

WATER PERMIT NO. 5784-3

Phone: _____

Name of Applicant: L. G. Everist

Post Office Address: PO Box 829, Sioux Falls SD 57117

Amount of Water Claimed: 4.44 2000 gpm Total Acres: NA

Source of Water Supply: existing quarry

Water to be used for: dewatering the quarry County: Minnehaha

About 1/2 miles SW of Dell Rapids

PRIORITY Date Received: 8-6-93 Fee: 850.00 Remarks: _____

Corrected Application Received: 8-18-93 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: NW 1/4 NW 1/4 Sec 16-T104N-R49W

Land to be Irrigated: _____

	⊙				
			16		

Well Log: Driller: _____ Licensed YES ____ NO ____

Depth of Well: _____ REMARKS: _____

Type of Map: topo PREPARED BY: George Spencer, P.E. Reviewed and the Number

Assigned on: 8-19-93 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. 5784-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Dell Rapids Tribune, Box 99
(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 L.G. Everist Phone _____
Mailing Address P.O. Box 829 Sioux Falls, SD 57117 State _____
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 4.44 *CFS or 2,000 **GPM _____ ***A
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Sioux Quartzite
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) dewatering
pumps located NW1/4 NW1/4 of Section 16-T104N-R49W Dell Rapids Township
County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used January 1 to December 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)

dewatering of existing quarry

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 MINNEHAHA

I, H.J. Schmidt, 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 _____

Subscribed and sworn to before me this 2ND day of August 1993

Sheldon J. Honda
Notary Public

RECEIPT

413848

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 6 _____, 19 93

RECEIVED OF L.G. Everist, Inc., 313 S. Phillips Ave., Sioux Falls, SD 57117-5829

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

Fee for Application for Permit No. <u>5784-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	841	50
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	841 50

By

Chief Engineer

John H. Hootch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1993

L. G. Everist
% H. J. Schmidt
PO Box 829
Sioux Falls SD 57117

Dear Mr. Schmidt:

We received the water permit application for L. G. Everist on August 6, 1993. The filing fee for this application, based on the amount of water claimed, is \$850.00. We have receipted your check for \$841.50. Before we can proceed with processing the application an additional \$8.50 is required.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

RECEIPT

413865

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 18, 19 93

RECEIVED OF L.G. Everist, Inc., 313 S Phillips Avenue, PO Box 5829, Sioux Falls, SD 57117

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

Fee for Application for Permit No. <u>5784-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	8	50
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	8 50

By John W. Hatch
Chief Engineer

**SOUTH DAKOTA
WATER PERMIT NO. 5784-3**

Date of first receipt of application August 6, 1993.

Date of return to applicant for corrections, amendments or changes August 11, 1993.

Date of receipt of corrected application August 18, 1993.

The Water Management Board approved Water Permit Application No. 5784-3 on December 1, 1993 for L. G. Everist, PO 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. 5784-3 appropriates 4.44 cubic feet of water per second that infiltrates an existing quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. The water is to be discharged to the Big Sioux River.
2. The water appropriated shall be used for the purpose of dewatering the quarry 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 from which applicant may claim right is August 6, 1993.
5. One-fifth of the construction is to be completed on or before June 1, 1996.
6. All construction is to be completed on or before December 1, 1998.
7. Water is to be put to beneficial use on or before December 1, 2002.
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. That L. G. Everist report to the Chief Engineer annually the amount of water pumped.
2. This Permit is subject to obtaining any necessary National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permit will remain applicable.

WATER MANAGEMENT BOARD

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

MAR 14 1994
date

(type or print in ink)

a) Drill Hole Diameter _____ Depth _____

b) Casing Type _____ Diameter _____ Thickness _____

c) Screen Type _____ Diameter _____ Thickness _____

d) Gravel Pack Thickness _____ Length of Gravel Pack _____

e) Depth to Top of Water Bearing Material _____

f) Depth to Water (ground surface to water level) _____

g) Distance to nearest existing domestic well:

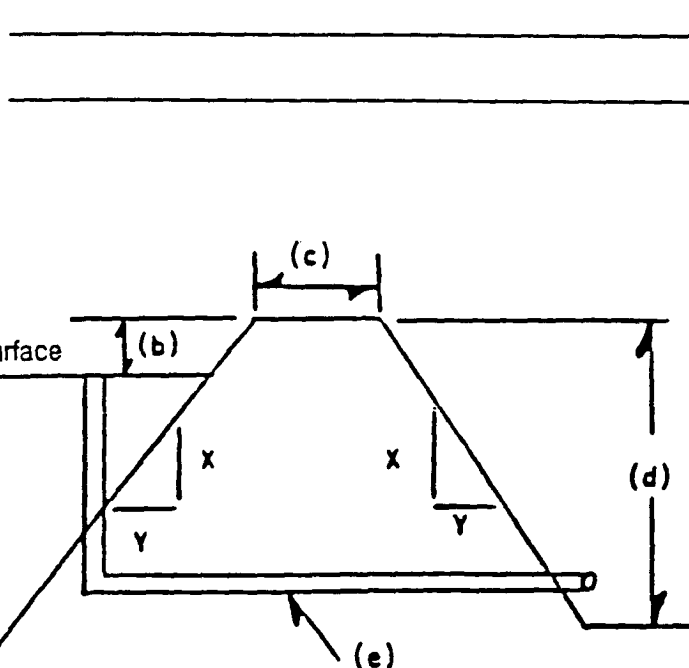
On applicants property _____ On property owned by others _____

a) Surface Dimensions 6.5 acres Depth 80'

b) Depth to water (ground surface to water level) _____

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



5784-3

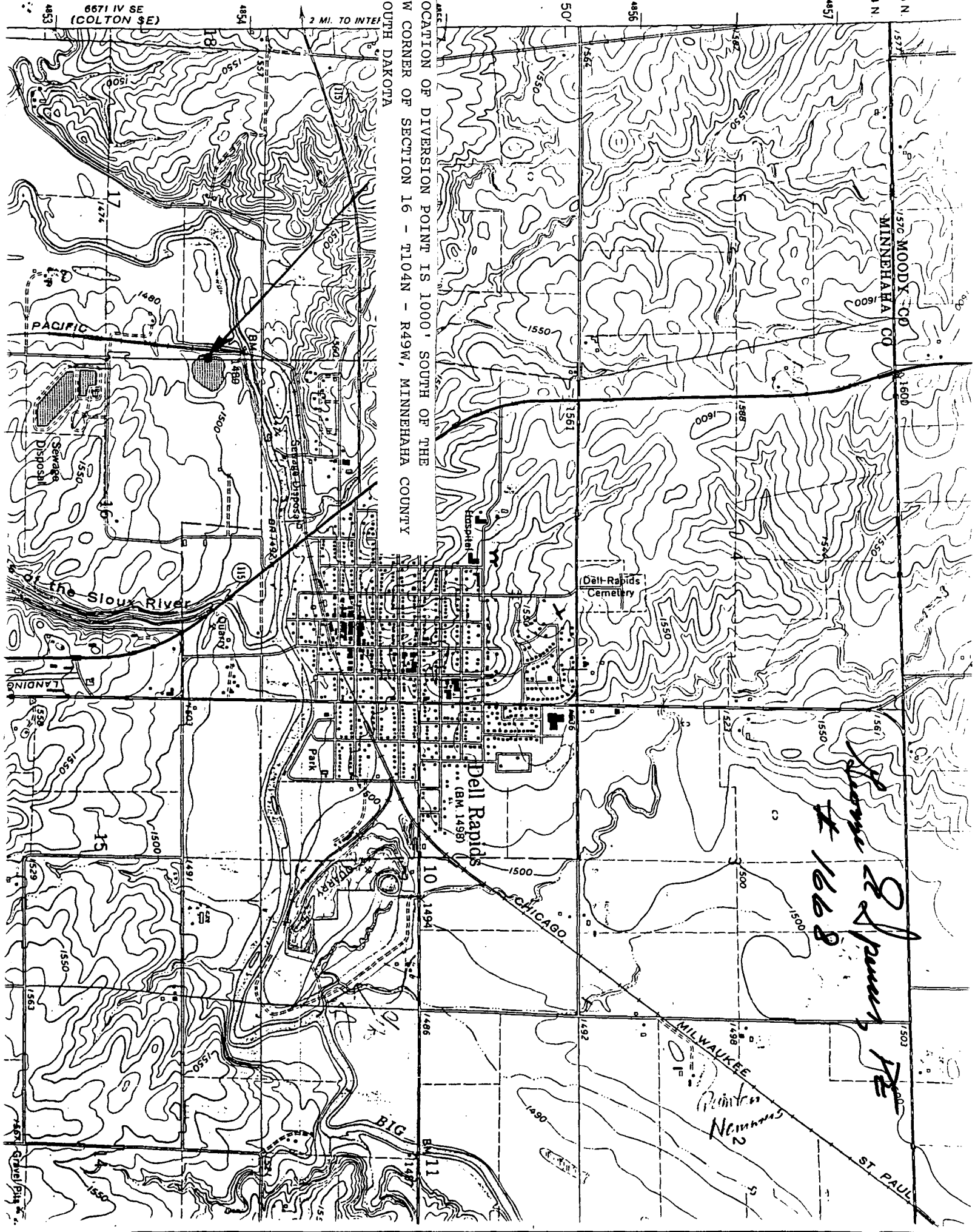
T104W R41W

T. 105 N.
T. 104 N.

6671 IV SE
(COLTON SE)

2 MI. TO INTER

LOCATION OF DIVERSION POINT IS 1000' SOUTH OF THE
NW CORNER OF SECTION 16 - T104N - R49W, MINNEHAHA COUNTY
SOUTH DAKOTA



REPORT ON WATER PERMIT APPLICATION NO. 5784-3
L. G. EVERIST
OCTOBER 5, 1993

Water Permit Application No. 5784-3 proposes to appropriate 4.44 cubic feet of water per second that infiltrates an existing quarry located in the NW 1/4 NW 1/4 Sec. 16, T104N-R49W. The water is used for commercial purposes to dewater the quarry.

WATER SOURCE: Sioux Quartzite Aquifer and Precipitation

INTRODUCTION:

SDCL 46-2A-9 requires that a permit to appropriate water may only be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the questions of water availability and the affects on existing rights.

Water Availability:

This quarry is located in an outcrop of the Precambrian aged Sioux Quartzite. The Sioux Quartzite is a massive, well cemented quartzite sand which underlies all of Minnehaha County. The depth to the top of the quartzite ranges from land surface to over 500 feet. The Sioux Quartzite is estimated to be as much 5000 feet thick (Steece, F., 1964). The Sioux Quartzite is generally considered relatively impermeable. However, where the quartzite is well-fractured and jointed it does yield water to wells. The Division of Water Rights has records of several domestic wells in this area that are completed into the Sioux Quartzite. Movement of water to wells, or in this case the quarry, is dependent on the orientation and distribution of fractures at the wellbore, therefore the characteristics of the Sioux Quartzite are highly variable and site specific. The depth of the fracture system in the Sioux Quartzite, and consequently the thickness of the aquifer, is unknown. Therefore, an estimate of recoverable water in storage in the Sioux Quartzite aquifer is not available.

Within the floodplain of the Big Sioux River, portions of the Sioux Quartzite are overlain by the glacial outwash deposits of the Big Sioux Aquifer. The Big Sioux Aquifer does not exist at the site of the quarry however, immediately south of the quarry is the Sioux Falls Management Unit of the Big Sioux Aquifer and to the north of the quarry is the Moody Management Unit of the Big Sioux Aquifer. The Big Sioux River flows across outcrops of the Sioux Quartzite in this area. Recharge to the Quartzite is through infiltration of precipitation falling directly on the outcrop, leakage from the overlying aquifers, and streamflow losses from the Big Sioux River.

The Sioux Quartzite Aquifer is utilized primarily as source for domestic wells. Due to the limited existing withdrawals from this

aquifer, and the nature of this application, the availability of unappropriated water for this application is not an issue.

Affects on Existing Rights:

This quarry has not been mined since the 1960's, and pumping records are not available from previous dewatering operations to estimate the rate of groundwater infiltration into the quarry (Oliver, Personal Communication). The groundwater level in the area has probably reached equilibrium since the time the mine was last dewatered. The quarry is currently flooded with approximately 30 feet of water, presumably the water table must be lowered at least 30 feet at the quarry to make mining possible. When the quarry is dewatered, the water level in the immediate vicinity of the quarry may also be lowered. It is unlikely that area wells will be affected by this use of water. However, SDCL 46-6-24 states:

"The failure of a well to meet standards established pursuant to SDCL 46-6-6.1 is not a defense in any action or proceeding regarding damage, loss of water production or quality, replacement cost or increased operating expenses incurred by a municipal or domestic use well located in a formation older than or stratigraphically lower than the greenhorn formation caused by any person using or withdrawing groundwater for mine dewatering in a formation older than or stratigraphically lower than the greenhorn formation."

CONCLUSIONS:

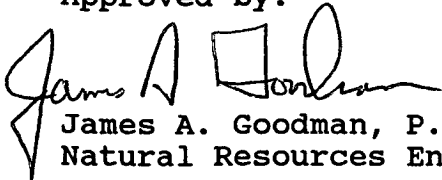
1. This application proposes to dewater a quarry that is currently inactive and discharge the water to the Big Sioux River.
2. The water pumped from the quarry will consist partially of groundwater from the Sioux Quartzite and partially of precipitation that accumulates in the quarry.
3. The availability of unappropriated water is not an issue in this particular application. The only groundwater produced will be that which leaks into the pit. The large diversion rate is to dewater the quarry quickly, not the amount of groundwater expected to leak into the quarry.
4. Existing water rights, (either appropriative or domestic), are not expected to be adversely impacted by this application. However, SDCL 46-6-24 states that if dewatering of a mine affects a well, the mine operator is responsible, this protection may be without regard to the condition of the well.

5. DENR is working with L.G.Everist to permit the discharge.



Ken Buhler
Natural Resources Engineer

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Oliver, Kevin, L.G.Everist, Inc., Personal Communication, October 8, 1993

Steece, F., 1964, Precambrian Rocks of Eastern South Dakota, in Mineral and Water Resources of South Dakota, SDGS Bull. 16

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5784-3, L. G. Everist

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. 5784-3, L. G. Everist, c/o H. J. Schmidt, PO Box 829, Sioux Falls, SD 57117.

The Chief Engineer is recommending APPROVAL of Application No. 5784-3 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. That L. G. Everist report to the Chief Engineer annually the amount of water pumped.
2. This Permit is subject to obtaining any necessary National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permit will remain applicable.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 4, 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.

October 15, 1993

H. J. Schmidt
L. G. Everist
PO Box 829
Sioux Falls, SD 57117

Dear Mr. Schmidt:

Water Permit Application No. 5784-3 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 Dell Rapids Tribune printed at Dell Rapids, SD (Ph # 428-5441). 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
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

October 15, 1993

Dell Rapids Tribune
Box 99
Dell Rapids, SD 57022

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5784-3 to be published twice. Please publish the first notice on October 27, 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 L. G. Everist, PO 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

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 October 27, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5784-3 to Appropriate Water

Notice is given that L. G. Everist, PO Box 829, Sioux Falls, SD 57117 has filed an application for a water permit to appropriate 4.44 cubic feet of water per second that infiltrates an existing quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. The water is used for commercial purposes to dewater the quarry. The water is to be discharged to the Big Sioux River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5784-3 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.

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 November 22, 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.

The Water Management Board will consider this application at 10:00 a.m., December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 December 1, 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 November 22, 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 November 22, 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 Minnehaha) ss

I, Brenda Phelps

certify that the attached printed Notice was

taken from the Dell Rapids

Tribune

printed and published in Dell Rapids

County of Minnehaha and State of

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

Oct 27, 1993

Nov. 3, 1993

Cost of Printing: \$49.21

Brenda Phelps
(Signature)

Legal Typist
(Title)

(Date Signed)

NOTICE

NOTICE OF HEARING on Application No. 5784-3 to Appropriate Water

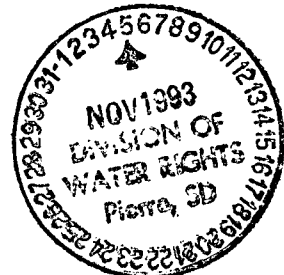
Notice is given that L.G. Everist, PO Box 829, Sioux Falls, SD 57117 has filed an application for a water permit to appropriate 4.44 cubic feet of water per second that infiltrates an existing quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. The water is used for commercial purposes to dewater the quarry. The water is to be discharged to the Big Sioux River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5784-3 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.

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 November 22, 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.

The Water Management Board will consider this application at 10:00 a.m., December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 December 1, 1993, hearing date will be automatically delayed for a 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 November 22, 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 in SDCL. Contact Eric Groff and by November 22, 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-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.
T-Oct. 27, Nov. 3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

L. G. Everist
c/o H. J. Schmidt
PO Box 829
Sioux Falls, SD 57117

Dear Mr. Schmidt:

Enclosed is Water Permit No. 5784-3 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.

5784-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1994

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

Dear Mr. Everist:

Pursuant to a qualification on Water Permit/Right Nos.
5400-3 & 5784-3, I am requesting that L.G Everist, Inc.
report the total amount of water diverted from each quarry
during 1993. Please respond by January 31, 1994.

If you have any questions concerning this or other water
rights questions, please contact Barry McLaury, Natural
Resources Analyst, (605) 773-3352.

Sincerely,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

L.G. EVERIST, INC.



313 SO. PHILLIPS
P.O. BOX 5829
SIOUX FALLS, SOUTH DAKOTA 57117-5829
TELEPHONE 605-334-5000
TELECOPIER 605-334-3656



January 18, 1994

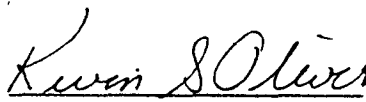
Ron Duvall, Natural Resources Engineer
Department of Environment and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall:

In reply to your letter of January 13, 1994, please be advised that the amount of water withdrawn for the year 1993 on our Water Permit/Right #5400-3- was 801,468,000 gallons. On Water Permit/Right #5784-3, there was no water withdrawn in 1993.

I trust this is the information that you needed. If you have any questions, please feel free to contact me.

Sincerely,
L.G. EVERIST, INC.


Kevin Oliver

KO:ce

cc: Dan Kuper
Jay Van Den Top
Dale Barnhart

Permit No. 5784-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 27, 2006, made a thorough examination of the water use system constructed by L.G. Everist, Inc. of 300 S Phillips Ave., Suite 200, P.O. Box 5829, Sioux Falls, SD 57117 holder of Permit No. 5784-3, bearing the priority of August 6, 1993 authorizing the diversion of 4.44 cu. ft. per second of the waters of Sioux Quartzite Aquifer and runoff for commercial purposes, in Minnehaha County.

Inspection contact & relationship
to permit holder, if applicable:

Mike Bunkers – Maintenance

Chris Klein – Project Manager 605.334-5000 ext. 135

A. Works used to divert the water:

Pump:

- 1) Make Peerless
- 2) Model F21050A
- 3) Size
- 4) Capacity 1500 GPM



L. G. EVERIST, INC.
Rock Solid Since 1876

Chris Klein
Project Manager

Motor:

- 1) Make Electric
- 2) Model No.
- 3) Horsepower rating 30 hp

Corporate Office
300 S. Phillips Ave., Ste. 200
PO Box 5829
Sioux Falls, SD 57117-5829

605-334-5000 Ext. 135
Fax 605-334-3656
Cell 605-929-4017
cmklein@lgeverist.com

Pit Information:

- 1) Depth 80 feet
- 2) Area 6.5 acres

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

- 1) Type steel 2) Size 10 inches 3) Length 215 feet
- 1) Type open ditch 2) Length 700 feet

C. Works used to apply water to beneficial use:

Discharge water pumped from a low spot in the quarry pit by pipeline and ditch to the Big Sioux River.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes

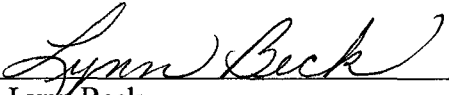
The system is in good condition with the point(s) of diversion located as follows: Pump site is 1095' S and 220' E and the discharge point is 360' S and 100' E of the NW¼ corner Section 16-T104N-R49W, all in the NW¼ NW¼, 43.816244/-96.72908. The works are capable of diverting and conveying to the place of use 3.33 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Infiltration water is pumped from the quarry to the Big Sioux River.

The license should be issued for 3.33 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: July 6, 2006

WATER RIGHT NO. 5784-3
L.G. EVERIST, INC.

R49W



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
July 6, 2006





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2006

5784-3

L.G.Everist
Chris Klein, Project Manager
PO Box 5829
Sioux Falls SD 57117

Dear Mr. Klein:

On June 27, 2006 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5784-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 16, 20 06

RECEIVED OF L G Everist Inc., PO Box 5829, Sioux Falls SD 57117--5829

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	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. <u>5784--3</u>		
Fee for Filing Transfer Form _____		
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. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

026 8

By

Darland Ebel
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2008

5784-3

L G Everist
300 S Phillips Ave Suite 200
PO Box 5829
Sioux Falls SD 57117

Dear Mr. Eversit:

Enclosed is Water License No. 5784-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 02608 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5784-3

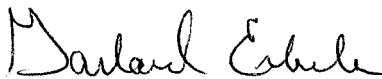
(1) L. G. Everist, 300 S Phillips Ave, Suite 200, PO Box 5829, Sioux Falls SD 57117 made Application No. 5784-3, August 6, 1993 for a water permit to divert 4.44 cubic feet of water per second from groundwater (infiltration water) and runoff, Minnehaha County, South Dakota for commercial purposes. Permit No. 5784-3, with a priority date of August 6, 1993 was approved December 1, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 1, 1998 and for the application to beneficial use of water on or before December 1, 2002.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5784-3 is issued a license, bearing a priority date of August 6, 1993 to appropriate 3.33 cubic feet of water per second from infiltration and runoff water for commercial use purposes to dewater the quarry.

The diversion point is located 1,095 feet south and 220 feet east of the northwest corner Section 16-T104N-R49W (NW ¼ NW ¼). The water is discharged to the Big Sioux River located 360 feet south and 100 feet east of the northwest corner Section 16-T104N-R49W (NW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5784-3 including the following now applicable qualifications:

- That L. G. Everist, Inc. report to the Chief Engineer annually the amount of water pumped.
- This Permit is subject to obtaining any necessary National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permit will remain applicable.



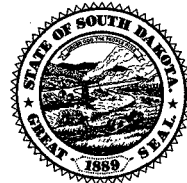
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 01 2006

date



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

5784-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAR 21 2022

5784-3
8345-3

Chris Klein
L G Everist Inc
350 S Main Ave Ste 400
Sioux Falls SD 57104

Dear Mr. Klein:

Enclosed is Water License No. 8345-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 5784-3 were incorporated into Water License No. 8345-3.