

Considered: _____

WATER PERMIT NO. 5388-3MAP No. same 334-5000Name of Applicant L.G. Everist, Inc.Post Office Address PO Box 829, Sioux Falls SD 57117Amount of Water Claimed 0.45 cfs Total Acres NASource of Water Supply ground water - 1 wellWater to be used for industrial purposes County UnionAbout N miles side of N. Sioux City.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 30, 1990 Fee \$250⁰⁰ Remarks _____Corrected Application Received _____ Period of Annual Use Apr 1 - Nov 30WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well : NE 1/4 SE 1/4 section 10-T 89N - R 48WLand to be Irrigated NA

		10			
			well		

Well Log: Driller not drilled Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY George E Spencer Reviewed and the Numberassigned on February 2, 1990 By Ron J. Small

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>5388-3</u>	Hydrologic Unit <u>10170203</u>
Map No. <u>same</u>	Basin <u>Big Sioux River</u>
Newspaper <u>Elk Point Leader-Courier, Box 310, 57025</u> (THUR)	

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 retainedChange 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. _____1. Name of Applicant L.G. Everist, Inc. Phone No. 605-334-5000Post Office Address P.O. Box 829 Sioux Falls State S.D.
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) .45 c.f.s. = 200 gal/min3. Source of water supply ground water - 1 well

well north east

4. Location of point of diversion A point 700 ft west and 100' north of the center ofthe center of the NE 1/4 of Section 10, T89N, R48W (Parcel No. 15 ofthe west yard) County Union5. Counties where water will be used Union County South Dakota6. Annual period during which water is to be used April 1 to November 30

7. 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.)

Well will be used to supply water for a concrete batch plant

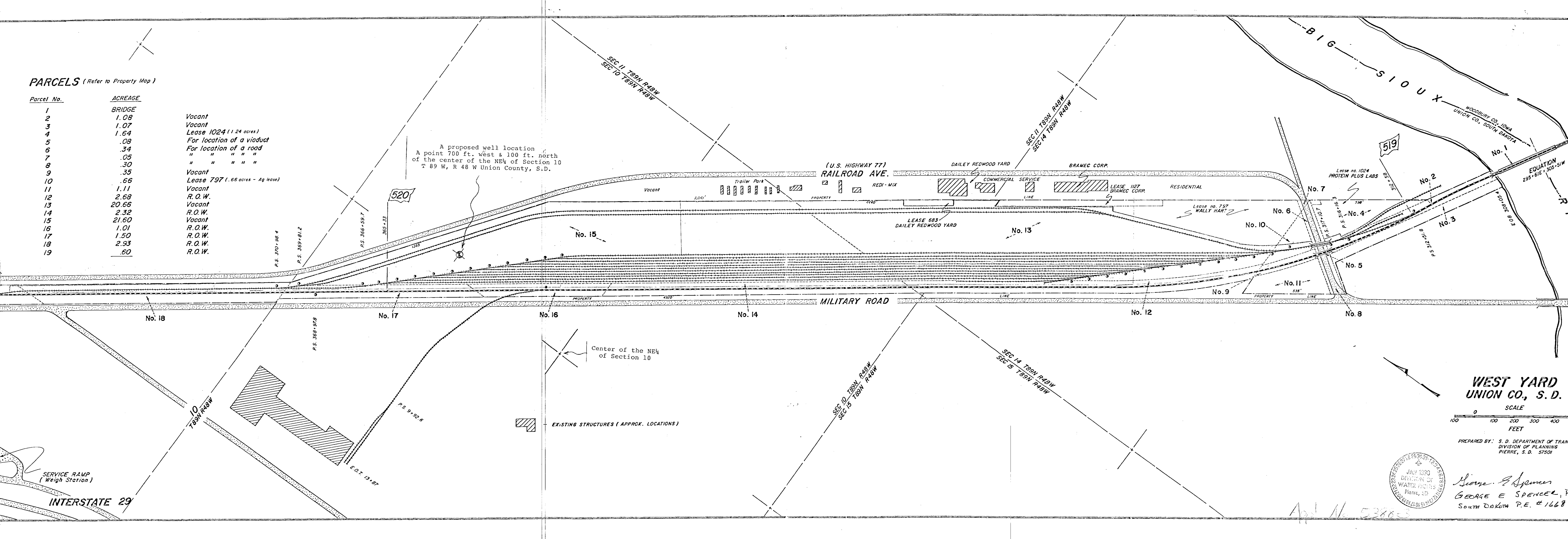
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)

County of MINNEAPOLIS)^{ss}I, L.G. Everist, Inc. the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Signed L.G. Everist, Inc.
Jay Van BurenSubscribed and sworn to before me this 24th day of January 1990Sheldon J. Horne
Notary Public

PARCELS (Refer to Property Map)

Parcel No.	ACREAGE	
1	BRIDGE	
2	1.08	Vacant
3	1.07	Vacant
4	1.64	Lease 1024 (1.24 acres)
5	.08	For location of a viaduct
6	.34	For location of a road
7	.05	" " " "
8	.30	" " " "
9	.35	Vacant
10	.66	Lease 797 (.66 acres - Ag lease)
11	1.11	Vacant
12	2.68	R.O.W.
13	20.66	Vacant
14	2.32	R.O.W.
15	21.60	Vacant
16	1.01	R.O.W.
17	1.50	R.O.W.
18	2.93	R.O.W.
19	.60	R.O.W.



WEST YARD
UNION CO., S. D.

SCALE
0 100 200 300 400
FEET

PREPARED BY: S. D. DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING
PIERRE, S. D. 57501



George E. Spencer
GEORGE E. SPENCER, P.E. #1668
SOUTH DAKOTA

Appl No. 53863

**SOUTH DAKOTA
WATER PERMIT No. 5388-3**

Date of first receipt of application January 30, 1990.

Date of return to applicant for corrections, amendments or changes February 1, 1990.

Date of receipt of corrected application February 5, 1990.

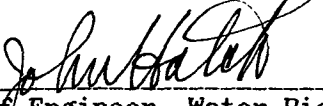
The Water Management Board approved Water Permit Application No. 5388-3 on March 7, 1990 for L.G. Everist, Inc., P.O. Box 829, Sioux Falls, SD 57117 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5388-3 appropriates 0.45 cubic feet of water per second from one well, 100 feet deep, to be located in the NE1/4 SE1/4 Section 10-T89N-R48W.
2. The water appropriated shall be used for supplying a concrete batch plant and may not exceed the amount of water needed for beneficial use for industrial purposes.
3. The water is to be used during the following described annual period: April 1 - November 30.
4. The date from which applicant may claim right is January 30, 1990.
5. One-fifth of the construction is to be completed on or before September 7, 1992.
6. All construction is to be completed on or before March 7, 1995.
7. Water is to be put to beneficial use on or before March 7, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 18 1990

(date)

Karen J. Oliver
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412071

Pierre, February 1, 19 90

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

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

Fee for Application for Permit No. 5388-3 to Appropriate Water, to construct works and to put water to beneficial use	250	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	250 00

By John Hatch (signature)
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: L. G. Everist, Inc.ADDRESS: PO Box 829, Sioux Falls SD COUNTY UnionDATE: Feb. 1, 1990 TELEPHONE _____RE: well location

COMMENTS:

Contacted Kevin Oliver to inform Mr. Oliver the description of the well location is incorrect. Mr. Oliver instructed me to make the correction of the application and Mr. Oliver will send a corrected map.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Don Duvall

L. G. EVERIST, INC.



313 SO. PHILLIPS
P. O. BOX 829
SIOUX FALLS, SOUTH DAKOTA 57117
TELEPHONE 605-334-5000
TELECOPIER 605-334-3656



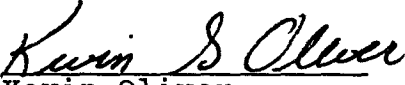
February 2, 1990

Ron Duvall
Water Rights Division
Joe Foss Building
Pierre, South Dakota 57501

Dear Ron:

Enclosed is the corrected map for our well permit application.
Thank you for bringing the error in the location of the well to
my attention.

Very truly yours,
L.G. EVERIST, INC.


Kevin Oliver
Engineer

KO:ce
Enclosure

L. G. EVERIST, INC.



313 SO. PHILLIPS
P. O. BOX 829
SIOUX FALLS, SOUTH DAKOTA 57117
TELEPHONE 605-334-5000
TELECOPIER 605-334-3656



January 29, 1990

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Enclosed is L.G. Everist, Inc. completed application for an industrial well located in the west yard of North Sioux City, and also a check for \$250.00. I have not been able to locate a driller's log for the North Sioux City area. I request to drill a well and use the driller's log from drilling the well. I would like to have the application on the Water Board agenda in March.

Please contact me if there are any problems with meeting any deadlines.

Thank you.

Sincerely,
L.G. EVERIST, INC.


Kevin Oliver

KO:ce
Enclosures



Department of Water & Natural Resources

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

February 6, 1990

Kevin Oliver
L.G. Everist, Inc.
313 S Phillips
P.O. Box 829
Sioux Falls, SD 57117

Dear Mr. Oliver:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, L.G. Everist, Inc., is authorized to construct a test well prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James A. Goodman". The signature is fluid and cursive, with the first name "James" and last name "Goodman" clearly distinguishable.

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
(605)773-3352

L.G. EVERIST, INC.



313 SO. PHILLIPS
P. O. BOX 829
SIOUX FALLS, SOUTH DAKOTA 57117
TELEPHONE 605-334-5000
TELECOPIER 605-334-3656

March 7, 1990

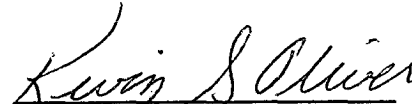
John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Enclosed is the water well completion report regarding
application #5388-3 at North Sioux City railroad yard.

If there are any questions or problems, please contact me at
334-5000.

Sincerely,
L.G. EVERIST, INC.


Kevin Oliver

KO:ce
Enclosure



SOUTH DAKOTA GEOLOGICAL SURVEY

Location 89-48-10 abab

Location NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section: 10

T. 83 N R. 48 W

Test Hole: UN-77-8

UN-77 U

Well: ~~UN-8-77~~

Land Owner:

County: Union

Date: 8-19-77

Elevation: 1106 T

E-Log: No

Samples: No

Drilling Company: SD Geological Survey

Project: South Union County

Geologist: Derric Iles

Rotary: Yes

Auger:

Driller: Tim Kenyon

Thickness	Lithologic Description	From - to Feet
35	Silt, brown, very clayey	0- 35
8	Clay, gray to brown, very soft	35- 43
23	Clay, gray, compact	43- 66
5	Clay, gray, compact; some fine to medium sand	66- 71
8	Gravel, fine to coarse, and sand, fine to coarse; some coal	71- 79
16	Clay, light brown; some medium sand	79- 95
8	Coal, clay, gray, medium, some sand	95-103
41	Gravel, fine to medium, with silt, gray, clayey in intermittent 1-foot layers	103-144
16	Bedrock?, hard	144-160
	Observation well: 140 feet of casing; slotted from 113 feet to 138 feet	
	Total depth - 160 feet	

SOUTH DAKOTA WATER WELL COMPLETION REPORT

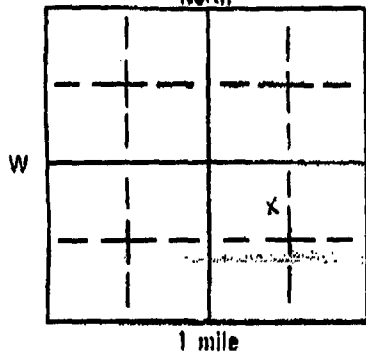
10-85

Location SE 1/4 Sec 10 Twp T87W Rg R48W

County

UNION

North



Please mark well location with an "X"

Well Completion Date Mar 5 90

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT 4.14 LB/FT DIAMETER 2.625 IN FROM 0 FT TO 70 FT HOLE DIAMETER 9 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 1 To 30 FEETWhat is grouting material? CementIf cement, number of sacks? 1Describe grouting procedure 1" steel pipe, pumped with piston pumpWhat was grout weight? 19 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 10 FEETMaterial Stainless SteelSlot Size 35 Set From 70 Feet To 80 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information closed bottomJohnson Screen Co.Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name L. G. EVERISTAddress 313 S PHILLIPS Sioux Falls, SD

Well Log:

Depth

Formation

From

To

till - Sand + broken cement	0	3'
Light Tan Clay	3	18'
Fine gray sand	18	25'
dark gray clay	25	44'
Fine gray sand	44	45'
dark gray clay	45	64'
Fine gray sand & coal	64	68'
med To coarse gray sand	68	80'
Fine gray sand	80	84'

STATIC WATER LEVEL 30 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 in? _____

WELL TEST DATA:

☐ Pumped☒ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

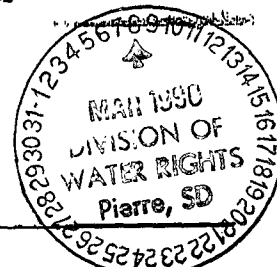
_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Gravel packed from bottom of hole To 30', cement grout 30' To 7', 7' To gr. lev. bentonite

This well was drilled under license # 558

And this report is true and accurate.

Drilling firm Marty Soole Well Drilling

Signature of License Representative:

Marty Soole

Signature of Well Owner:

L. G. Everist, em. pay chn. DrillingDate 3/7/90

REPORT ON APPLICATION NO. 5388-3
for L. G. Everist, Inc.
February 2, 1990

This application proposes to appropriate 0.45 cfs from one well approximately 100 feet deep to be located in the NE 1/4 SE 1/4 of section 10 in T89N R48W in Union County. The water is to be used for industrial purposes in a concrete batch plant.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point (M-EP) aquifer is a confined glacial (sand and gravel) outwash and alluvium under artesian conditions in this area. The aquifer is hydraulically connected to the Big Sioux South and Lower Vermillion Missouri aquifers in Union County and the M-EP aquifer in Clay County. There is also hydrologic connection with the Big Sioux and Missouri Rivers and the Dakota sandstone aquifer which directly underlies the M-EP aquifer in this area. The M-EP aquifer underlies 99,600 acres and contains an estimated 1,494,600 acre feet of recoverable water in Union County (Hedges, 1982).

The Division of Water Rights monitors one observation well UN-77U completed into the M-EP aquifer which is within 1 mile of this application. Water levels for this well show a slight seasonal response of 1 to 2 feet per year and also a good correlation with wet and dry years. The water levels rise during wet years and decline during dry years. Even though the aquifer is technically under artesian conditions in this area the record indicates the response is more like a water table situation. The water levels do not indicate a significant response due to pumping (Water Rights, 1990).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing diversion Right No. 1263-3 within 1/4 mile of this application. There are 6 other permits/rights in the area but more than 1/2 mile away. Interference is not expected to be a problem. Drawdowns are not significant as shown by the observation well record.

CONCLUSIONS

1. Water is available from the M-EP aquifer.
2. The aquifer is under artesian conditions however the water levels respond like a water table situation. Drawdowns are not significant and interference should not be a problem.
3. The well authorized by this application must be completed in accordance with SD well construction standards. The applicant has been granted permission to construct a test well pursuant to 74:02:04:21.

4. There is no indication if wastewater will be generated or disposed of at this site.
5. Since a test well has not been constructed, the actual well depth may be greater than 100 feet. Geologic data for the area indicates the M-EP Aquifer can extend to a depth of about 160 feet.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., 1982, EVALUATION OF GROUND-WATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1990, UNPUBLISHED OBSERVATION WELL RECORDS FOR M-EP AQUIFER IN UNION COUNTY, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

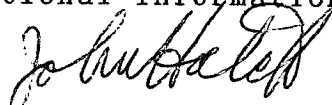
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5388-3, L. G. Everist, Inc.

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. 5388-3, L. G. Everist, Inc., PO Box 829, Sioux Falls SD.

The Chief Engineer is recommending APPROVAL of Application No. 5388-3 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 with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
February 2, 1990



Department of Water & Natural Resources

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

February 2, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

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

Dear Mr. Oliver:

A notice of hearing regarding water permit application no. 5388-3 for industrial use has been sent to the Publisher of the Leader-Courier printed at Elk Point SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

February 2, 1990

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5388-3 to be published twice. Please publish the first notice on or before February 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is L.G. Everist, Inc., Box 829, Sioux Falls, SD 57117.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before February 8, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5388-3 to Appropriate Water

Notice is given that L.G. Everist, Inc., Box 829, Sioux Falls, SD 57117 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second from one well, 100 feet deep, to be located in the NE1/4 SE1/4 Section 10-T89N-R48W. Water is to be used for industrial purposes in a concrete batch plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5388-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Union) ss.

I, Lester E. Emerson

certify that the attached printed Notice was taken
 from the The Leader-Courier

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 Elk Point

County of Union and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

Thursday, February 8 and 15, 1990

Lester E. Emerson
 (Signature)

(Title)

(Date Signed)

This application is made pursuant to 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.

RON DUVALL
 Natural Resources Engineer
 Pub. Feb. 8 and 15. 2-15

Cost of Printing: 8 pt. Century type, 11 pica
column, 2 publications - Total \$36.36

NOTICE OF HEARING On Application No. 5388-3 to Appropriate Water

Notice is given that L. G. Everist, Inc., Box 829, Sioux Falls, SD 57117 has filed an application for a water permit to appropriate 0.45 cubic feet of water per second from one well, 100 feet deep, to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10-T89N-R48W. Water is to be used for industrial purposes in a concrete batch plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5388-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

SOUTH Dakota Department of
Water & Natural Resources

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

February 8, 1990

Kevin Oliver
L.G. Everist, Inc.
PO Box 829
Sioux Falls SD 57717

Dear Mr. Oliver:

Enclosed is the Report and Recommendation of the Chief Engineer
for Water Permit Application No. 5388-3 for L. G. Everist, Inc.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosures



Department of Water & Natural Resources

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

JUN 18 1990

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

Dear Mr. Oliver:

Enclosed is Water Permit No. 5388-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

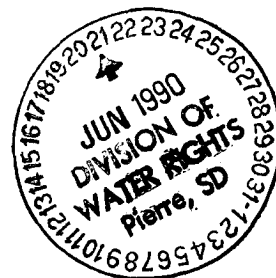
A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

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.



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

Date JUNE 22, 1990

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: L. G. EVERIST 313 S. PHILLIPS SIOUX FALLS S.D. 57117
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5388-3.

Water Permit No. 5388-3 states that the diversion system is to be constructed by MARCH 7, 1995, and that the water it put to beneficial use by MARCH 7, 1999.

The diversion system was completed on JUNE 15, 1990.

Applying the water to beneficial use was completed on JUNE 22, 1990.

You may schedule an inspection so that the Water License may be issued.

Kevin S. Oliver
signature

Permit No. 5388-3

Big Sioux 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 of Box 829, Sioux Falls, SD 57117 holder of Permit No. 5388-3, bearing the priority of January 30, 1990 authorizing the diversion of 0.45 cu. ft. per second and/or the storage of acre-feet of the waters of Missouri-Elk Point Aquifer for industrial purposes, in Union County.

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

A. Works used to divert the water:

Section 10 - 1 well -84 feet deep with 70 feet of 8.625" plastic casing and 10 feet of 6" 35 slot stainless steel screen; Pump - Goulds Sub Pump - 200 GPM @ 85 psi; Motor - Unknown 5HP Model# Unknown

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

Section 10 - 25 feet of 3.5" flex hose

C. Works used to apply water to beneficial use:

Section 10 - 25 feet of 3.5" flex hose and 1200 gallon storage tank

The system is in the following condition Good. The point of diversion is located at a point 700' north and 100' east of the center of the SE1/4 Section 10 - T89N - R48W Union County, SD. The file map shows the location of the well. The works are capable of diverting and conveying to the place of use 0.45 cu. ft. per second of water and/or storing which is to be used for industrial purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 10 - T89N - R48W: Water is used in concrete batch plant

comprising a total of - acres of land and the license should be issued for 0.45 cfs and/or acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date 7-11-1991

Gregory C. Johnston
Natural Resources Engineer

LICENSE FOR PERMIT NUMBER 5388-3

1. Legal location of wells: 700'north and 100' east of the center of the SE1/4 of Section 10 - T89N - R48W (The well is accurately located on the file map).

Dams and Structures none

2. Well Information: Well Drilling Firm Marty Soole Drilling

Completion Report? Yes x No No. of Wells 1 Depth(s) 84 feet

Casing a) diameter 8.625 inches Screen a) type Stainless Steel

b) length 70 feet b) length 10 feet

c) type Plastic Static Water Level 30 feet

Pump a) make Goulds Sub Pump Motor a) make Unknown

b) model N/A b) model no. Unknown

c) size N/A c) horsepower rating 5

d) capacity 200 GPM d) serial no. N/A

e) turbine pump - no. of stages

f) operating PSI 85

3. Distribution lines or canals

a) size 3.5 inches

b) type Flex Hose

c) length 25 feet

4. Dam Information:

a) height to crest feet m) Outlet tubes:

b) height to primary spillway feet 1) diameter inches

c) height to secondary spillway feet 2) type

d) crest width feet 3) valved (Y/N)

e) crest length feet 4) valve type

4. Dam Information Continued:

- | | | |
|--------------------------------------|-------|---------------------------|
| f) spillway length | feet | 5) location on structure: |
| g) spillway width | feet | |
| h) approx. storage | AC-FT | n) Category of Dam |
| i) approx. storage to crest | AC-FT | |
| j) date constructed | | |
| k) inspection sheet completed? (Y/N) | | |
| l) name of contractor | | |

5. System Type a) sideroll:

- 1) length feet
- 2) diameter of pipe inches
- 3) make, model & number of sprinklers
- 4) spacing of sprinklers feet
- 5) nozzle size

c)gun:

- 1) make
- 2) nozzle size
- 3) capacity (GPM)
- 4) hose size inches
- 5) hose length feet

e) gated pipe:

- 1) length feet
- 2) diameter inches
- 3) spacing of gates inches

b) towline:

- 1) length feet
- 2) make, model & number of sprinklers
- 3) spacing of sprinklers
- 4) nozzle size

d) center pivot:

- 1) make
- 2) number of towers
- 3) distance between towers
- 4) overall length feet
- 5) end gun (Y/N)
- 6) high or low pressure
- 7) make and size of nozzles:
- 8) capacity (GPM)

5. System Type Continued:

- | | |
|-------------------|---------------------|
| f) portable boom: | g) siphons: |
| 1) make | 1) size inches |
| 2) nozzle size | 2) number |
| 3) capacity (GPM) | |

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
-----	----	-------------

<u>N/A</u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
------------	--

<u>N/A</u>	2. Special qualifications to permit being abided by?
------------	--

<u>N/A</u>	3. All structures, wells and lands on map?
------------	--

<u>N/A</u>	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
------------	--

<u>X</u>	5. Is chemigation used?
----------	-------------------------

<u>N/A</u>	6. If yes, does equipment comply with chemigation rules?
------------	--

REMARKS:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

July 24, 1991

5388-3

L G Everist
PO Box 829
Sioux Falls, SD 57117

Dear Mr. Everist:

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. 5388-3, 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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412759

Pierre, July 29, 19 91

RECEIVED OF L.G. Everist, Inc., 313 S Phillips Ave, PO Box 829, Sioux Falls, SD 57117-
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. <u>5388-3</u>	50	00
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

John Hatch / [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

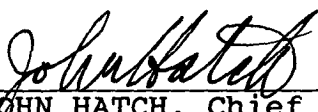
WATER LICENSE NO. 5388-3

(1) L. G. Everist, Inc. of P.O. Box 829, Sioux Falls, SD 57117-0829 made Application No. 5388-3, January 30, 1990 for a water permit to appropriate 0.45 cubic feet of water per second from groundwater (one well), Union County, South Dakota for industrial purposes. Permit No. 5388-3 with a priority date of January 30, 1990 was approved March 7, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

(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 0.45 cubic feet of water per second for beneficial use. The location of the diversion point is: at a point 700'N and 100'E of the center of the SE 1/4 Section 10, T89N, R48W (NE 1/4 SE 1/4).

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

(4) Pursuant to Section 46-5-30.1 L. G. Everist, Inc. of P.O. Box 829, Sioux Falls, SD 57117-0829 the holder(s) and/or owner(s) of Water Permit No. 5388-3 is issued a license to appropriate water, the right to use 0.45 cubic feet of water per second from groundwater (one well) with a priority date of January 30, 1990 from the location specified in (2) of this license. The water is used for industrial purposes in a concrete batch plant. This license is subject to any limitations or qualifications listed in Water Permit No. 5388-3 and subject to South Dakota State Law.

 SEP 27 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 27 1991

5388-3

L. G. Everist, Inc.
P.O. Box 829
Sioux Falls, SD 57117-0829

Dear Sirs:

Enclosed is Water License No. 5388-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412759 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. 5388-3, 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

enclosures

5388-3

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. 5388-3. 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: UNION

Aquifer: MISSOURI

Pumping Pt. Legal: SEC 10-T089N-R48W

Management Unit: ELK POINT

Type of Water Use: INDUSTRIAL

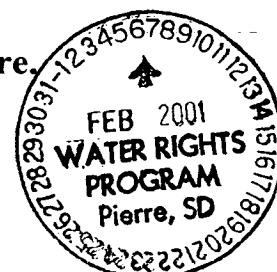
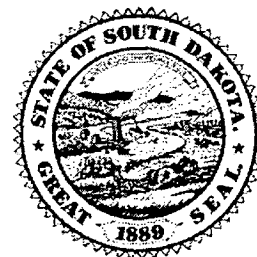
- 1) Please estimate your year 2000 water use from the above water source: 0 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: NORTH SIOUX CITY RAILROAD YARD
USED FOR Redi MIXED PLANT - PLANT WAS
REMOVED, WE ARE MAINTAINING WELL FOR
FUTURE USE, (WELL IS FENCED IN)

Contact Person: KEVIN S OLIVER L.G. 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