

WATER PERMIT NO. 5745-3

Phone: 605-352-3296

Name of Applicant: Huron Steel Structures, Inc.

Post Office Address: PO Box 181, Huron SD 57350

Amount of Water Claimed: 0.09 cfs 40 gpm Total Acres: Na

Source of Water Supply: groundwater

Water to be used for: commercial County: Beadle

About _____ miles _____ of within Huron city limits

PRIORITY Date Received: 2-8-93 Fee: \$50 Remarks: _____

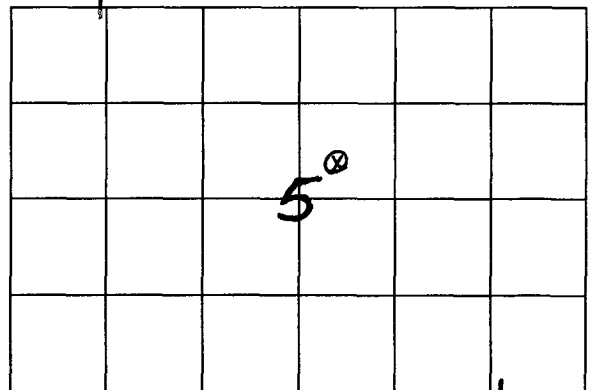
Corrected Application Received: 2-16-93 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NE 1/4 Sec 5-T110N-R61W

Land to be Irrigated: _____



Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 980 feet REMARKS: _____

Type of Map: plat PREPARED BY: Randall V. Hoscheid Reviewed and the Number

Assigned on: 2-16-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre SD 57501-3181
605 773-3352

No. 5745-3 Hydrologic Unit 10160006
Basin James River
Newspaper The Plainsman, Box 127B, Huron 57350
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

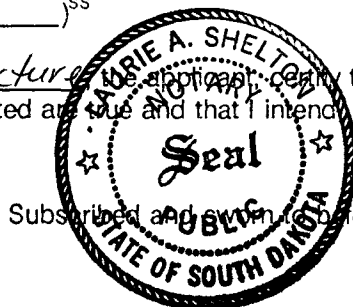
- Name of Applicant Huron Steel Structures, Inc. Phone 605-352-3296
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 181 Huron State SD
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.09 *CFS or 40 **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Artesian well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NE1/4 Section T110N-R56W
County Beadle
- County or counties where water will be used Beadle
- Annual period during which water is to be used Year Round Jan 1 - Dec 31
- Give a description of the 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 is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Beadle)^{ss}

I, Huron Steel Structures, Inc. do hereby 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 [Signature]
Subscribed and sworn to before me this 5th day of February 19 93

Laurie A. Shelton
Notary Public
Commission Expires: 12-17-95

SOUTH DAKOTA WATER PERMIT NO. 5745-3

Date of first receipt of application February 8, 1993.

Date of return to applicant for corrections, amendments or changes February 9, 1993.

Date of receipt of corrected application February 16, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5745-3 to Huron Steel Structures, Inc., PO Box 181, Huron SD 57350 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. 5745-3 to appropriate 40 gallons per minute (0.09 cubic feet of water per second) from one well (Dakota Formation) 980 feet deep located in the SW 1/4 NE 1/4 Section 5-T110N-R61W.
2. The water appropriated shall be used for the purpose of supplying water to the Redi-Mix Plant and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1-December 31.
4. The date of approval of Permit No. 5745-3 is May 5, 1993.
5. The date from which applicant may claim right is February 8, 1993.
6. One-fifth of the construction is to be completed on or before November 5, 1995.
7. All construction is to be completed on or before May 5, 1998.
8. Water is to be put to beneficial use on or before May 5, 2002.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

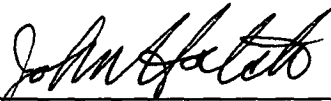
QUALIFICATIONS

1. The well 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.

(continued)

2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

By: 

John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

MAY 13 1993

date

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4 Depth 980 feet
- b) Casing Type PVC Diameter 0-165ft/165-715ft Thickness 5" / 3"
- c) Screen Type PVC Diameter 3" Thickness slot size .025
- d) Gravel Pack Thickness see well log Length of Gravel Pack see well log
- e) Depth to Top of Water Bearing Material see well log
- f) Depth to Water (ground surface to water level) see well log
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 600 feet

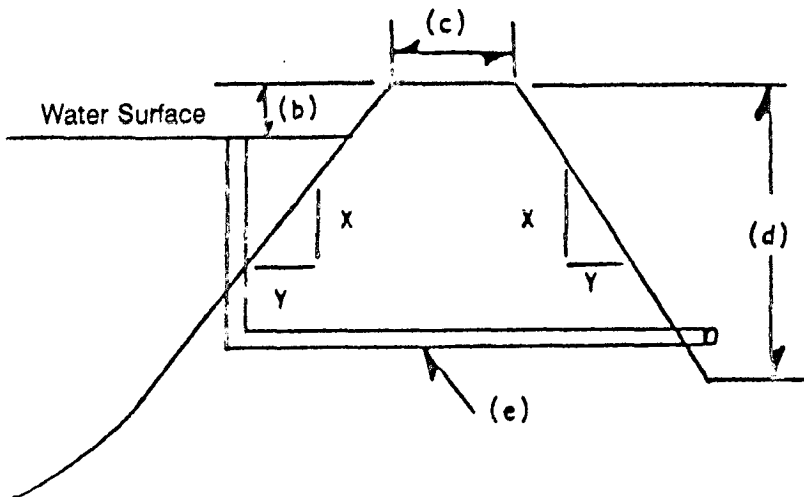
2. Dugout Information

- a) Surface Dimensions N/A 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 for each dam. The locations of the dams need to 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) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area above Dam _____ Acres

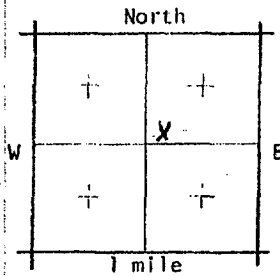
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location SW 1/4 NE 1/4 Sec 5 Twp 110N Rg 61W

County

Beadle

Please mark well location with an "X"



Well Completion Date 7-13-84

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 8 3/4 inches Depth 980 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify PVC

Pipe Weight Diameter From To
PVC lb/ft 15 inches 165 feet 165 feet
PVC lb/ft 3 inches 165 feet 715 feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify

Screen Type PVC Slot Size .025
Length 100 ft Diameter 3"

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☐ Yes ☐ No

If so what material?

Was well gravel packed? ☒ Yes ☐ No

Was 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

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
If so how and with what material?

WNR-836 4/82

L

Well Owner:

Name Huron Steel Structure

Address Huron, S. Dak.

Well Log:

Depth

Formation	From	To
Top Soil	0	2
Yellow Rock	2	20
Yellow Clay	20	30
Blue Clay	30	100
Blue clay with gravel	100	120
Blue Clay	120	160
shale & chalk	160	240
shale	240	275
shale	275	300
good sand	300	750
shale with sand streaks	750	780
shale with sand streaks	780	880
shale with good sand streaks	880	900
shale with little to good sand streaks	900	920
good sand	920	940
shale with sand streaks	940	960
shale with little sand streaks	960	980

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 12 PSI

GPM flow 100 through 3 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify

Can well be completely shut off? yes

WELL TEST DATA:

☐ Pumped

☐ Bailed Describe:

☐ Other

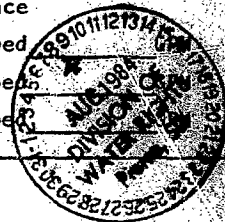
Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped

_____ ft. After _____ Hrs. pumped

_____ ft. After _____ Hrs. pumped

Remarks:



This well was drilled under license # 440

and this report is true and accurate

Pullman Well Drilling Margie Pullman
Drilling Firm Signed by

7-18-84
Date

str sent
9-4-84

SW 1/4 / NE 1/4 SECTION 5 TWP 110N R66W

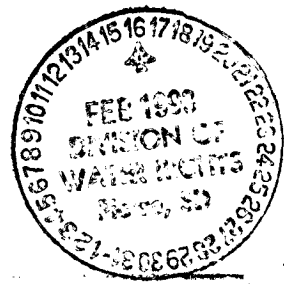
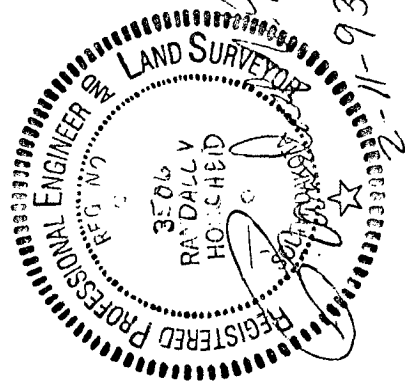
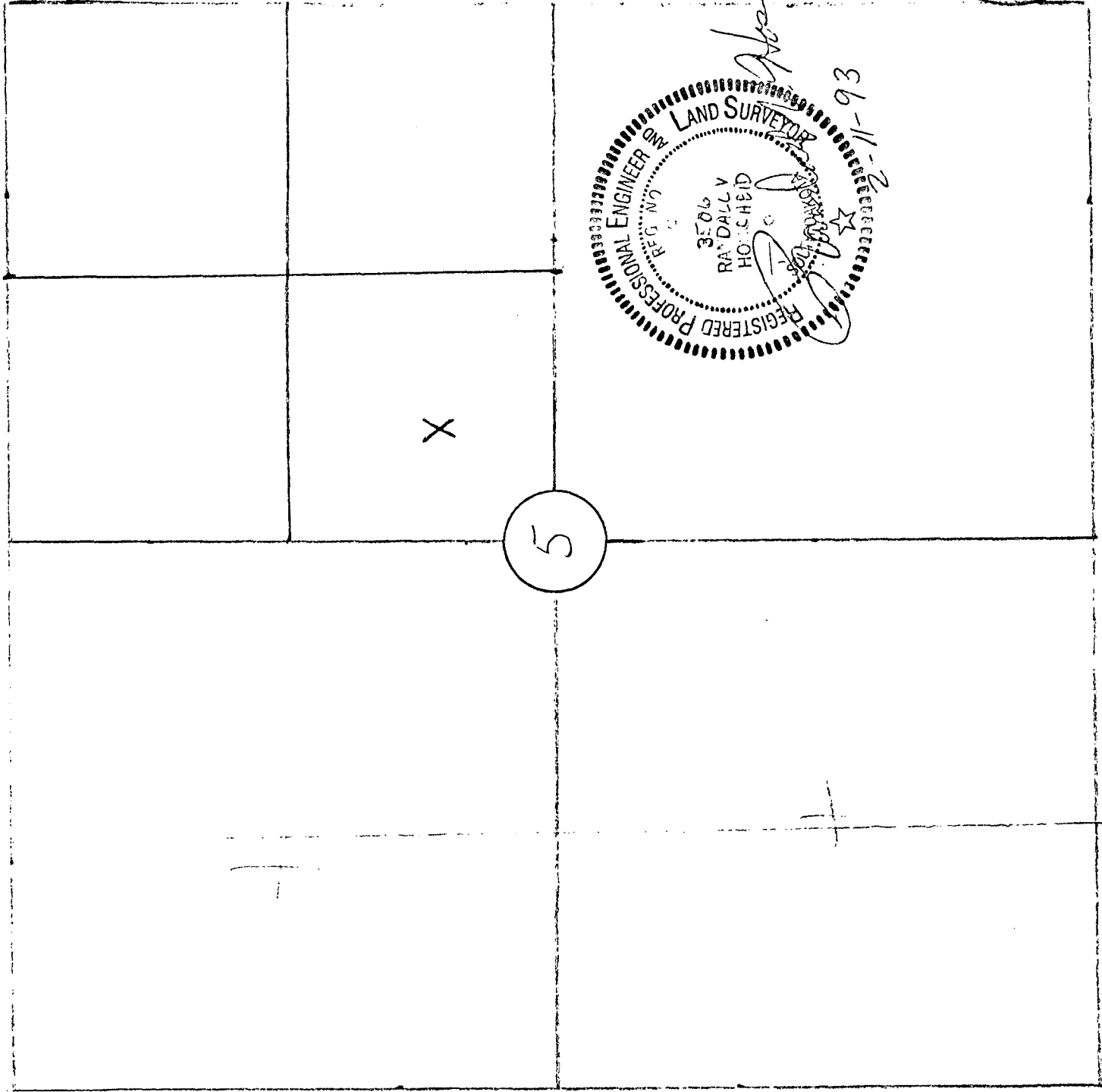
NORTH

X well location

EAST

T. 110 N.

WEST



1 MILE - R. 61 W. Appl. No. 5745-3

RECEIPT

413627

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 8, 19 93

RECEIVED OF Huron Steel Structures, Inc., RR 3, Morningside Main, Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5145-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1992

Larry Greff
Huron Steel Structures, Inc.
Box 181
Huron, SD 57350

Dear Mr. Greff:

Enclosed are the forms for applying for a water permit for the commercial use of water at your Redi-Mix Plant. If you have any questions regarding applying for a water permit, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1993

Huron Steel Structures, Inc.
Larry J. Greff
PO Box 181
Huron SD 57501

Dear Mr. Greff:

In regard to your water permit application received on February 8, 1993, enclosed is the map submitted with the application.

The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the signed map, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5745-3
for Huron Steel Structures, Inc.
March 29, 1993

Application No. 5745-3 proposes to appropriate 40 gpm (0.09 cfs) from one well approximately 980 feet deep located in the SW 1/4 NE 1/4 of section 5, T110N R61W in Beadle County. The water is for commercial use at a Redi-Mix plant.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstone and shale with a maximum thickness of about 350 feet in this area (Schoon, 1971). The Dakota Formation underlies 1250 square miles and contains an estimated 18 million acre feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer is confined (artesian) at this location and driller's completion report indicates that this well was capable of flowing 60 gpm and had a shut in pressure of 12 psi.

The Division of Water Rights does not monitor any Dakota Formation observation wells in this area. The nearest Water Rights Division observation well is HD-87A which is located at Rose Hill approximately 28 miles west of this application. Water levels for this well have declined about 8 feet since the spring of 1988. This amounts to a rate of decline of about 1.7 feet per year at this site (Water Rights, 1993). There is one USGS observation well completed into the Dakota Formation about 4 miles west of this application. Records are available which show continuously declining water levels at this site since 1967 (Bradford, 1981). However, because of the well construction at this site, this data may not be accurate. Many reports have been written which document the decline of head pressure in the Dakota Formation. This has been caused primarily by the large number of uncontrolled flowing wells which have been allowed to flow to waste.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

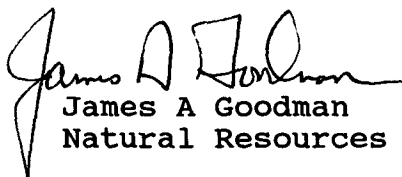
There is one existing water permit No. 5672-3 which is located about 1/4 mile east of this application which obtains water from the Dakota Formation. Both Permit No. 5672-3 and this application are for wells that will flow. Interference will occur, however, this should not be adverse. Both of these wells have been in use for many years with no apparent problems. The Dakota Formation is commonly used as a source of domestic water in this area.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined (artesian conditions) at this site. Drawdown will occur as a result of diversions. However,

this is not expected to be significant and will not be adverse.

3. This is an existing well completed in 1984. The well construction data does not provide sufficient information to determine if the well is constructed in accordance with existing SD Well Construction Standards or the standards in effect in 1984.
4. Water levels (head pressure) are declining in the Dakota Formation. The rate of decline appears to be slowing. This seems reasonable and expected because as the water levels decline the rate of flow from uncontrolled wells would diminish and thus there will be less decline.
5. The water is for commercial use at a Redi-Mix plant. This is a free flowing well and must be valved or controlled to prevent the waste of water.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Bradford, W.L., 1981, Water Levels in Bedrock Aquifers in SD, USGS Open File Report 81-627, USGS, Huron, SD, 57350.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, RI No. 104, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1993, Unpublished Records for the Dakota Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5745-3, Huron Steel Structures, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5745-3, Huron Steel Structures, Inc., c/o Larry Greff, Box 181, Huron, SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 5745-3 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 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.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 30, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 31, 1993

Larry Greff
Huron Steel Structures, Inc.
Box 181
Huron, SD 57350

Dear Mr. Greff:

Water Permit Application No. 5745-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Plainsman printed at Huron, SD (Ph # 352-6401). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

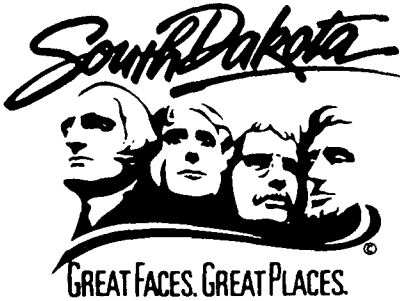
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1993

The Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5745-3 to be published twice. Please publish the first notice on April 7, 1993, 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 Huron Steel Structures, Inc., PO Box 181, Huron, SD 57350 (Ph # 352-3296).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
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 April 7, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5745-3 to Appropriate Water

Notice is given that Huron Steel Structures, Inc., PO Box 181, Huron, SD 57350 has filed an application for a water permit to appropriate 40 gallons per minute (0.09 cubic feet of water per second) from one well (Dakota Formation) 980 feet deep located in the SW 1/4 NE 1/4 Section 5-T110N-R61W. The water is for commercial use at a Redi-Mix plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5745-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 26, 1993. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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. The May 5, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 26, 1993.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by April 26, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, Mary Walz

certify that the attached printed Notice was

taken from the Huron Plainsman

printed and published in Huron

County of Beadle and State of

South Dakota. The notice was published in the newspaper on the following two dates:

April 7, 1993

April 14, 1993

Cost of Printing: \$125.02

Mary B. Walz
(Signature)

Business Manager
(Title)

April 14, 1993

(Date Signed)

F.P. 4-7-93 L.P. 4-14-93

NOTICE OF HEARING ON APPLICATION NO. 5745-3 TO APPROPRIATE WATER

Notice is given that Huron Steel Structures, Inc., P.O. Box 181, Huron, SD 57350 has filed an application for a water permit to appropriate 40 gallons per minute (0.09 cubic feet of water per second) from one well (Dakota Formation) 980 feet deep located in the SW 1/4 NE 1/4 Section 5-T110N-R61W. The water is for commercial use at a Redi-Mix plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends ~~APPROVAL~~ of Application No. 5745-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605) 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 26, 1993. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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. The May 5, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 26, 1993.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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 Court as provided by law. Contact Eric Gronlund by April 26, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
Robert E. Roberts,
Secretary,
Department of Environment and Natural Resources.

No. 172 (adv.)

13 1/2 x 2 1/4 x 4 63 = 125.02





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 13 1993

Larry Greff
Huron Steel Structures, Inc.
PO Box 181
Huron, SD 57350

Dear Mr. Greff:

Enclosed is Water Permit No. 5745-3 authorizing construction of your water diversion system and beneficial use of the water, 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,

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 May 14, 1993

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Huron Steel Structures, Inc. PO Box 181, Huron, SD 57350
(name) (address)

Huron South Dakota 57350 605-352-3296
(city) (state) (zip) (phone)

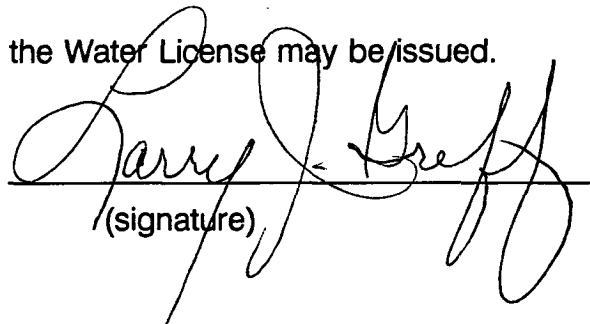
I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5745-3.

Water Permit No. 5745-3 states that the diversion system is to be constructed by May 14, 1993, and that the water is put to beneficial use by May 14, 1993.
(date) (date)

The diversion system was completed on May 14, 1993.
(date)

Applying the water to beneficial use was completed on May 14, 1993.
(date)

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


(signature)

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

Date 9-25-95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Laron Steel Structures Inc. RR 3 Morningside main
(name) (address)
Laron S.D. 57350 605-352-3296
(city) (state) (zip) (phone)

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. 5745-3.

Water Permit No. 5745-3 states that the diversion system is to be constructed by 1984, and that the water is put to beneficial use by 1984.
(date) (date)

The diversion system was completed on 1984.
(date)

Applying the water to beneficial use was completed on 1984.
(date)

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

Larry J. Greff
(signature)

REPORT ON INSPECTION OF PERMIT NO. 5745-3

DATE OF INSPECTION: 9-25-95

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: 265 feet east and 300 feet north of the center of Section 5, T110N, R61W in the SW 1/4 NE 1/4.

WELL INFORMATION: Well is valved to 40 gpm and the pump is used to pressurize system.

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 980 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5"; 3 inches
- 2) Length 165'; 550 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 100 feet
- 3) Static water level flowing well feet

Pump:

- 1) Make Gould submersible
- 2) Model #
- 3) Size #
- 4) Capacity 25 GPM

Motor:

- 1) Make Franklin submersible
- 2) Model No. #
- 3) Horsepower rating 3 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type plastic 2) Size 0.75 inches 3) Length 500 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
2) All structures, wells and lands on map yes
3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

Permit No. 5745-3
James River - Water District

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

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

I have this day, September 25, 1995 made a thorough examination of the water use system constructed by Huron Steel Structures, Inc. of P.O. Box 181, Huron, SD 57350 holder of Permit No. 5745-3, bearing the priority of February 8, 1993 authorizing the diversion of 0.09 cu. ft. per second of the waters of the Dakota Formation for commercial purposes, in Beadle County.

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

A. Works used to divert the water:

One well 980 feet deep with 165 feet of 5 inch pvc and 550 feet of 3 inch pvc, 100 feet of pvc screen, Gould pump with a 25 gpm capacity and a Franklin motor rated at 3 hp. The well is valved to 40 gpm and the pump is used to pressurize the system, the well has a pressure gage.

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

500 feet of 0.75 inch plastic pipe and two 500 gallon cisterns.

C. Works used to apply water to beneficial use:

Commercial use for batch plant and office.

The system is in the following condition good. The point of diversion is located 265 feet east and 300 feet north of the center of Section 5, T110N, R61W. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Water supply for batch plant and office.

The license should be issued for 0.09 cfs.

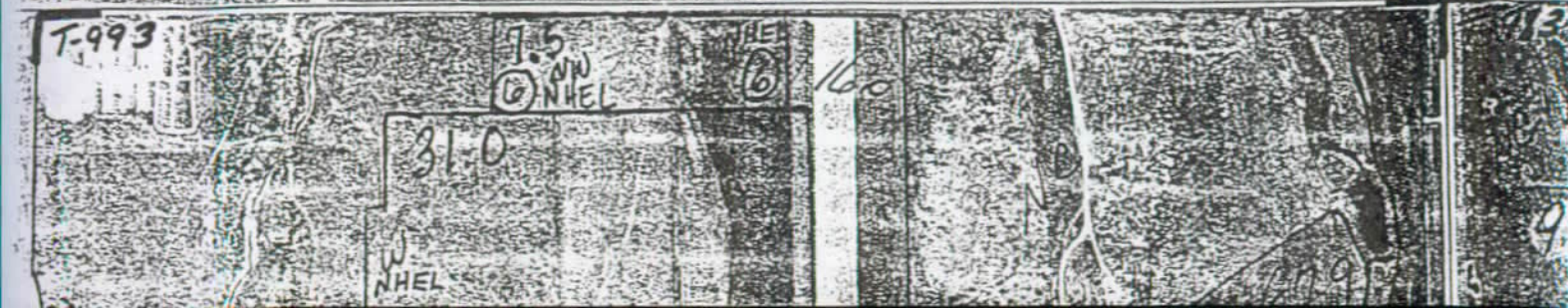
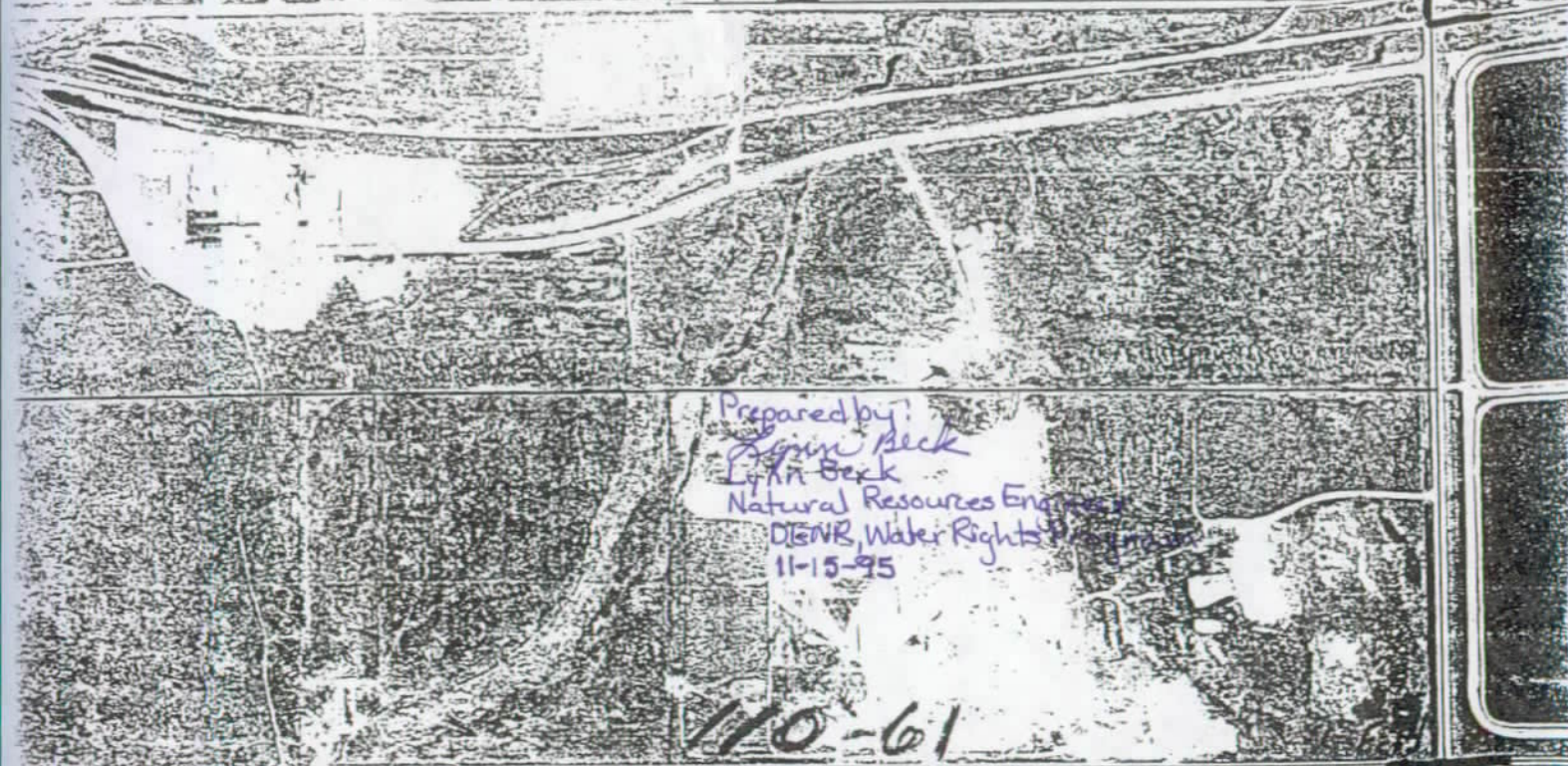
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

11-15-95
Date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5745-3

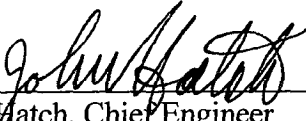
(1) Huron Steel Structures, Inc. of PO Box 181, Huron, SD 57350-0181 made Application No. 5745-3, February 8, 1993 for a water permit to appropriate 0.09 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for commercial purposes. Permit No. 5745-3, with a priority date of February 8, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 1998 and for the application to beneficial use of said water on or before May 5, 2002.

On September 25, 1995, the permit holder completed a "*Notice of Completion of Works and Application of Water to Beneficial Use*". The "*Notice*" stated the diversion system was completed and water placed to beneficial use in 1984.

(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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is 265 feet east and 300 feet north of the center of Section 5, T110N, R61W (SW 1/4 NE 1/4).

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

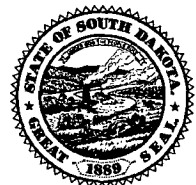
(4) Pursuant to South Dakota Water Law 46-5-30.1 Huron Steel Structures, Inc. of PO Box 181, Huron, SD 57350-0181 the holder and/or owner of Water Permit No. 5745-3 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of February 8, 1993 from the location specified in (2) of this license. The water is used in a batch plant and office building for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5745-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1995

5745-3

Larry J. Greff
Huron Steel Structures, Inc.
P.O. Box 181
Huron, SD 57350

Dear Mr. Greff:

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. 5745-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

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 Program
(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

414675

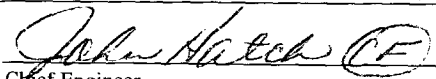
South Dakota Department of Environment and Natural Resources

Pierre, _____ November 21, 19 95

RECEIVED OF Huron Steel Structures, Inc., RR 3, Morningside Main, Huron, SD 57350
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>5745-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

5745-3

Larry J. Greff
Huron Steel Structures, Inc.
P.O. Box 181
Huron, SD 57350-0181

Dear Mr. Greff:

Enclosed is Water License No. 5745-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414675 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. 5745-3, 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 Program
(605) 773-3352

gm
enclosures

February 2, 2006

5745-3

2005 South Dakota Water Use Questionnaire

To:

~~HURON STEEL STRUCTURES~~
PO BOX 181
HURON SD 57350 0181

Address correction requested:

Consolidated Ready Mix Inc
P.O. Box 181
Huron, S.D. 57350

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5745-3. 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
Aquifer: DAKOTA FORMATION
Management Unit: NOT APPLICABLE

County: BEADLE
Pumping Pt. Legal: SEC 05-T110N-R61W
Type of Water Use: COMMERCIAL

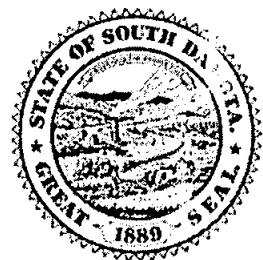
- 1) Please estimate your year 2005 water use from the above water source: 3,000,000 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: use is for concrete ready mix production

Contact Person: Kenny Scotter

Telephone No: 605-352-3296

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



Thank you for completing the 2005 water use questionnaire. **RECEIVED**

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

FEB 06 2006
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 10, 2006

No. 5745-3

Consolidated Ready Mix Inc.
Kenny Scotter
PO Box 181
Huron SD 57350

Dear Mr. Scotter:

Thank you for returning the 2005 SD Water Use Questionnaire. The form indicates a change of ownership or name has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing a transfer on Water Right No. 5745-3. The water right is currently listed in the name of Huron Steel Structures. I have enclosed a copy of the water right for your records.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, , 20 06

RECEIVED OF Consolidated Ready Mix Inc., 1011 330th St, Bellingham MN 56212

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. _____		
Fee for Filing Transfer Form <u>5745-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

023-3

By

Darland Eide
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5745-3

Date: _____

I/We request that Water Right/Permit No. 5745-3

formerly owned by: Huron Steel Structures

be transferred to: (name & address) Consolidated Ready Mix Inc., PO Box 181, Huron SD 57350

Telephone No. _____

Title to the following described land(s)/property has been transferred as described above:

SW ¼ NE ¼ Section 5-T110N-R61W

I/We understand that the validity of Water Right/Permit No. 5745-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We CONSOLIDATED READY MIX, INC., the new owner, certify that the above information is true and correct.

CRME / Chad J. Hendrick
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
FEB 22 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 23, 2006

5745-3

Kenny Scotter
Consolidated Ready Mix Inc
PO Box 181
Huron SD 57350

Dear Mr. Scotter:

Thank you for following up on the ownership change for Water Right No. 5745-3. The transfer has been completed. The water right formerly listed in the name of Huron Steel Structures is now listed in the name of Consolidated Ready Mix Inc.

Receipt No. 02303 in the amount of \$2.50 which was paid for filing the ownership change is being forwarded to Consolidated's office in Bellingham, MN. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Consolidated Ready Mix Inc., 1011 330th St, Bellingham MN 56212