

WATER PERMIT NO. 6276-3

Name of Applicant: Dakota Aggregate Resources

Address: 2808 W 6th St, Sioux Falls SD 57104

Phone: 605 336-8949

Amount of Water Claimed: 1.57 cfs

Total Acres: NA

Source of Water Supply: dugout

Water to be used for: commercial (wash rock & gravel)

County: Minnehaha

Type of Waste Disposal System:

Location: west of Sioux Falls along Hwy 42

PRIORITY Date Received: 7-30-2001

Fee: \$425

Corrected Application Received:: 8-9-2001

Period of Annual Use: April 15 – Nov 15

Remarks:

Diversion Point: W ½ SE ¼ Sec 15-T101N-R50W

Land to be Irrigated:

Depth of Well: NA

Well Driller: :

Remarks:

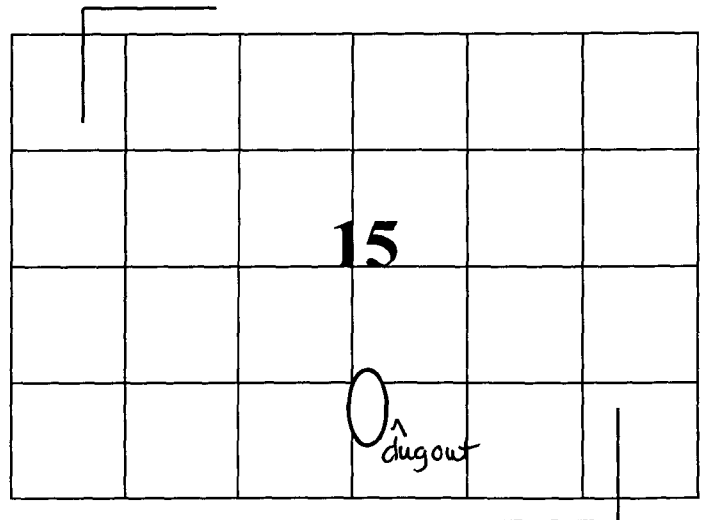
Type of Map: aerial

Prepared by: Linda Schumaker

Reviewed and the Number Assigned on: 8-9-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6276-3**

Date of first receipt of application July 30, 2001.

Date of return to applicant for corrections, amendments or changes July 31, 2001.

Date of receipt of corrected application August 9, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6276-3 to Dakota Aggregate Resources, 2808 W 6th St, Sioux Falls SD 57104 authorizing the construction of the dugout and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6276-3 appropriates 1.57 cubic feet of water per second from a dugout (approximately 2 acre-feet storage capacity) located in the W ½ SE ¼ Section 15-T101N-R50W. The dugout will be primarily supplied by groundwater from the Big Sioux Southern Skunk Creek Aquifer.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a rock and gravel wash operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 15 – November 15.
4. The date of approval of Permit No. 6276-3 is September 24, 2001.
5. The date from which applicant may claim right is July 30, 2001.
6. One-fifth of the construction is to be completed on or before March 24, 2003.
7. All construction is to be completed on or before September 24, 2006.
8. Water is to be put to beneficial use on or before September 24, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 07 2001

date



FORM 2: Application for uses other than irrigation
(type or print)

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

No. 6276-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux River
Newspaper Argus Leader, Sioux Falls



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

Check use(s) of water:

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

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 Dakota Aggregate Resources Phone 605-336-8949
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 2808 w 6th street Sioux Falls State SD 57104
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.57 *CFS or 700 **GPM (361.15) ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dugout/ storage pond
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4SE1/4 section 15-101N-50W
W1/2 SE1/4 County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used April 15 thru Nov. 15
- 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) Pumping from a man-made dugout pond and used for washing rock and gravel and watering roads. The water will be recycled back from the washplant thru two settling ponds and then back into the first pumping pond.

STATE OF SOUTH DAKOTA) SS

County of

Minnehaha

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)

I, F. Butch Oseby, 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.

Applicant's signature [Signature]

Subscribed and sworn to before me this 24th day of July 2001

LouAnn Ziegler LOU ANN ZIEGLER, Notary Public
My Commission Expires 4-15-06
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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 _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

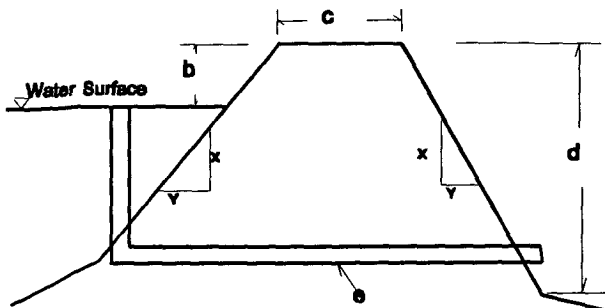
3. Dugout Information

- a) Surface Dimensions 175'x30' Depth 18'
- b) Depth to water (ground surface to water level) 2.5'

4. 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 2.5
- c) Crest Width 30'
Crest Length 175'
- d) Height 18'
- e) Primary Outlet Capacity _____
If pipe, diameter 6"
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream 4 to 1
Downstream 4 to 1
- h) Surface Area of Impoundment 5,250
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Linda Skumaker, P.T.
Minneapolis 75A Office

175' x 30' 16'



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

PI 416883

Pierre, August 9, 20 01

RECEIVED OF Dakota Aggregate Resources, 2808 W 6th St., Sioux Falls, SD 57104
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6276-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	425	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>6276-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	475 00

By Harland Eiche
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2001

Dakota Aggregate Resources
F. Butch Oseby
2808 W 6th St
Sioux Falls SD 57104

Dear Mr. Oseby:

Thank you for submitting the *Application for a Permit to Appropriate Water* for washing rock and gravel. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. On the map, please mark location of the primary dugout/storage pond. The application states the diversion point will be located in the SW ¼ SE ¼ Section 15-T101N-R50W.
- What is the storage capacity of the primary dugout/storage pond?
- The application/licensing filing fee will be \$475.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION 6276-3

Dakota Aggregate Resources

August 30, 2001

Water Permit Application No. 6276-3, Dakota Aggregate Resources, proposes to appropriate 1.57 cubic feet of water per second (cfs) of water for industrial purposes from a dugout in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15 T101N R50W, Minnehaha County, west of Sioux Falls, SD (Attachment 1). The period of annual use in a gravel and rock wash operation would be from April 15 to November 15.

Proposed Project Review

This project proposes to divert water at 700 gpm from a dugout with approximately 609,000 gallons storage capacity for washing gravel and rock, and dust control at the operation site. Fifty (50) to sixty (60) percent of the withdrawn water will be recycled through two (2) settling ponds back to the dugout once the washing system is in operation effectively reducing the withdrawal rate to approximately 350 gpm. Using this same system, Dakota Aggregate Resources is withdrawing water authorized by Permit No. 6140-3 at a site approximately 3 miles to the northeast of this proposed project with no reported adverse affects on ground water levels in that area.

Review of Water Source and Existing Water Rights

The dugout is located approximately $\frac{1}{4}$ mile west of Skunk Creek, less than one mile east of three (3) water filled abandoned gravel pits, and near an intermittent branch of Skunk Creek. An observation well, MA-80R, several miles to the northwest of the proposed project site shows that from 1976 to 1988 ground water levels varied from 2 to 8 feet below surface level. The 18-foot deep dugout is primarily supplied by Big Sioux-Southern Skunk Creek Aquifer at an unknown recharge rate with some minor contribution from local surface water runoff.

The proposed diversion is within future use area of the city of Sioux Falls' Future Use Permit No. 449-3. This permit reserves 5,430 acre feet of water from the Big Sioux-Southern Skunk Creek Aquifer for future development. The priority date for the Permit No. 449-3 is April 8, 1957.

Permitted and licensed wells in the vicinity of the proposed project are from 55 to 230 feet deep and should not be adversely affected by withdrawal of water from the dugout.

Conclusions

1. This project proposes to withdraw 1.57 cfs of water from a dugout for gravel and rock washing, and dust control. The dugout has approximately 609,000 gallons of storage capacity.
2. The dugout intercepts ground water at an unknown recharge rate.
3. A similar project in the vicinity has no reported adverse affects on ground water levels.
4. Existing water rights within the vicinity of the proposed project should not be adversely affected.



Donald E. Stroup

Natural Resources Project Engineer
Water Rights Program

Reviewed by:


Mark D. Rath

Natural Resources Engineering Specialist

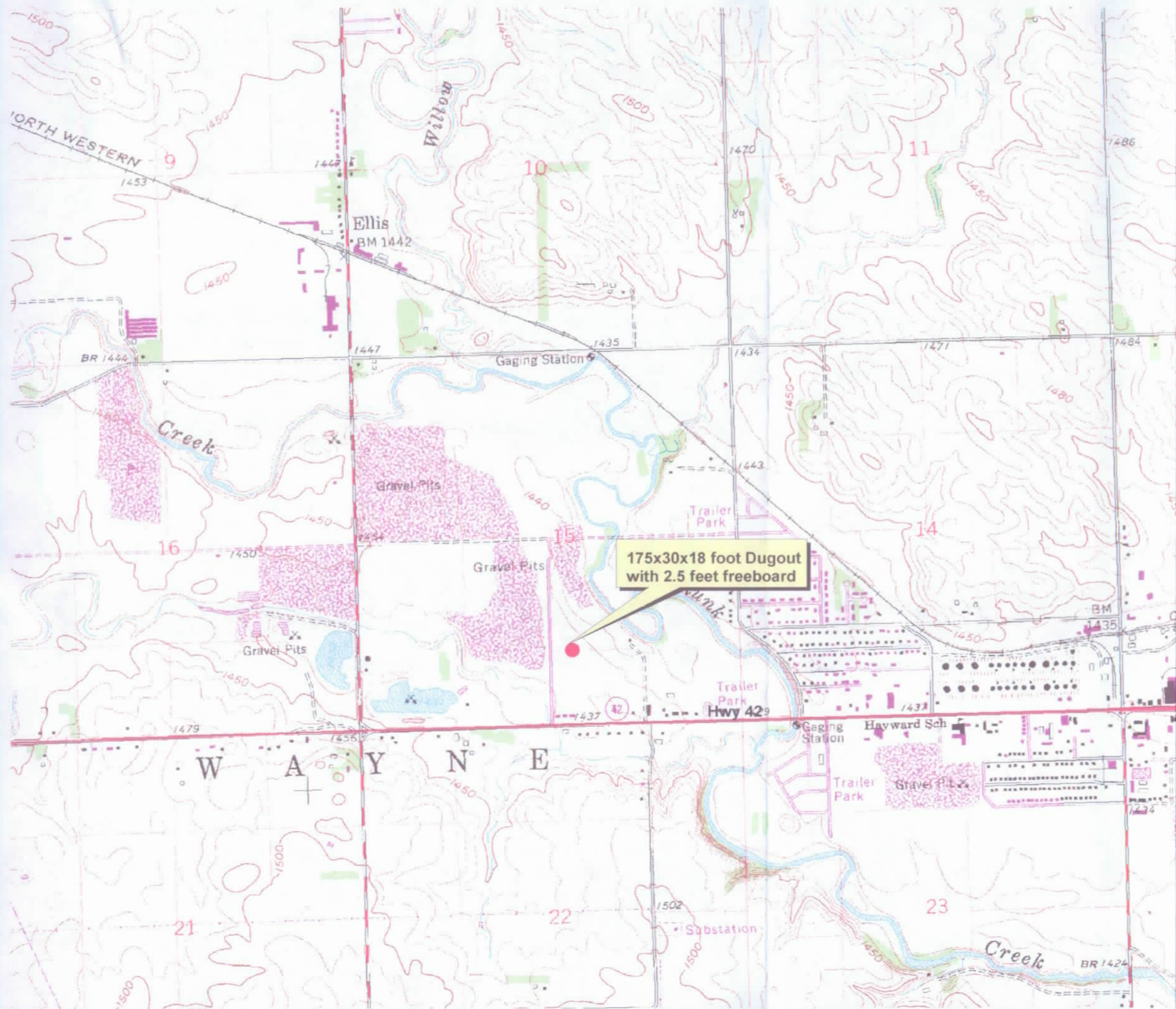
Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

Permit # 6276-3
Dakota Aggregate Resources

Diversion Point
W1/2 SE1/4 Section 15
T101N R50W



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Attachment 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6276-3, Dakota Aggregate Resources**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6276-3, Dakota Aggregate Resources, c/o F. Butch Oseby, 2808 West 6th Street, Sioux Falls SD 57104..

The Chief Engineer is recommending APPROVAL of Application No. 6276-3 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) it is in the public interest.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 30, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 2001

Lyle Johnson
City of Sioux Falls
224 West 9th St.
Sioux Falls, SD 57104

Dear Mr. Johnson,

Enclosed please find a copy of the Notice of Application No. 6276-3 to Appropriate Water, for Dakota Aggregate Resources.

Thank you,

Glenda Marks
Secretary
Water Rights

AFFIDAVIT OF PUBLICATION-

Customer Number: **078200**

Dakota Aggregate Resources / F. Butch Oseby

Invoice Number: **12301**

Argus Leader **AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

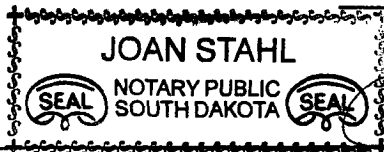
Shannon Hansen being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Friday, the 7 day of September 2001 ,
Friday, the 14 day of September 2001 ,
 _____, the _____ day of _____ 2001 ,
 _____, the _____ day of _____ 2001 ,
 _____, the _____ day of _____ 2001 ,
 _____, the _____ day of _____ 2001 ,
 _____, the _____ day of _____ 2001 ,

and that \$88.33 was charged for publishing the same including A \$5.00 affidavit fee.

Shannon Hansen

Subscribed and sworn to before me 9/20/2001



Joan Stahl

Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF APPLICATION
NO. 6276-3

to Appropriate Water
Notice is given that Dakota Aggregate Resources, 2808 W. 8th St, Sioux Falls, SD 57104 has filed an application for a water permit to appropriate 1.57 cubic feet of water per second from dugout (approximately 2 acre-foot storage capacity) located in the W 1/2 SE 1/4 Section 15-T101N-R50W. The dugout will be primarily supplied by groundwater from the Big Sioux-Southern Skunk Creek Aquifer. The water is for commercial use in a rock and gravel wash operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6276-3 because: 1) unappropriated water is available, 2) existing rights will not be unreasonably impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 September 24, 2001.

The petition may be in 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
12301 Sept. 7, 14, 2001



Instruction to Newspaper - Publish first Notice on September 7, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6276-3 to Appropriate Water

Notice is given that Dakota Aggregate Resources, 2808 W 6th St, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 1.57 cubic feet of water per second from dugout (approximately 2 acre-feet storage capacity) located in the W ½ SE ¼ Section 15-T101N-R50W. The dugout will be primarily supplied by groundwater from the Big Sioux-Southern Skunk Creek Aquifer. The water is for commercial use in a rock and gravel wash operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6276-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 September 24, 2001.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2001

Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6276-3 to Appropriate Water to be published twice. Please publish the first notice on September 7, 2001 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 Dakota Aggregate Resources, F. Butch Oseby, 2808 W 6th St., Sioux Falls, SD 577104 (Ph # 605-336-8949).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6276-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 30, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6276-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 30, 2001

Dakota Aggregate Resources
F. Butch Oseby
2808 W. 6th St.
Sioux Falls, SD 57104

Dear Mr. Oseby:

Water Permit Application No. 6276-3 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 Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 /ks
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 57501-3182
www.state.sd.us/denr

NOV 07 2001

Dakota Aggregate Resources
F. Butch Oseby
2808 W 6th St.
Sioux Falls, SD 57104

Dear Mr. Oseby:

Enclosed is Water Permit No. 6276-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6276-3
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, November 22, 2004, made a thorough examination of the water use system constructed by Dakota Aggregate Resources of 2808 W 6th St, Sioux Falls SD 57104 holder of Permit No. 6276-3, bearing the priority of date authorizing the diversion of 1.57 cu. ft. per second and/or the storage of 2 acre-feet of the waters of Big Sioux Southern Skunk Aquifer for commercial (rock and gravel wash operation) purposes, in Minnehaha County.

Inspection contact & relationship to permit holder, if applicable: **Jodi Hoefert, Sales Rep.**
(605) 336-8949 at plant or 360-1623 cell phone

A. Works used to divert the water:

Pump:

- 1) Make Gorman-Rupp
- 2) Model 16A2-F3L
- 3) Size 6
- 4) Capacity 270 GPM

Motor:

- 1) Make Tuetz-deisel
- 2) Model No. F3L914
- 3) Horsepower rating 54 hp

Dugout Information:

Dugout:

- 1) Height to crest 18 feet
- 2) Depth 15.5 feet
- 3) Dimensions 175' x 30' ft
- 4) Approx. storage 2 ac-ft

Settling pond:

- 1) Height to crest feet
- 2) Depth 5 feet
- 3) Surface area 1.5 acres
- 4) Approx. storage 3 ac-ft

Diversion pond:

- 1) Height to crest feet
- 2) Depth 12 feet
- 3) Surface area 7 acres
- 4) Approx. storage 30 ac-ft

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

- | | | |
|-----------------------------------|--------------------------|------------------------------|
| 1) Type <u>pvc</u> | 2) Size <u>6</u> inches | 3) Length <u>50</u> feet |
| 1) Type <u>black cor. plastic</u> | 2) Size <u>18</u> inches | 3) Length <u>50</u> feet |
| 1) Type <u>hose</u> | 2) Size <u>6</u> inches | 3) Length <u>varies</u> feet |

C. Works used to apply water to beneficial use:

Sand and gravel washing plant.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Exceptions to compliance are: none

Report of Examination of Works

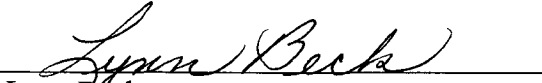
Permit No. 6276-3

The system is in good condition with the point(s) of diversion located as follows: 1700' W and 880' N of the SW corner Section 15-T101N-R50W (SW¼ SE¼). The works are capable of diverting and conveying to the place of use 0.60 cu. ft. per second of water and/or storing 35 acre-feet of water which is to be used for commercial sand and gravel wash operation. Water has been put to beneficial use to the maximum extent as follows:

The license should be issued for 0.60 cfs and/or 35 acre-feet of storage.

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

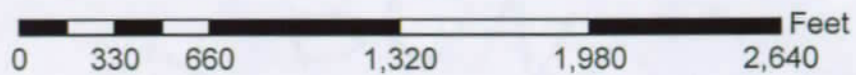
Date report completed: March 1, 2005

WATER RIGHT NO. 6276-3
DAKOTA AGGREGATE RESOURCES



R50W

SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
January 24, 2005



Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Butch with Dakota Aggregate Resources File No. 6276-3
Address: 2808 W 6th St, Sioux Falls SD 57104 County: Minnehaha
Date: March 1, 2005 Telephone: (605) 359-5537
RE:

Comments:

The sand and gravel washing operation authorized by PE 6276-3 has been moved to a new start-up site. Would still like 6276-3 licensed since the plants are mobile and there may be a need to use the site in the SE¼ Section 15-T101N-R50W again.

By the end of 2006 the above pit site will be converted to a park lake by the City of Sioux Falls. This would be a change in use and require a new permit.

Dakota Aggregate Resources is in the process of developing new pit sites and will be applying for water use permits.



Lynn Beck
Natural Resources Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit 6276-3, Dakota Aggregate Resources

ADDRESS: COUNTY: Minnehaha County

DATE: March 16, 2005 TELEPHONE:

RE: Licensing of Water Permit No. 6276-3, Dakota Aggregate Resources

Water Permit No. 626-3 appropriates 1.57 cfs from a dugout in the W ½ SE ¼ Section 15, T101N, R50W for a gravel and rock water operation. The storage capacity of the dugout was estimated to be 609,000 gallons (1.87 acre feet of water) at the time of application. The dugout capacity was public noticed as being approximately 2.0 acre feet of water).

Lynn Beck conducted an investigation of the permit in November 2004 for the purpose of licensing the permit. Her investigation found the works in place and capable of diverting 0.60 cfs with a dugout capacity of approximately 35 acre feet of water. The dugout was not in the exact location as shown on the map submitted with the application but was in the same legal description.

I believe the water permit can be licensed without reference to capacity of the dugout. I base this on the following reason.

The water source for these dugout is primarily the Big Sioux:Southern Skunk Creek Aquifer. This was stated in the public notice for the application. The ground water levels in this aquifer varies from 2 to 8 feet below surface level.

The submitted map with the application shows the proposed location of the dugout but it is not apparent whether the dugout was in place. Certainly the water body shown on the map prepared by Lynn Beck was not in place at the time the aerial photo submitted with the application was taken. I believe the dugout (waterbody) that is there today is a result of excavation as part of Dakota Aggregate's operation. The excavation has penetrated the aquifer and the pond's water level represents the level of the aquifer. The 35 acre feet of storage stated in Lynn Beck's report is not actually storage but is the aquifer water level. In essence this dugout is an inadequate well constructed into the aquifer and should not be construed as a storage capacity of the dugout.

In the event that the aquifer level declines dramatically, it is likely that the dugout would be considered and inadequate well and not receive protection from impairment. But this is a decision that would need to be made when/if a claim of impairment is made.

Therefore, I believe it is most appropriate to issue the water license for 0.60 cfs. There should not be reference to storage capacity because the water in the pond represents the aquifer water level.

NAME: Eric Henderson

STATE OF SOUTH DAKOTA

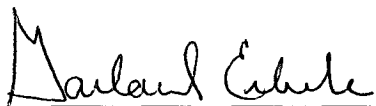
WATER LICENSE NO. 6276-3

(1) Dakota Aggregate Resources, 2808 W 6th St, Sioux Falls SD 57104 made Application No. 6276-3, July 30, 2001 for a water permit to divert 1.57 cubic feet of water per second from a dugout, Minnehaha County, South Dakota for commercial use purposes. Permit No. 6276-3, with a priority date of July 30, 2001 was approved September 24, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 24, 2006 and for the application to beneficial use of water on or before September 24, 2010.

(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. 6276-3 is issued a license, bearing a priority date of July 30, 2001 to appropriate 0.60 cubic feet of water per second from a dugout for commercial use in a rock and gravel wash operation.

The diversion point is located: 1,700 feet west and 880 feet north of the southwest corner of Section 15-T101N-R50W (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6276-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 01 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 01 2005

6276-3

Dakota Aggregate Resources
2808 W 6th St
Sioux Falls SD 57104

Dear Sir:

Enclosed is Water License No. 6276-3. This is the final water right document completing your process of obtaining a Water Right.

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

2005 South Dakota Water Use Questionnaire

To:

DAKOTA AGGREGATE RESOURCE
2808 W 6TH ST,
SIOUX FALLS SD 57104

Address correction requested:

DAKOTA EarthWORKS, Inc.
aka Dakota Aggregate Resources
5111 W. 12th St. Suite B
SIOUX FALLS, SD 57106

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 6276-3. 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: BIG SIOUX
Management Unit: SOUTHERN SKUNK CREEK

County: MINNEHAHA
Pumping Pt. Legal: SEC 15-T101N-R50W FORDNES
Type of Water Use: COMMERCIAL

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

Comments:

Did not use gravel pit last year (2005)
but will this year (2006)

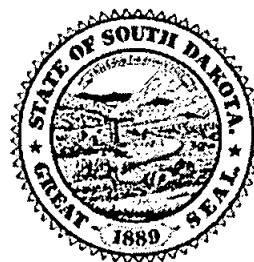
Contact Person:

F. Butch Oseby GM

Telephone No:

605-359-5531

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



Thank you for completing the 2005 water use questionnaire.

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

RECEIVED

MAR 23 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 16, 2016

Spencer Schenk
Schenk Industries, LLC.
PO Box 577
Brandon, SD 57005

Certified Mail
Return Receipt Requested

Dear Mr. Schenk:

Enclosed is a Notice of Violation and License Revocation (Notice) that applies to your state mine license, 14-965. The Notice alleges you failed to comply with the annual report and fee requirements of South Dakota's sand, gravel and construction aggregate mining law. If you do not submit the required annual report forms and fee or request a hearing on the allegations in the Notice within 20 days of receipt of the Notice, your mine license will be revoked.

You may request a hearing on the allegations in the Notice by submitting a written request to: Secretary, Department of Environment and Natural Resources, 523 East Capitol Avenue, Pierre, SD 57501-3182. If you fail to request a hearing or submit the required annual report forms and fee within 20 days, the allegations stated in the Notice will be deemed fact, the Notice will be immediately effective, and your license will be revoked.

Be advised if you continue to mine after your license is revoked, you may be prosecuted for mining without a valid mine license in accordance with SDCL 45-6-73. If your mine license is revoked, any future attempts to obtain an environmental permit from the department will require that you disclose this revocation in accordance with SDCL 1-40-27(1)(d). In addition, the secretary may reject an application for any permit filed pursuant to Title 34A or 45. You must complete reclamation of your licensed mine site within three years. If you fail to complete reclamation within three years, the department will recommend to the Board of Minerals and Environment that your reclamation surety be forfeited. If you want to continue mining, you will need to obtain a new mine license and follow the licensing requirements of SDCL Chapter 45-6 for your mine site.

If you have any questions about this letter or the enclosed Notice, please contact Thomas Cline, Jr. at (605) 773-4201. If you have an attorney, your attorney should contact Rich Williams with the Attorney General's Office at (605) 773-3215. Thank you for your anticipated cooperation and prompt attention in this matter.

Sincerely,

Steven M. Pirner
Secretary

Enclosures: Notice of Violation and License Revocation and SDCL Chapter 45-6

cc: Rich Williams, Deputy Attorney General w/enclosure

STATE OF SOUTH DAKOTA

**SECRETARY OF THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**IN THE MATTER OF VIOLATIONS OF MINE) NOTICE OF VIOLATION
LICENSE 14-965 HELD BY SCHENK INDUSTRIES,) AND LICENSE REVOCATION
LLC)**

TO: Spencer Schenk
Schenk Industries, LLC
PO Box 557
Brandon, South Dakota 57005

Notice is hereby given by the Secretary of the Department of Environment and Natural Resources ("DENR"), that Schenk Industries, LLC ("Schenk Industries"), operator under Mine License 14-965, has violated the terms and conditions of Mine License 14-965 and South Dakota Codified Laws (SDCL) Chapter 45-6, as specified below.

THE FACTS alleged to constitute this violation are as follows:

1. An operator must obtain a license to mine for sand, gravel, and rock to be crushed and used in construction, pegmatite minerals, or for limestone, iron ore, sand, gypsum, or shale used in the process of making cement or lime from DENR pursuant to SDCL 45-6-65. For each site to be mined under the license, the operator must comply with the public notice, agency notification, surety, and annual report requirements of SDCL 45-6-68, 69, 71, and 72, respectively. In addition, an operator must submit an annual license fee of one-hundred dollars per licensed mine site to DENR as required by SDCL 45-6-65.
2. Schenk Industries was issued Mine License 14-965 by DENR on April 23, 2014.
3. Schenk Industries properly licensed a construction aggregate mine site by complying with the public notice, agency notification, and surety requirements cited above. The legal location of the mine site is SE1/4 Section 15; T101N-R50W, Minnehaha County.
4. The annual report date of Mine License 14-965 was April 23, 2016. On March 1, 2016, DENR mailed Schenk Industries annual report forms for the mine site noted above. The annual report forms include instructions for completing the forms and submitting the annual fee. Schenk Industries failed to submit the annual report forms and fee by April 23, 2016.

5. On May 25, 2016, DENR mailed Schenk Industries a letter notifying Schenk Industries that Schenk Industries' mine license would be revoked, unless Schenk Industries came into compliance with SDCL 45-6 by submitting the annual report forms and fee. In addition to the letter, a second set of annual report forms was sent. Schenk Industries failed to submit the annual report forms and fee within the 30 days as requested in the May 25, 2016, letter.
6. On June 28, 2016, DENR mailed Schenk Industries a letter notifying Schenk Industries that Schenk Industries' mine license would be revoked, unless Schenk Industries came into compliance with SDCL 45-6 by submitting the annual report forms and fee. In addition to the letter, a third set of annual report forms was sent. Schenk Industries failed to submit the annual report forms and fee within the 30 days as requested in the June 28, 2016, letter.
7. Based on the foregoing facts, the provisions of SDCL 45-6-72 have been violated.
8. SDCL 45-6-74 states, "The secretary of environment and natural resources may revoke the license of any operator found to be in violation of any provision of SDCL 45-6-64 to 45-6-77, inclusive. The revocation shall occur pursuant to the provisions of chapter 1-26."

WHEREFORE, as a result of these FACTS and VIOLATIONS, and pursuant to SDCL 45-6-74, the Secretary of DENR hereby:

1. **Revokes** Mine License 14-965, held by Schenk Industries, 20 days from the receipt of this Notice. The Secretary will not revoke Mine License 14-965 if Schenk Industries submits the completed annual report forms and fee required by SDCL 45-6-72 within 20 days of receipt of this Notice. **Note:** if the mine license is revoked, any future attempts to obtain an environmental permit from the department will require that you disclose this revocation in accordance with SDCL 1-40-27(1)(d). In addition, the secretary may reject an application for any permit filed pursuant to Title 34A or 45. Schenk Industries must obtain a new mine license following the licensing requirements of SDCL 45-6 for the mine site and any new mine sites before conducting any further mining.

NOTICE IS HEREBY GIVEN that Schenk Industries may request a hearing before the Secretary of DENR regarding the allegations contained herein by submitting a written request within **20 days** of receipt of this Notice of Violation and License Revocation. This written request must be filed with DENR before the expiration of the 20 days, by delivery to: Secretary, Department of Environment and Natural Resources, 523 East Capitol Avenue, Pierre, SD 57501-3182.

NOTICE IS ALSO HEREBY GIVEN that if Schenk Industries fails to request a hearing within 20 days, the allegations stated herein shall be deemed fact and Mine License 14-965 will be revoked immediately if the required annual report forms and fee have not been submitted. Also be

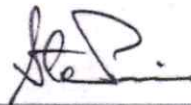
advised that an operator who mines without a valid mine license is guilty of a Class 1 misdemeanor in accordance with SDCL 45-6-73.

NOTICE IS ALSO HEREBY GIVEN that if Schenk Industries requests a hearing before the Secretary on these allegations, a Notice of Hearing will be sent to Schenk Industries designating the date, time, and location of the hearing. Any decision of the Secretary at this contested case hearing may be appealed to the South Dakota Board of Minerals and Environment pursuant to SDCL 45-6-75.

NOTICE IS ALSO HEREBY GIVEN that if the required report forms and fee are not submitted within 20 days and the license is revoked, Schenk Industries must complete final reclamation of the mine site licensed under Mine License 14-965 within three years. If Schenk Industries fails to reclaim the mine site within three years, DENR will recommend to the Board of Minerals and Environment that Schenk Industries's reclamation surety be forfeited.

THIS NOTICE does not constitute a waiver or an election by the State to forego civil or criminal action to seek penalties or other relief as the State may deem appropriate under the provisions of SDCL Chapter 45-6 and other applicable laws. This Notice of Violation and License Revocation further does not constitute a modification or amendment of the terms and conditions of Mine License 14-965 or the provisions of SDCL Chapter 45-6, which remain in full force and effect.

Dated this 16th day of September, 2016



Steven M. Pirner, Secretary
Department of Environment and Natural Resources

PMB 2020
Dept of Environment and Natural Resources
Minerals and Mining Program
523 E Capitol Ave
Pierre SD 57501-3182
Telephone: (605) 773-4201

Mine License Annual Report

RECEIVED
JUL 24 2015

Annual Report Date: **April 23, 2015**

Site: **965001**

MINERALS & MINING PROGRAM

SCHENK INDUSTRIES, LLC

License: **14-965**

Dates of Mining: 10/01/1999-12/31/2015

Pit Name:

SE1/4 Section 15; T101N-R50W, Minnehaha County

INSTRUCTIONS:

- 1) **ALL** information must be completed. Please be as accurate as possible.
- 2) Attach a check or money order payable to "**SD Dept. of Environment & Natural Resources**". Units of South Dakota state government are exempt from the fee.
- 3) Include a map with a scale of 1:24,000 or larger (eg. ASCS maps, topographic maps, etc.). **DO NOT** use county or township maps. Other maps are acceptable if they show areas mined, areas reclaimed, and the acreage of each. **DO NOT staple maps to the Annual Reports.**
- 4) **SIGN, DATE, AND RETURN** this Annual Report along with the fee and map. Mail to the Minerals Mining Program prior to the Annual Report Date listed above. Failure to return these materials by the Annual Report Date may subject your mine license to revocation.

Inspection Date:

GPS Acreage from inspection:

- | | | | |
|--|---|---|-----------|
| - 5) Total acres mined on last Annual Report: | | | 71 |
| 6) New acres mined since last Annual Report: | + | | 0 |
| 7) Total acres mined under this license: | | → | 71 |
| - 8) Total acres reclaimed on last Annual Report: | | | 0 |
| 9) New acres reclaimed since last Annual Report: | + | | 25.25 |
| 10) Total acres reclaimed under this license: | | → | -25.25 |
| 11) Subtract acres reclaimed from acres mined (unreclaimed acres): | | | 45.75 |
| 12) Tons removed under this license since last annual report date: | | | 47,942.61 |

I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Operator's Signature:

Date: **07/21/15**

Mailing Address: 801 E RYAN DR STE A, TEA, SD 57064-8145

Phone Number (605) 498-0312

Please indicate any change of address or change in phone number

DEPARTMENT COPY

RECEIVED

JUL 24 2015

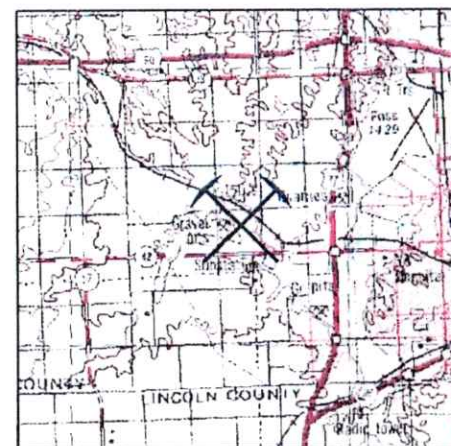
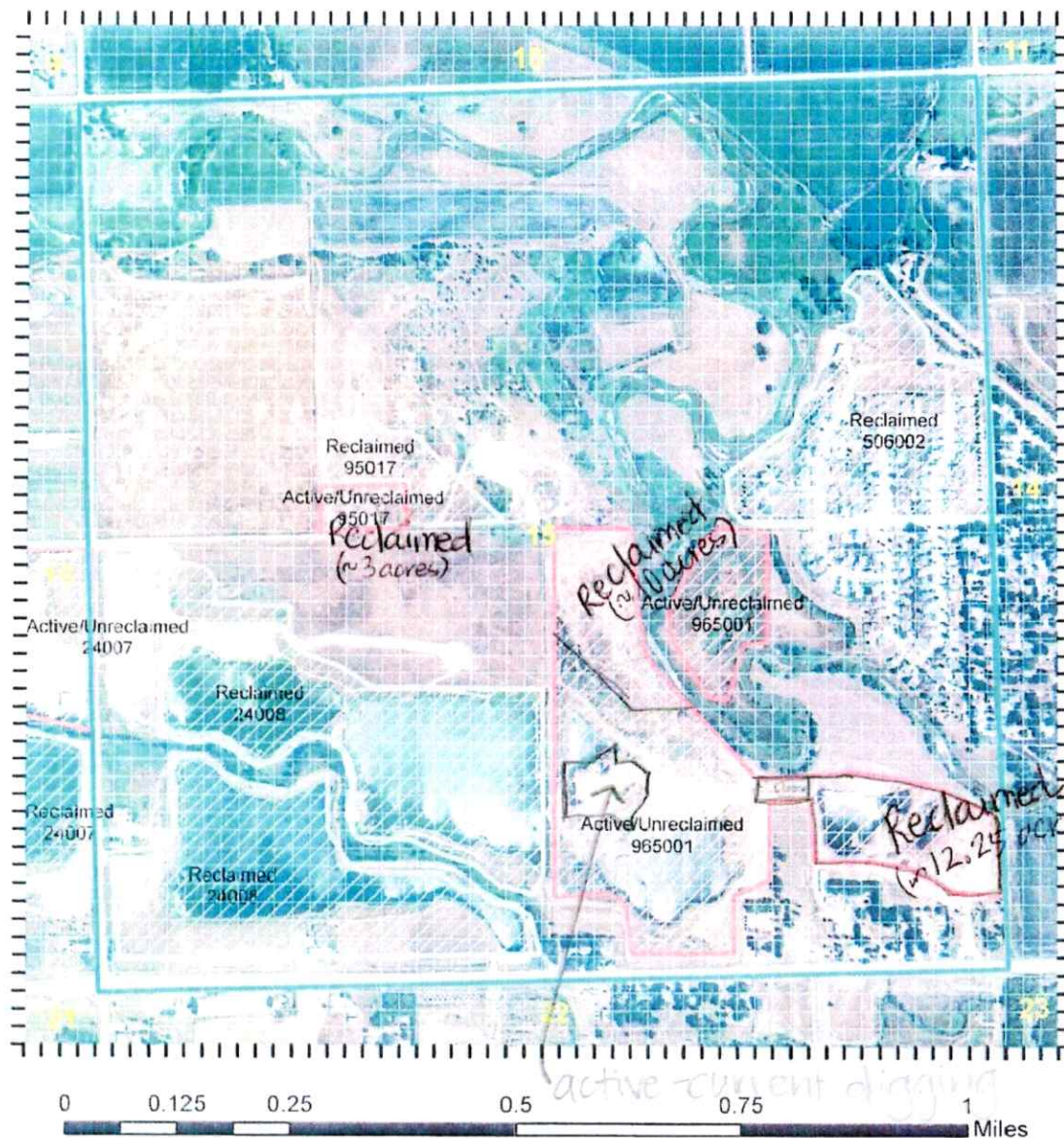
SCHENK INDUSTRIES, LLC

SITE: 965001

MINERALS & MINING PROGRAM

PRINT DATE: 05/14/2015 1:49:20 PM

SE1/4 Section 15; T101N-R50W, Minnehaha



0 5 10 Miles

This map can be used to meet the map requirement for your annual report. Please sketch your mining operation on the large-scale map to the left and return it with your annual report. The crossed pickaxe symbol, in the map above, shows the general location of your operation. The grid boxes on the large-scale map to the left measure 100-feet on each side, and have an area equal to 1/4-acre. Mark an 'X' in boxes you are actively mining, and an 'O' in boxes that have been reclaimed. Be sure the number of boxes you mark agrees with what you write on the annual report form, and that the boxes you mark are in the proper location.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 21, 2022

Spencer Schenk
Schenk Industries, LLC
PO Box 677
Brandon, SD 57005-0677

Dear Mr. Schenk:

On September 15, 2022, the South Dakota Board of Minerals and Environment released Schenk Industries, LLC from further liability under mining license 14-965 for the following site:

965001 SE1/4 Section 15; T101N-R50W, Minnehaha County

Enclosed is a copy of the Board's release for this site. On this same date, the Board also released CD No. 3000593. The certificate has been endorsed by the Board Chairman and is being returned to you.

Please be advised that should you decide to conduct mining operations in the future, it will be necessary to reapply for a construction aggregate license, advertise the site to be licensed, notify the government agencies, and post a reclamation surety before mining could commence. The other alternative would be to conduct the operations under another operator's license, provided that operator has the site licensed.

Thank you for your continued interest in the resources of South Dakota.

Sincerely,

Bret Graves
Environmental Scientist III
Minerals and Mining Program
605 773-4201; Fax: 605 773-5286
Email: bret.graves@state.sd.us

Enclosure: Release of Liability/Surety; CD No. 3000593

Dewell, Amanda

From: Kilts, Whitney (DENR)
Sent: Monday, May 20, 2024 3:03 PM
To: Dewell, Amanda
Cc: Gronlund, Eric
Subject: Water Right No. 6276-3
Attachments: Pages from S965001.pdf; Pages from L965.pdf; Pages from S965001-a.pdf; 6276-3.pdf

Amanda,

I am starting to look into some of the older BS:SSC water rights since the aquifer just hit the point of doing temporary permits out of future use, so this is likely the first email of several.

In talking to Tom Clive with Minerals and Mining, sometime after it was licensed the sand and gravel pit changed ownership to Schenk Industries. The last reported mining at this site was in 2015 (attached). Schenk Industries went bankrupt in 2016 and was served a NOV on the mining site (attached) with the site finally being released in 2022 (attached). Based on Sioux Falls' parcel finder (<https://cityofsfgis.maps.arcgis.com/apps/webappviewer/index.html?id=f6cf6b9dd71246f5aaa0b5e9fc94e82b>), the property now belongs to LOTS-'O-ROCKS LLC C/O CHIP KOLB 7104 W 12th St, Sioux Falls SD 57106 (<https://sosenterprise.sd.gov/BusinessServices/Business/FilingDetail.aspx?CN=160125007170245174121255130054155204139043060130>).

Based on talking to Tom this site was likely last used for mining in 2016, so the water right is likely subject to cancellation due to nonuse.

Thanks,



Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Cline, Tom <Tom.Cline@state.sd.us>
Sent: Monday, May 20, 2024 2:40 PM
To: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Subject: RE: Question on Site No. 965001 (sand and gravel site)

From: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Sent: Monday, May 20, 2024 2:31 PM
To: Cline, Tom <Tom.Cline@state.sd.us>; Graves, Bret <Bret.Graves@state.sd.us>
Subject: Question on Site No. 965001 (sand and gravel site)

Tom or Bret,

I am looking at the sand/gravel pit the SE ¼ Section 15-T101N-50W in Minnehaha County. Based on the Minerals and Mining's sand, gravel, and construction aggregate mining online map it looks like the site is inactive and the site number is 965001. I am looking at the water right connected to this operation. Do you have any documentation on when this site went inactive or was last operated that you could send me?

Thanks,



Whitney Kilts

Office of Water-Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 24, 2025

6276-3

Lots-O-Rocks LLC
c/o Chip Kolb
7104 W 12th St
Sioux Falls SD 57106

Dear Mr. Kolb:

I am writing you today regarding Water Right No. 6276-3, currently held in the name of Dakota Aggregate Resources. WR No. 6276-3 authorizes diversion of 0.60 cfs of water (270 gpm) from the dugouts located in the SW ¼ SE ¼ Section 15-T101N-R50W, Minnehaha County, for commercial use.

Records indicate that the above-described location is now owned by Lots-O-Rocks LLC. However, conversations with the Department's Minerals & Mining Program suggest that mining operations at this site have likely not occurred since 2016.

Pursuant to SDCL 46-5-37, a water right may be subject to cancellation if water is not placed to beneficial use for a period of three or more years.

With this letter, I hope to determine whether ownership of WR No. 6276-3 should be transferred to Lots-O-Rocks LLC or be scheduled for cancellation consideration before the South Dakota Water Management Board.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Chip Kilb – Lots O Rocks LLC

DATE: 08/08/2025

TELEPHONE: 605-366-8570

RE: Status of water use under WR No. 6276-3

COMMENTS:

Chip called after receiving my letter dated July 24, 2025. He said that Dakota Aggregate is no longer operating at the site, but that Lot O Rocks has been doing “exploratory digging”. Water has been used (however minimally) and they are not sure how far the project will go.

Chip asked if I could follow up in 2 years’ time, at which point he would know for certain if the Water Right should be transferred or cancelled.

Since some amount of water has been used, cancellation is less obvious than I would like before taking this water right to the Board. I agreed to contact him for a status update in the summer of 2027.



Amanda Dewell
Water Rights Program