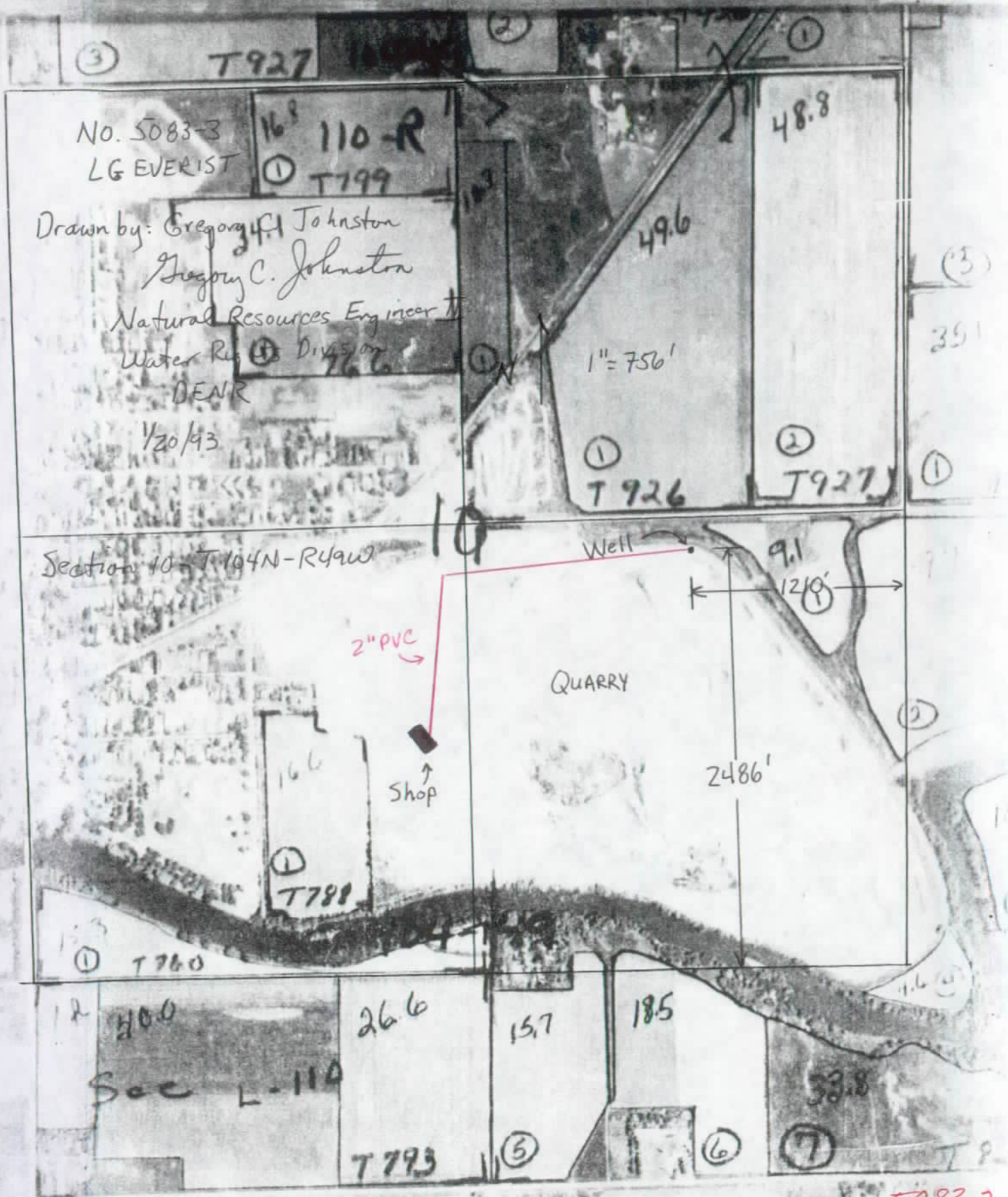
b) Special qualifications to permit being abided by N/A (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

* Pump and motor are submersible and were purchased from local plumbing contractor. The contractor had no records of the make or model of either the pump or motor.

NOT TO SCALE



5083-3

File No. 5083-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: LG Everist (Kevin Oliver)

ADDRESS: P.O. Box 829 Sioux Falls, SD 57117

COUNTY: Minnehaha

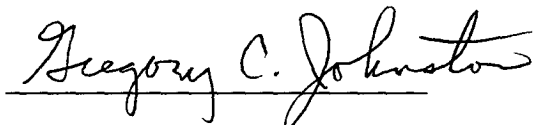
DATE: 8/5/92

TELEPHONE: 334-5000

RE: Permit for second well at Dell Rapids Quarry

COMMENTS:

I inspected the well under Water Permit No. 5083-3 at the Dell Rapids Everist quarry on 8/5/92. A second well was located at the quarry and was not covered under any permit. This well supplies water to the lab bathrooms. I sent a letter dated 1/5/93 to Kevin Oliver of LG Everist in Sioux Falls to apply for a water permit to cover the well. It is capable of diverting 22 GPM from the Sioux Quartzite. On 1/7/93 Kevin Oliver called regarding the application - he stated that the well was 40 or more years old and there is no record of the well completion report or the well driller. They do, however, have an idea of the depth and type of pump in the well. He will send all available information regarding the well on the Supplemental 2A form with the application.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

RECEIPT

413741

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 26, 19 93

RECEIVED OF L. G. Everist, Inc., 313 S. Phillips Ave, Sioux Falls, SD 57117-0829

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>5083-3</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 Blatnik
Chief Engineer

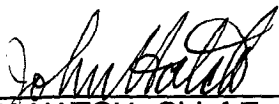
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5083-3

(1) L.G. Everist, Inc., of P.O. Box 5829, Sioux Falls, SD 57117-5829 made Application No. 5083-3, February 18, 1986 for a water permit to appropriate 0.05 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for commercial purposes. Permit No. 5083-3, with a priority date of February 18, 1986 was approved May 14, 1986 and issued to the applicant(s) 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 0.05 cubic feet of water per second for beneficial use. The location of the diversion point is 1210 feet W and 2486 feet N of the SE corner of Section 10 T104N-R49W (NE¼ SE¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for office and shop supply.

(4) Pursuant to South Dakota Water Law 46-5-30.1 L.G. Everist, Inc. of P.O. Box 5829, Sioux Falls, SD 57117-5829 the holder and/or owner of Water Permit No. 5083-3 is issued a license to appropriate water, the right to use 0.05 cubic feet of water per second from groundwater (one well) with a priority date of February 18, 1986 from the location specified in (2) of this license. The water is be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5083-3 and subject to South Dakota State Law.



SEP 20 1993

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

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

L G EVERIST INC
PO BOX 5829
SIOUX FALLS SD 57117 5829

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5083-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER

County: MINNEHAHA

Aquifer: BIG SIOUX

Pumping Pt. Legal: SEC 10-T104N-R49W

Management Unit: MOODY

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: 128,006 gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: EAST QUARRY (SHOP) EST 500 gal/day x 256 days

Contact Person:

KEVIN S OLIVER LG. EVERIST, INC

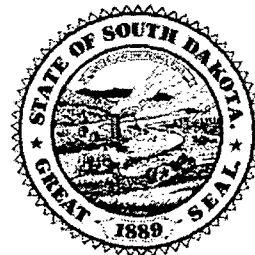
Telephone No:

605-334-5000 ext 120

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Chris Klein, QC & Regulatory Manager for L G Everist Inc

DATE: January 4, 2018

TELEPHONE: 605 929-4017

RE: address change for Permit/Right Nos. 5083-3, 5388-3, 5400-3, 5741-3, 5784-3 & 6402-3

COMMENTS:

Chris Klein w/L G Everist Inc sent an email to the Department indicating the corporate mailing address has changed.

See below:



CHRIS KLEIN, L.G. Everist, Inc. – QC & Regulatory Manager

350 S Main Ave, Suite 400, Sioux Falls, SD 57104

605.929.4017 || cmklein@lgeverist.com || www.lgeverist.com

SAFE...RELIABLE...PRODUCTIVE