

WATER PERMIT NO. 6387-3

Name of Applicant: Concrete Materials, div of Sweetman Construction Co.

Address: PO Box 84140, Sioux Falls SD Phone: 605 357-6000

Amount of Water Claimed: 2.22 cfs Total Acres: NA

Source of Water Supply: runoff - ponds

Water to be used for: commercial, industrial County: Minnehaha

Type of Waste Disposal System:

Location: 2 miles northeast of Brandon

PRIORITY Date Received: 2-3-03 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Water use from pit ponds

Diversion Point:

Land to be Irrigated: NA

Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: plat

Prepared by: Nathan Barton, PE

Reviewed and the Number Assigned on: 2-4-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6387-3**

Date of first receipt of application February 3, 2003.

The Water Management Board approved Water Permit No. 6387-3 on May 7, 2003 for Concrete Materials, div of Sweetman Construction Company, c/o Jon Mulloy, PO Box 84140, Sioux Falls SD 57118-4140 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. 6387-3 appropriates 2.22 cubic feet of water per second from sand pit ponds located in the N ½ Section 23 and the SW ¼ NW ¼ and NW ¼ SW ¼ of Section 24, all in T102N, R48W. The ponds receive natural runoff from the drainage area. The storage capacity of the ten various ponds used throughout the wash facility is approximately 65 acre feet of water. Water appropriation from Split Rock Creek covered under Application No. 6388-3 will be used to augment the ponds.
2. The water appropriated shall be used for the purpose of industrial/commercial use 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: January 1 – December 31.
4. The date from which applicant may claim right is February 3, 2003.
5. One-fifth of the construction is to be completed on or before November 7, 2005.
6. All construction is to be completed on or before May 7, 2008.
7. Water is to be put to beneficial use on or before May 7, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 6387-3 and 6388-3, combined, authorize 10 storage dams or ponds with a total storage capacity of 65 acre feet of water and a total diversion rate of 2.22 cfs. The dams or ponds may be filled one or more times per year.

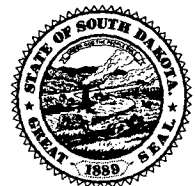
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 13 2003

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. <u>6387-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader, Sioux Falls</u>	

RECEIVED

FEB - 3 2003

WATER RIGHTS
PROGRAM

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	

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 Concrete Materials, div of Sweetman Const. Co. Phone (605) 357-6000
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 84140, Sioux Falls State SD 57118-4140
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000/250⁴ **GPM est. 210⁵ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water and surface water in sand deposits and drainage basin
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) A sand pit pond in the
SW 1/4 of NW 1/4 of Section 24, Brandon Township (T102N R48W, 5th P.M.), with alternate locations
in the N 1/2 of Section 23. (See description attached). County Minnehaha
- County or counties where water will be used Minnehaha County
- Annual period during which water is to be used Year round, primarily in summer (construction season)
Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed).
Pond will provide water for sand/aggregate washing plant and related activities, including water for maintenance, equipment cleanup, dust control and general incidental use on site. This will connect with system also to allow water to be drawn directly from Split Rock Creek on the site (separate application).

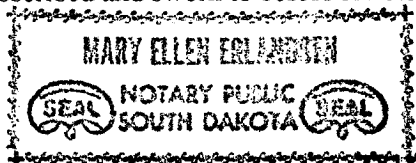
STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

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, Jon Mulloy, Aggregate Division Manager of Concrete Materials, 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 Jon Mulloy

Subscribed and sworn to before me this 30th day of January 2003



Mary Ellen Erlundsen
My Commission Expires 2-16-04

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 Surface _____
- 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) None⁶
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of N/A Sanitary System _____

3. Dugout Information

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

4. Water Storage Dams

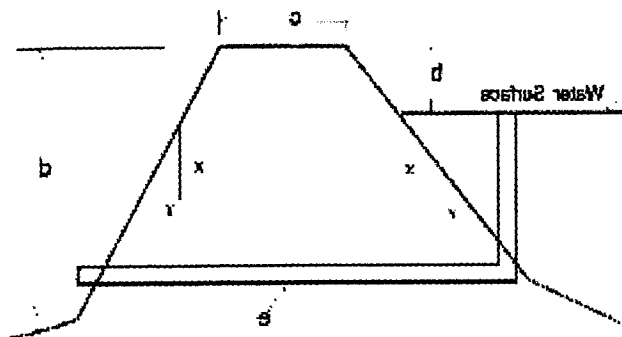
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Nathan A. Barton, PE, DEE, Wasteline, Inc.

PO Box 3471, Rapid City, SD 57709-3471

- b) Freeboard SEE
- c) Crest Width ATTACHED
Crest Length INFORMATION
- d) Height (TABLE 3)
- 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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 4, 2002

RECEIVED OF Concrete Materials, 1103 West Russell, PO Box 84140, Sioux Falls, SD 57114

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

Fee for Application for Permit No. <u>627-3</u> to Appropriate Water, to construct and to put water to beneficial use	150.00
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>6387-3</u>	50.00
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. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	200.00

No.

000635

By

Darland Erbele

Chief Engineer

gm

THIS APPLICATION SUBMITTED IN TWO PARTS.

We submit the attached applications as part of the development of the new sand plant northeast of Corson, in Minnehaha County.

The plant will take sand mined on site and process it (screen and wash) as well as process (screen, crush, and wash) gravel separated from the sand. We will then transport the sand by rail or truck to its ultimate market, primarily in the Sioux Falls area.

In addition to process water, we will use water for ready mix concrete, equipment cleaning, dust control of mining and hauling on site, and other incidental uses. It is planned to recycle as much water as possible, although there will be losses due to evaporation and transport with the washed sand.

Therefore, we submit one application for water to be taken from the various ponds, starting with the sand pit ponds; and a second application for water to be taken from Split Rock Creek. While we list the maximum amount of water in both applications, we would limit our combined withdrawal to that total, NOT to the sum of the two applications. We have included the calculations for the water consumption on an annual basis. The maximum amount of water (210 acre-feet per year) includes evaporation and transport losses as well as other consumptive uses. The attachment details these amounts.

The water use of 210 acre-feet per year includes 102 acre-feet per year of runoff and interflow from the drainage areas controlled by the pit and other ponds, and which if not used directly from the ponds will instead discharge into Split Rock Creek. Therefore, the actual withdrawal from Split Rock Creek, either directly or indirectly, would equal only 108 acre-feet per year. Please note that these are peak water requirements, based on full capacity of the plant; initial use will amount to only about 40% (including evaporation losses), or approximately 84 acre-feet per year, less than the runoff and interflow from the basins owned and controlled by Sweetman.

The various ponds and basins are constructed either by the mining of sand or for the purposes of controlling storm water runoff (and associated silt) and recycling of sand wash water. Therefore, the ponds are both incised from the original ground surface and constructed with embankments. It is our plan to draw as much water as possible from these ponds, which of course intercept surface water in the basins, and in the case of the sand pit ponds in particular, intercept ground water. However, additional water may be required to replace transport and evaporation losses, and we propose that water be taken from Split Rock Creek.

We have investigated the feasibility of using ground water wells, but feel cost and water supply requirements are best met by using the surface water, rather than ground water wells.

A third application for water (either from well or from Split Rock Creek) for the planned ready mix plant (shown on the map) is being submitted separately. It is likely that we may connect the two systems in some way to reduce pumping and piping costs.

Please note that there are a number of impoundments on the property (see map) which are agricultural in nature and which are not part of the mining or this operation, but will remain on site. These are not labeled or listed in the enclosures.

If there are any questions, please contact our permitting and design engineer, Nathan A. Barton, in Rapid City, at 605-348-0244 or 605-390-7255.

Sincerely,



Jon Mulloy
Aggregate Division Manager, Concrete Materials
Sweetman Const. Co.

GENERAL DESCRIPTION OF WATER FLOW ON-SITE:

Water from Split Rock Creek and/or Pit Ponds will be pumped to fill all water ponds and sediment ponds at the beginning of the operating season, and then as necessary to make up evaporation losses.

While the sand plant is operating, water will be drawn from Water Pond #3 via turbine pumps and a 20" water pipeline to the plant. Used water and sediment from the plant will flow to the main sediment ponds via a 24" sewer, and after fines are settled out, the water will flow into Water Pond #2 and then into Water Pond #3. Make-up water for sediment ponds (and Ponds #2 and #3) will come initially from Water Pond #1, then from Sand pile Sediment Pond and from the creek or pit ponds.

Once sand is washed in the plant, it will be stockpiled in the Sand pile and allowed to drain. Water draining will be collected in the Sand pile Sediment Pond and then either allowed to flow to Split Rock Creek at the diversion point to recharge the creek, or pumped to Water Pond #2 to reenter the system.

The ready mix plant will draw water and use for making of concrete and equipment washing; washout from equipment (slurries of ready-mixed concrete) will be discharged into ready mix sediment basins to settle, harden and evaporate. These basins are designed to fully contain 100-year, 24-hour storm events and provide for total retention of water during the year, either to be recycled or discharged after testing to ensure that water quality standards are met for ready mix and use in washing of sand. Therefore, the drainage area of these basins is NOT included in the total recharge available for the site.

END NOTES FOR APPLICATION

¹ Peak demand is estimated at 1000 gpm, average when actually pumping water from the well is 250 gpm.

² Annual use, as explained above (in General Calculations).

³ Separate water will be provided for domestic water (drinking, washing, toilets) and separate sanitary system (septic tank, holding tank, or similar) will be used.

⁴ Peak demand is estimated at 1000 gpm, average when actually pumping water from the well is 250 gpm.

⁵ Annual use, as explained above (in General Calculations).

⁶ Separate water will be provided for domestic water (drinking, washing, toilets) and separate sanitary system (septic tank, holding tank, or similar) will be used.

⁷ Existing agricultural impoundments and dugouts are not listed in this table.

⁸ There is no crest width or length for some ponds, because these are incised ponds: constructed by mining out sand.

⁹ The sediment ponds B, C and D have no separate catchment area, and are included in the catchment area for Pond A.

¹⁰ Actual location may vary somewhat based on mining and other work: portable pumps and surface-laid lines will be used.



A DIVISION OF SWEETMAN CONST. CO.

1201 WEST RUSSELL
POST OFFICE BOX 84140
SIOUX FALLS, SOUTH DAKOTA 57118-4140

January 31, 2003

Mr. Eric Grunland
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: Water Rights Permit Application Fee

Dear Mr. Grunland:

Enclosed is our check in the amount of \$400.00 for the application fees for the Water Rights Permits we submitted under a separate cover yesterday. Mr. Nathan Barton called me today and informed me of the fee. He also indicated he talked to you about making sure the fee got associated with our application. Please contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Jon Mulloy". The signature is written in a cursive, flowing style.

Jon Mulloy
Aggregate Division Manager

Enclosures: 1

cc: file

RECEIVED

FEB - 4 2003

WATER RIGHTS
PROGRAM

The water system will use precipitation collected from four drainage basins, all on land owned by Sweetman Const. Co.

TABLE 1. WATER SOURCES

Basin	Water Basin Area	Mean Annual Runoff/Surface flow	Mean Annual Interflow	Remarks
West Sec 24	35.04 A	4.38 Ac-ft	23.337 Ac-ft	Existing (2000-2001) pit
West Sec 24 (future)	71.28 A	8.91 Ac-ft	47.472 Ac-ft	Future limits of pit
NE Sec 23 (current)	41.6 A	5.20 Ac-ft	0	No excavations
NE Sec 23 (future)	41.6 A	5.20 Ac-ft	27.706 Ac-ft	Pit intercepting ground water
Water/sediment ponds	59.04 A	7.38 Ac-ft	0	Not into ground water
Sand plant area	20.99 A	2.62 Ac-ft	0	Not into ground water
		19.58 Ac-ft initial 24.11 Ac-ft future ^{43.69}	23.34 Ac-ft initial 75.18 Ac-ft future ^{98.52}	TOTAL 42.92 Ac-ft initial TOTAL 99.29 Ac-ft future
Needed from Split Rock Creek		108.82 Ac-ft	NA	Above that provided by land via runoff and interflow
Total			208.11 Ac-ft ?	

Notes for table:

Annual mean runoff calculated at 1.5 inches/acre, data from National Weather Service for State of South Dakota.

Annual mean interflow (water infiltrating into ground but not in established water table) calculated at 33% of total annual precipitation from National Weather Service for State of South Dakota.

TABLE 2. ANNUAL WATER CONSUMPTIVE USE (WORST CASE)

Use/Facility	Volume (ac-ft)	Area (SF) (max)	Initial Use (ac-ft)	Maximum Use (ac-ft)	Remarks
Basin/Pond Evaporation					
East Pit Pond #1	21.7	189,307	14.49	14.49	Existing
West Pit Pond #2	6.82	59,436	0	4.55	To be added in future
Main Sediment Ponds	22.55	90,900	5.92	6.96	Future increase planned
Water Pond #1	3.03	39,218	3.00	3.00	New construction
Water Pond #2-#3	9.5	77,200	4.98	4.98	New construction
Sandpile Sediment Pond	1.04	17,023	1.30	1.30	New construction
Ready-mix Sediment Basins	5.27	76,517		5.86	To be added in future
Basin/Pond Evaporation			29.69	41.14	Future Planned
Sand washing			34.53	118.40	Evaporation from use/recycling
Dust control			14.40	14.40	
Ship with product			9.97	34.17	
TOTAL	69.91	549,601	88.59	208.11	

Evaporation use based on 40 inches evaporation per year from shallow basins/ponds (US National Weather Service data for SD).

Sand washing use based on 5% loss from evaporation, with remainder recycled. For 8000 gpm (64429.53 CF/hr) (1.48 acre-feet/hr) at 750 TPH for:

INITIAL: 350,000 tons/year, or 466.67 hours; or 690.67 acre-feet/year. 5% is 34.53 acre-feet/year.

MAXIMUM: 1,200,000 tons/year or 1600 hours, or 2,368 acre-feet/year. 5% is 118.4 acre-feet/year.

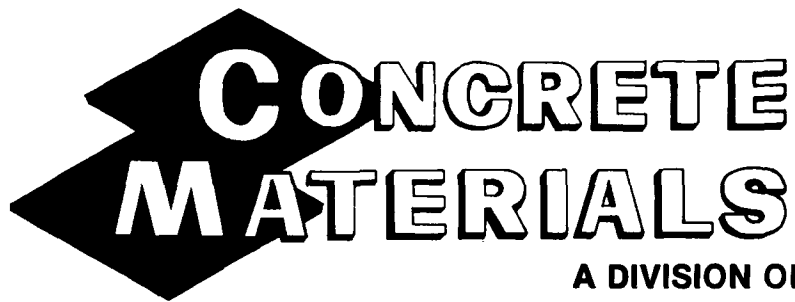
Dust control use based on application of water on days with less than 0.1 inches precipitation during the operating period (APR-OCT), in which case the equal of 0.1 inches will be applied to an estimated 842,500 SF, using 0.16 acre-feet/day for up to 90 days per year, 14.4 Ac-Ft of water.

Water shipped with sand is estimated at 4% by weight (EPA/CDPHE standard factor), for:

INITIAL: 350,000 tons/year, 9.966 acre-feet/year.

MAXIMUM: 1,200,000 tons/year, 34.168 acre-feet/year.

TABLE 3. WATER STORAGE DAMS⁷[illegible]



A DIVISION OF SWEETMAN CONST. CO.

1201 WEST RUSSELL
POST OFFICE BOX 84140
SIOUX FALLS, SOUTH DAKOTA 57118-4140

January 30, 2003

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: Water Rights Permit Application

Dear Sir or Madam:

Enclosed is an application for water rights for our new sandplant near Corson, SD.

Sincerely,

A handwritten signature in black ink that reads "Jon Mulloy". The signature is written in a cursive, flowing style.

Jon Mulloy
Aggregate Division Manager

Enclosures: 1

cc: file

MAP SHOWING LOCATIONS IN SECTIONS 23 & 24, T102N, R48W

Distances to point of diversion for application and planning purposes:¹⁰

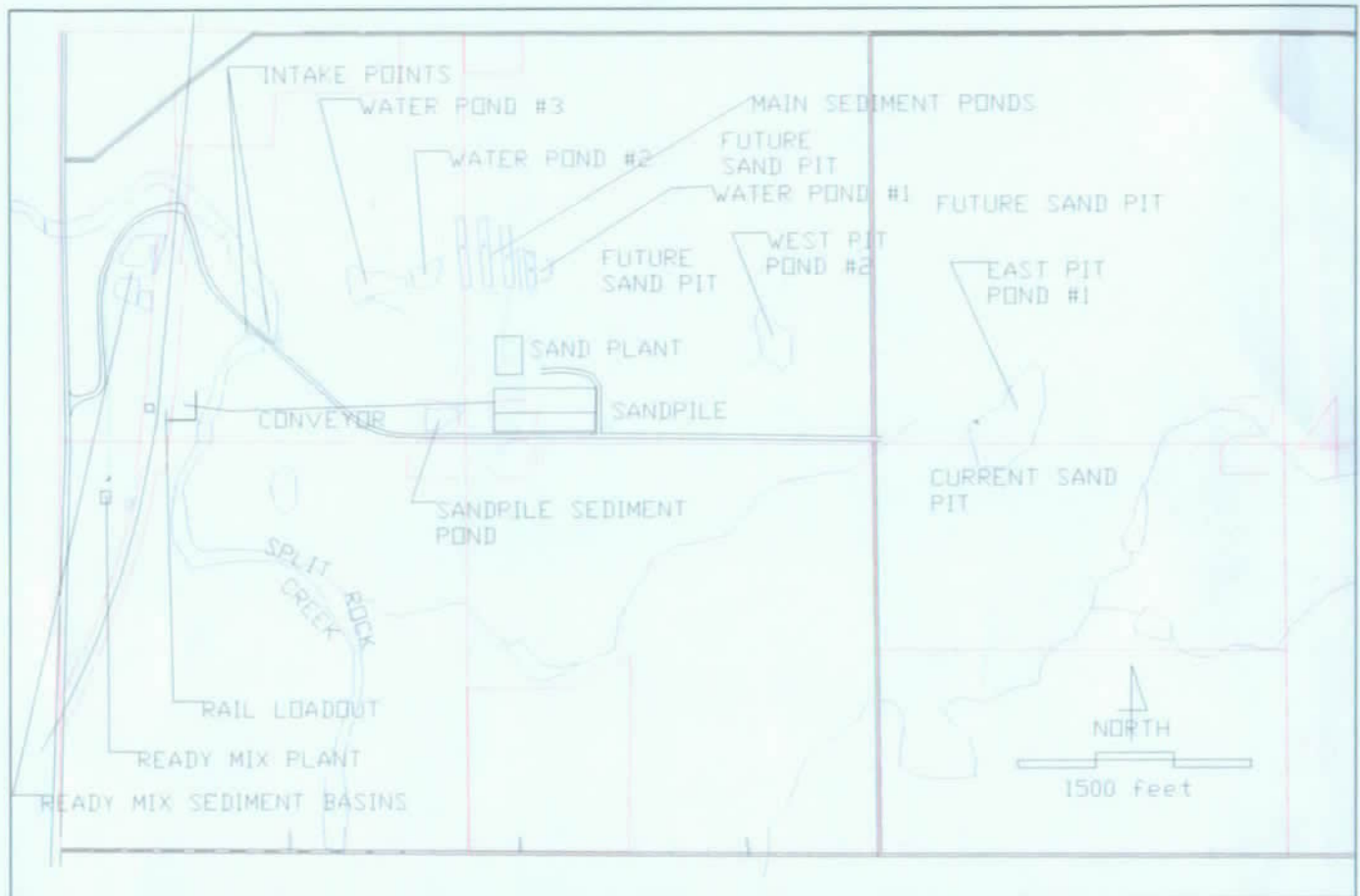
from Split Rock Creek (east): 1408 feet East and 660 feet North of W ¼-Corner of Section 23.

from Split Rock Creek (west) (alternate point): 1245 feet East and 687 feet North of W ¼-Corner of Section 23.

from East Pit Pond #1: 653 feet East and 79 feet North of W ¼-Corner of Section 24.

from West Pit Pond #2: 1923 feet East and 543 feet North of Center of Section 23.

Hatched area shows property belonging to Sweetman Const. Company.



MAP PREPARED BY NATHAN A. BARTON, PE, DEE

Nathan A. Barton

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, February 12, 2003 3:56 PM
To: 'SDLiberty@aol.com'
Subject: RE: more questions on water right permit application

Okay I think I understand - BUT just to make sure let me summarize the applications as follows in the simplest term possible:

Brandon Materials - application is for a well for the ready mix plant.

Concrete Materials - application is for an intake in Split Rock Creek. Water will be diverted when needed for the sand/aggregate wash plant by diverting into water pond #2 and water may also be diverted for use by the Brandon Material's ready mix plant.

Concrete Materials - application from the sand pit to be use for the sand/aggregate plant. Water diverted to water ponds to use in the sand plant and recycled to the extent possible

Please correct me if I am still missing the boat.

Eric

-----Original Message-----

From: SDLiberty@aol.com [mailto:SDLiberty@aol.com]
Sent: Wednesday, February 12, 2003 1:39 PM
To: Eric.Gronlund@state.sd.us
Subject: Re: more questions on water right permit application

In a message dated 2/11/2003 3:18:59 PM Mountain Standard Time, Eric.Gronlund@state.sd.us writes:

The application states the location of the point of diversion as being in the NW 1/4 SW 1/4 of Section 23. I believe this is where the actual ready mix plant will be located. If I recall from our conversation, the well is planned to be located right along Split Rock in the SW 1/4 NW 1/4 of Section 23. Is this correct?

Yes, unless a well is put in, in which case it could be the NW 1/4 SW 1/4. The steep hillside due east of the readymix plant and rail loadout point doesn't give a good location to get water from the creek (either directly or indirectly) there. However, the entire area under the railroad track is sand; we had to overexcavate and backfill with loam to put the rail siding in. I would consider it to be in direct hydraulic connection because of that.

I can't recall our exact conversation regarding this but I thought the intent was to construct a well but that this well may be in direct hydraulic connection to the creek. Is there the potential that they will construct a direct intake into the creek for the ready mix plant?

That is correct. There is a potential for a direct intake, or well, either one.

Finally, the last sentence under the description section (Item No. 7) states the well will be connected with system to also allow water to be drawn directly from Split Rock Creek (separate application). Again, this appears to elude to a direct intake to Split Rock Creek. It also talks about a separate application. The

2/13/2003

only other applications are for the sister company (Concrete Materials) and one of these applications is for a direct diversion from Split Rock Creek. I didn't think that it was intended for any of this water to be diverted over to the ready mix plant.

The separate application referred to IS the one for Concrete Materials, and what I intended was to provide some flexibility: if it makes sense to have a single point and pump for water and connect the two systems, then I wanted to make sure that possibility was covered. I should have said "MAY be connected" in that sentence.

Sorry for the confusion.

Let me try to restate, briefly.

Water for the sand plant will come primarily from the sand pit ponds, and then be recycled. Make-up water, if enough is not available from the sand pit ponds, would be drawn from the creek, probably directly (I suppose a gallery or well in direct connection might be a possibility). This is definitely a seasonal operation: can't wash sand in the wintertime.

The ready mix plant will come along later, and water will probably come from a well in the alluvium (in direct connection with the creek). We would LIKE that well to be right next to the plant (less pipe, less pumping), but if that is not possible, the well could be located on the flat area near the road over the creek, near the railroad, or be a gallery and draw directly from the creek. Ready mix is really NOT a seasonal operation anymore in the Brandon area: production drops in JAN, FEB, MAR, but there is always some, so we need a way to have water year-round, unlike the sand plant. However, in summertime, it might make more sense (at least as a back-up) to connect the two systems together, so that there is only one pump going. You know how mining folks are: they put together some of the most amazing systems, just to save a few gallons of gasoline for a pump, or a few KWhrs juice.

Let me know if this all makes more sense.

Nathan

WATER PERMIT APPLICATION No. 6387-3
Concrete Materials
Sweetman Construction Co.
PO Box 84140
Sioux Falls, SD 57118-4140
(605)357-6000

Water Permit Application No. 6387-3 proposes to appropriate 2.22 cubic feet per second (cfs) of ponded runoff and ground water for use in sand-gravel processing and ready mix concrete plants to be developed near Corson, Minnehaha County, SD. Water appropriations from Split Rock Creek covered under a separate application will be used as required to augment on-site ponded water use. The water appropriation of the two surface water applications, No. 6387-3 for ponded water and No. 6388-3 for Split Rock Creek water, will be limited to the combined total of 2.22 cfs. The various ponds, sand-gravel washing operation, and ready mix plant are or will be located in portions of Sections 23 and 24, T102N R48W (Attachment 1). Although the sand and gravel processing plant will not operate during the winter months, a year round period of use is requested.

Review of Proposed Project

Concrete Materials and Brandon Materials, Divisions of Sweetman Construction Company, plan on respectively developing a sand-gravel processing plant and a concrete ready mix plant near Corson, SD. Other than the agriculture ponds, water from the various ponds located on the property and as required, Split Rock Creek, will be used in the operation of both plants. (Attachment 1) Total volumetric water storage of the ponds that will be used at both plants is approximately 65 acre-feet.

At the start of the sand and gravel processing season, water from the No. 1 East Pit and the No. 2 West Pit ponds and as required, Split Rock Creek, would be used to fill all the water and sediment ponds (Attachment 1). The plan is for water to be pumped from Water Pond No. 3 to the sand-gravel processing plant and after use to the main sediment ponds. From the main sediment ponds, the water would then be pumped back to Water Pond Nos. 2 and 3. Losses would initially be augmented with water from Water Pond No. 1, then from the Sandpile Sediment Pond if required. A site water interflow schematic is presented in Attachment 2. Additional water from the No. 1 and No. 2 Pit ponds, and Split Rock Creek, would be used as necessary during the sand and gravel processing season to make up for evaporation and other consumptive losses such as dust control and equipment cleaning.

An engineering analysis completed for the applicant estimates the peak demand when both plants are operational would average 1000 gallons per minute (gpm) (2.22 cfs) when the well for the Brandon Materials plant (Water Permit Application 6393-3) is in place and pumping at 250 gpm. This engineering analysis also shows the total maximum use to be 208 acre-feet per year, with 109 acre-feet needed from Split Rock Creek and 99 acre-feet from ponded water.

Slurries from the Brandon Materials plant will be discharged into the sediment ponds located near the plant and allowed to evaporate and harden. The ready mix sediment ponds are designed to fully contain 100-year, 24-hour storm events and provide for total retention of water during

the year. After testing to ensure water quality standards are met, this water will either be recycled or discharged.

Water Source and Existing Water Rights

Since the water and pit ponds used to store water for the proposed project inhibit runoff into Split Rock Creek and the use of water from both sources is inter-related, both are addressed in this application.

The engineering analysis completed for the applicant shows the average annual interflow and surface runoff to be 99 acre-feet for the area of the ponds to be used in the sand-gravel processing.

From 1965 to 1989 the U.S. Geological Survey (USGS) maintained a stream flow gaging station on Split Rock Creek at Corson, SD about one-half mile downstream of the proposed diversion points from the stream. Historical data from this gage indicates there is a 50-percent probability monthly median flows could range from 10 to 94-cfs or greater for any given year. There is a 75-percent probability monthly median flows at this same location could be in the 5 to 44-cfs range or greater for any given year. (Hydrograph 1 & Table 1)

Hydrograph 1

Split Rock Creek
Corson, SD
1965-1989

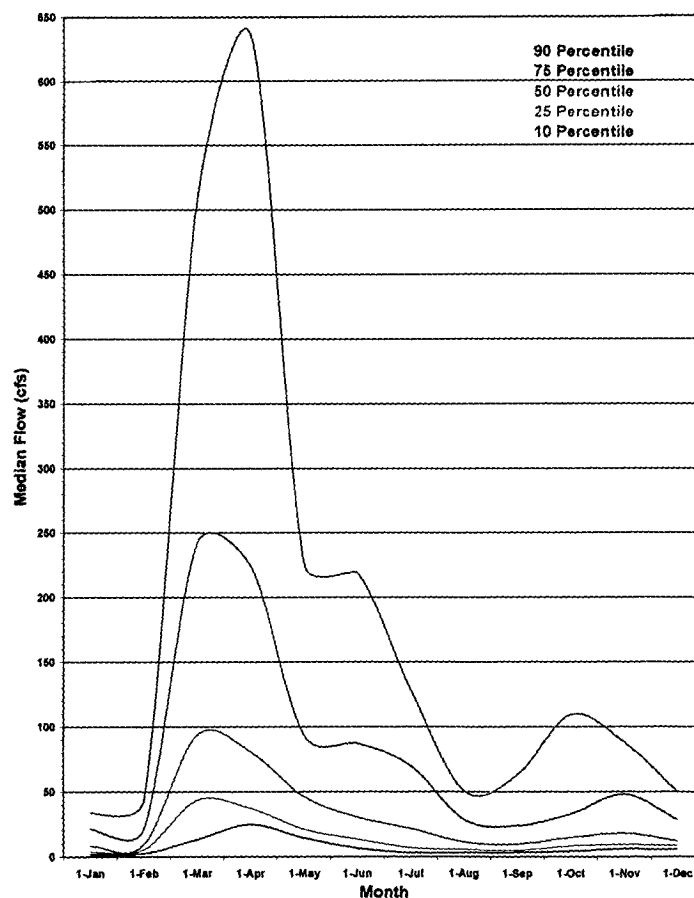


Table 1. Split Rock Creek Monthly Median Flow (cfs)

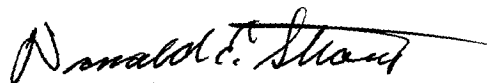
Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	2	3	13	25	15	7	3	3	3	4	6	6
25	4	6	44	38	22	14	7	6	5	9	10	9
50	8	10	94	81	47	31	22	12	10	15	18	13
75	22	22	243	225	94	88	70	29	24	33	48	29
90	35	45	509	635	226	220	129	51	64	110	89	51

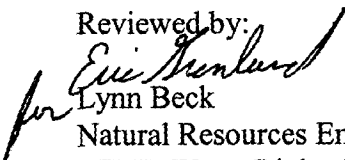
There are three (3) irrigation Water Rights with total diversions of 1.3 cfs of water from Split Rock Creek between the applicant's proposed diversion points and the stream's confluence with the Big Sioux River.

The engineering analysis completed for the applicant and the USGS historical data indicates there is water available for the proposed project except for extended periods of diminished precipitation. The applicant's diversion of 2.22 cfs of water should not adversely impact present Water Rights or domestic water use along this reach of Split Rock Creek under normal and 25-percent below normal conditions.

Conclusions

1. Water Permit Application No. 6387-3 proposes to appropriate 2.22 cubic feet per second (cfs) of ponded runoff and ground water for use in sand-gravel processing and ready mix concrete plants.
2. An engineering analysis completed for the proposed project and historical USGS stream flow data indicate there is non-appropriated water available for the project except for extended periods of diminished precipitation.
3. This project should not adversely impact present Water Rights or domestic water use along the reach of Split Rock Creek from the project's diversion points to the Big Sioux River confluence under normal and 25-percent below normal conditions.


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

Reviewed by:

Lynn Beck
Natural Resources Engineering Specialist
DENR Water Rights Program

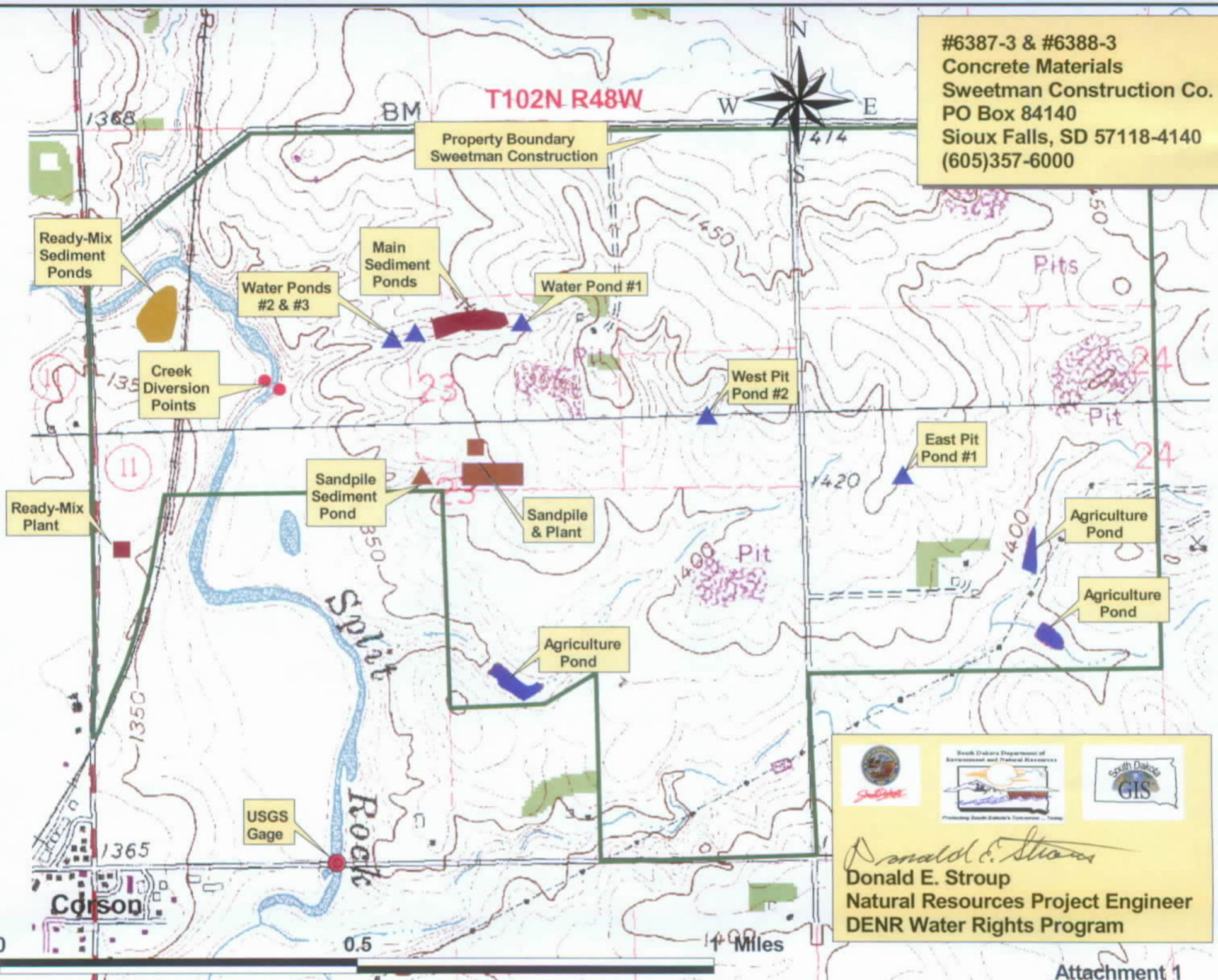
References

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

USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota

Engineering Analysis Submitted with Application

#6387-3 & #6388-3
Concrete Materials
Sweetman Construction Co.
PO Box 84140
Sioux Falls, SD 57118-4140
(605)357-6000

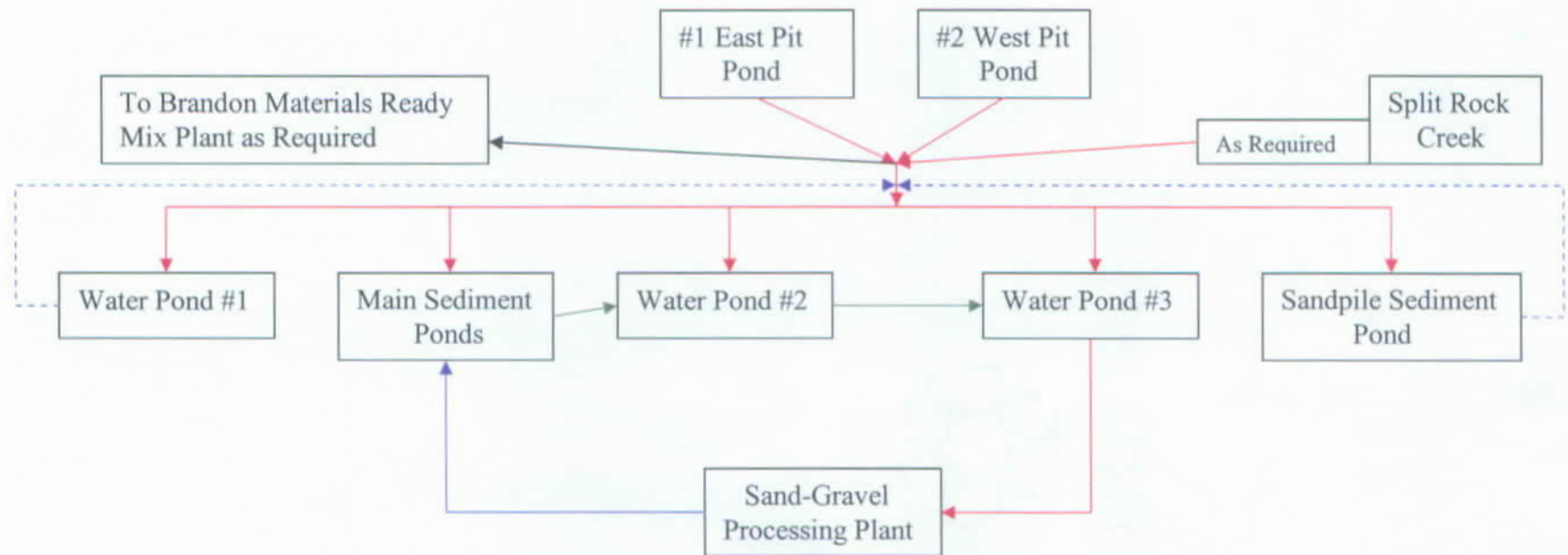


South Dakota Department of Environment and Natural Resources
Protecting South Dakota's Environment... Today

South Dakota GIS

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

Site Water Interflow Schematic



At Start of Processing Season Water from #1 & #2 Pit Ponds and as Required, Split Rock Creek, used to Fill All Water & Sediment Ponds. Water Pumped from Water Pond #3 to Processing Plant.

After Processing Plant Use, Water Pumped to Main Sediment Pond then to Water Ponds #2 & #3.

Augment Water will come from Water Pond #1 and Sandpile Sediment Pond, then from Primary Sources as Required.

CUSTOMER NUMBER:	078340	Argus Leader	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	11881		
RUN DATES:	4/9, 4/16, 2003	AMOUNT DUE:	\$184.84

DEPTMENT OF ENVIRONMENT & NAT. RES.
Minerals & Mining Attn: Michael G Erickson
523 E. CAPITOL AVE / JOE FOSS BLDG
PIERRE, SD 57501-3182

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340

Invoice Number: 11881

DEPTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

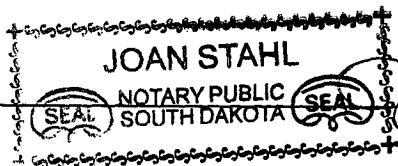
Vicki Kiel being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the 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

Wednesday, the 9 day of April 2003 ,
Wednesday, the 16 day of April 2003 ,
_____, the _____ day of _____ 2003 ,
_____, the _____ day of _____ 2003 ,
_____, the _____ day of _____ 2003 ,
_____, the _____ day of _____ 2003 ,
_____, the _____ day of _____ 2003 ,

and that \$184.84 was charged for publishing the same including A \$5.00 affidavit fee.

Vicki Kiel

Subscribed and sworn to before 4/16/2003 .



Joan Stahl
Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notice

NOTICE OF APPLICATION
NOS. 6387-3 and 6388-3
to Appropriate Water

Notice is given Concrete Materials, c/o Jon Mulloy, PO Box 84140, Sioux Falls SD 57118-4140 has filed two applications for water permits to provide water for a sand/aggragate washing plant.

Water Permit Application No. 6387-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from sand pit ponds located in the N 1/2 Section 23 and the SW 1/4 NW 1/4 and NW 1/4 SW 1/4 of Section 24, all in T102N, R48W. The ponds receive natural runoff from the drainage area. The storage capacity of the ten various ponds used throughout the wash facility is approximately 65 acre feet of water. Water will be exchanged among the ponds as necessary to meet the industrial/commercial needs at the plant. Water appropriation from Split Rock Creek covered under Application No. 6388-3 (see below) will be used to augment the ponds.

Water Permit Application No. 6388-3 proposes to appropriate 2.22 cfs from Split Rock Creek from a diversion point located in the S 1/2 NW 1/4 of Section 24, T102N, R48W. Water will be used at the sand/aggragate washing facility. The Split Rock Creek diversion will be used to supplement and maintain water in the ponds specified in Application No. 6387-3. Water will be diverted to the pond located in the SE 1/4 NW 1/4 Section 23 and circulated to other ponds as needed. Approximately 110 acre feet of water will be withdrawn from Split Rock Creek each year. In addition, water diverted from Split Rock Creek may also be diverted to the Brandon Material's ready mix plant located in the NW 1/4 SW 1/4 of Section 23, T102N, R48W. Brandon Material's has applied for a water permit (No. 6393-3) for a well to supply water to the ready mix plant.

Water throughout the facility will be recycled and reused to the extent possible. The annual consumptive use of water (transport and evaporation losses) at the facility from the ponds and Split Rock Creek totals 210 acre feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6387-3 and 6388-3 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 these applications 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre

SD 57501-3182 and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:30 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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 74:02:01:14. Steven M. Piner, Secretary, Department of Environment and Natural Resources.

RECEIVED
APR 21 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6387-3, Concrete Materials**

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. 6387-3, Concrete Materials, c/o Jon Mulloy, Aggregate Division Manager, PO Box 84140, Sioux Falls SD 57118-4140.

The Chief Engineer is recommending APPROVAL of Application No. 6387-3 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 with the following qualification:

Water Permit No. 6387-3 and 6388-3, combined, authorize 10 storage dams or ponds with a total storage capacity of 65 acre feet of water and a total diversion rate of 2.22 cfs. The dams or ponds may be filled one or more times per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 31, 2003

Instruction to Newspaper - Publish first Notice on April 9, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6387-3 and 6388-3 to Appropriate Water

Notice is given Concrete Materials, c/o Jon Mulloy, PO Box 84140, Sioux Falls SD 57118-4140 has filed two applications for water permits to provide water for a sand/aggregate washing plant.

Water Permit Application No. 6387-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from sand pit ponds located in the N $\frac{1}{2}$ Section 23 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, all in T102N, R48W. The ponds receive natural runoff from the drainage area. The storage capacity of the ten various ponds used throughout the wash facility is approximately 65 acre feet of water. Water will be exchanged among the ponds as necessary to meet the industrial/commercial needs at that plant. Water appropriation from Split Rock Creek covered under Application No. 6388-3 (see below) will be used to augment the ponds.

Water Permit Application No. 6388-3 proposes to appropriate 2.22 cfs from Split Rock Creek from a diversion point located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 24, T102N, R48W. Water will be used at the sand/aggregate washing facility. The Split Rock Creek diversion will be used to supplement and maintain water in the ponds specified in Application No. 6387-3. Water will be diverted to the pond located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 and circulated to other ponds as needed. Approximately 110 acre feet of water will be withdrawn from Split Rock Creek each year. In addition, water diverted from Split Rock Creek may also be diverted to the Brandon Material's ready mix plant located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T102N, R48W. Brandon Material's has applied for a water permit (No. 6393-3) for a well to supply water to the ready mix plant.

Water throughout the facility will be recycled and reused to the extent possible. The annual consumptive use of water (transport and evaporation losses) at the facility from the ponds and Split Rock Creek totals 210 acre feet of water annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6387-3 and 6388-3 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 these applications 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 recommendations. 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 April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:30 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 1, 2003

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

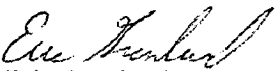
Enclosed is a Notice of Hearing on Application Nos. 6387-3 and 6388-3 to Appropriate Water to be published twice. Please publish the first notice on April 9, 2003 with the second publication 7 days later.

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 Concrete Materials, %Jon Mulloy, PO Box 84140, Sioux Falls SD 57118-4140 (Ph # 605-357-6000).

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
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6387-3 & 6388-3

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

Date _____

We are in receipt of your letter of April 1, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6387-3 & 6388-3 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.

April 1, 2003

Concrete Materials
% Jon Mulloy
PO Box 84140
Sioux Falls SD 57118-4140

Dear Mr. Mulloy:

Water Permit Application Nos. 6387-3 & 6388-3 for commercial/industrial use have 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
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**

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

April 1, 2003

Leslie Petersen
Dept. of Game, Fish and Parks
523 E. Capitol Ave.
Pierre SD 57501

Dear Leslie:

Enclosed is a copy of the recommendation, report and notice of hearing for applications filed by Concrete Materials. The notice is to be published in the Sioux Falls Argus Leader on April 9 and 16, 2003. The notice schedules a May 7th hearing before the Water Management Board and petitions to intervene must be submitted by April 28, 2003.

This information is being sent to you as the one of the applications involves a diversion from Split Rock Creek.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 2003

Nathan Barton
Wasteline, Inc.
PO Box 3471
Rapid City SD 57709-3471

Dear Mr. Barton:

Enclosed is a copy of the recommendation, report and notice of hearing for water right permit applications filed by Concrete Materials and Brandon Materials. The notices are to be published in the Sioux Falls Argus Leader on April 9 and 16, 2003. The notice for Concrete Material's two applications schedule a May 7th hearing before the Water Management Board. The Brandon Material notice is to be published in a manner that if no one petitions to intervene, it will be approved based on the Chief Engineer's recommendation.

This information is being sent to you as the engineering consultant on these applications.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

Concrete Materials
Div of Sweetman Construction Company
% Jon Mulloy
PO Box 84140
Sioux Falls SD 57118-4140

Dear Mr. Mulloy:

Enclosed are Water Permit Nos. 6387-3 and 6388-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

CONCRETE MATERIALS

A DIVISION OF SWEETMAN CONST. CO.

1201 WEST RUSSELL
POST OFFICE BOX 84140
SIOUX FALLS, SOUTH DAKOTA 57118-4140

April 20, 2004

Mr. Garland Erbele, Chief Engineer
Water Rights Program
PMB 2020
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3182

RECEIVED

APR 23 2004

WATER RIGHTS
PROGRAM

RE: Water Rights Permits 6387-3 and 6388-3

Dear Mr. Erbele:

Enclosed are two Notices of Completion of Works and Application of Water to Beneficial Use forms for our water permits in Section 24, T102N, R48W, near Corson, SD. Please contact me if you have any further questions.

Sincerely,



Jon Mulloy
Aggregate Division Manager

Enclosures: 2

cc: file, Barton

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

Date 4-20-2004

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

RECEIVED**APR 23 2004****WATER RIGHTS
PROGRAM**

FROM: Concrete Materials Co. div
Sweetman Const. Co.
(name)

PO Box 84140

(address)

Sioux Falls SD 57118

(city, state, zip)

(605) 357-6000

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6387-3 states that the water use system is to be constructed by

5-7-2008

(date)

, and water is to be put to beneficial use by

5-7-2012

(date)

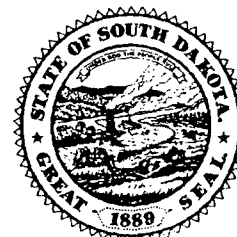
The water use system was completed on April 1, 2004
(date)

Applying the water to beneficial use was completed on April 20, 2004
(date)

You may schedule an investigation so that the water license may be issued.

Concrete Materials Co. Div.
Sweetman Const. Co.

Jon Mulloy
(signature)



Permit No. 6387-3
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 28, 2006, made a thorough examination of the water use system constructed by Concrete Materials, Div of Sweetman Construction Company, % Jon Mulloy of PO Box 84140, Sioux Falls SD 57118-4140 holder of Permit No. 6387-3, bearing the priority of February 3, 2003 authorizing the diversion of 2.22 cu. ft. per second and the storage of 65 acre-feet of the waters of natural runoff for industrial/commercial purposes, in Minnehaha County.

Inspection contact & relationship **Jon Mulloy – Division Manager**
to permit holder, if applicable: **Keith Jones – Plant Manager**

A. Works used to divert the water:

Pump:

Make portable suction and discharge pump
Model _____
Size 4"
Capacity 1000 GPM

Pond Information: storage ponds, sediment ponds and pit ponds.

- 1) Depth 9 to 23 feet
- 2) Combined approx. storage 65 ac-ft
- 3) Combined approx. surface area 11 ac-ft

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

- 1) Type hose
- 2) Size 4 inches
- 3) Length as necessary feet

C. Works used to apply water to beneficial use:

Sand and gravel washing operation utilizing 10 ponds; four sediment ponds, two pit ponds, one sand pile sediment pond, and 3 storage ponds.

D. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: east pit 650' E and 2580' S and west pit 685' W and 2145' S all of the NE corner Section 23-T102N-R48W (43.623713/-96.549394; 43.624943/-96.554516). The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water and storing 65 acre-feet of water which is to be used for commercial, industrial use. Water has been put to beneficial use to the maximum extent as follows:

Sand and gravel washing operation located in the N½ of Section 23 and the SW¼ NW¼ and NW¼ SW¼ Section 24, all in T102N-R48W.

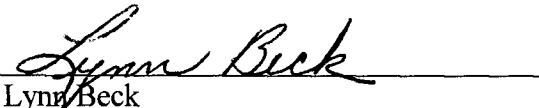
The license should be issued for 2.22 cfs from pit ponds and 65 acre-feet of storage.

All structures, wells and lands on map yes

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

Do not currently use water from east and west pit ponds but would like to keep as supplemental water to Split Rock Creek water if needed. Return water from wash plant is used to fill sediment ponds and re-circulate into pond #3.

6388-3 authorizes 2.22 cfs for up to 110 ac. ft. annually from Split Rock Creek to fill pond #3 and for water use at wash plant. Water re-circulates back to the sediment ponds.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: October 3, 2006

WATER RIGHT NO. 6387-3 & 6388-3
Concrete Materials, Div. of Sweetman Construction Co.
September 27, 2006

R48W

T102N



Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 27, 2006

0 625 1,250 2,500 3,750 5,000 Feet

SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6387-3

(1) Concrete Materials, Div of Sweetman Construction Co., c/o Jon Mulloy, PO Box 84140, Sioux Falls SD 57118-4140 made Application No. 6387-3, February 3, 2003 for a water permit to divert 2.22 cubic feet of water per second (cfs) (65 acre-feet storage) from runoff, Minnehaha County, South Dakota for industrial and commercial purposes. Permit No. 6387-3, with a priority date of February 3, 2003 was approved May 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 2008 and for the application to beneficial use of water on or before May 7, 2012.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on April 23, 2004. The *Notice* stated the diversion system was completed on April 1, 2004 and the water placed to beneficial use on April 20, 2004.

(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. 6387-3 is issued a license, bearing a priority date of February 3, 2003 to appropriate 2.22 cubic feet of water per second (65 acre-feet storage) from runoff for industrial and commercial purposes at a sand and gravel washing operation.

The diversion points are located: East pit – 650 feet east and 2,580 feet south (SW ¼ NW ¼ Section 24) and West pit – 685 feet west and 2,145 feet south (SE ¼ NE ¼ Section 23); all from the northeast corner of Section 23-T102N-R48W.

Water Right No. 6388-3 authorizes diversions from Split Rock Creek for this sand and gravel operation. Water Right No. 6387-3 serves as a supplemental water supply, if needed.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6387-3 including the following now applicable qualification:

- Water Permit Nos. 6387-3 and 6388-3, combined, authorize 10 storage dams or ponds with a total storage capacity of 65 acre-feet of water and a total diversion of 2.22 cfs. The dams or ponds may be filled one or more times per year.



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

APR 30 2007

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 30 2007

6387-3
6388-3

CONCRETE MATERIALS
DIV OF SWEETMAN CONST
JON MULLOY
PO BOX 84140
SIOUX FALLS SD 57118

Dear Mr. Mulloy:

Enclosed is Water License Nos. 6387-3 and 6388-3. 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures



1500 N. Sweetman Place
Sioux Falls, SD 57107

RECEIVED

APR 04 2022

WATER RIGHTS
PROGRAM

6387-3

RECEIVED

APR 04 2022

DRINKING WATER PROGRAM

March 29, 2022

South Dakota Dept of Agriculture and Natural Resources
Joe Foss Building
ATTN: Water Rights, Eric Gronlund
523 E Capitol
Pierre, SD 57501

Dear Mr. Gronlund,

As of April 1, 2022, Concrete Materials Company will be doing business as Knife River. This name change reflects the purchase of Sweetman Const. Co. by Knife River Corporation in October 2018. The purpose of this letter is to inform you that the following permits issued by SDDANR will be subject to this change.

Facility	Permit Type	Permit#
Rice Street Operations	Water Diversion System and Beneficial Use of Water Permit	1618-3
Rice Street Operations	Water Diversion System and Beneficial Use of Water Permit	5133-3
Brandon/Corson Operations	Water Diversion System and Beneficial Use of Water Permit	6388-3
Brandon/Corson Operations	Water Diversion System and Beneficial Use of Water Permit	6387-3
Yankton Ready Mix	Water Diversion System and Beneficial Use of Water Permit	6170-3
Yankton Gravel-Vellek Pit	Water Diversion System and Beneficial Use of Water Permit	8283-3

If there is further information or notification required, please let me know. If you should have any questions, please contact me at (712)279-7570.

Sincerely,

Brooke Muhlack
Environmental Manager

STATE OF SOUTH DAKOTA

Doing Business As (DBA) Fictitious Business Name Registration

Knife River
ID: UB223693

The address where the main office of the above listed business is to be maintained:

Physical Address:
**1500 N. SWEETMAN PLACE
SIOUX FALLS, SD 57107**

Mailing Address:
**ATTN: LEGAL DEPARTMENT
1200 WEST CENTURY AVENUE
BISMARCK, ND 58503**

The owner of the above listed business is:

Name	Address
SWEETMAN CONST. CO.	Physical: 1500 N. SWEETMAN PLACE, SIOUX FALLS, SD 57107, USA Mailing: 1150 West Century Ave, Bismarck, ND 58503, USA

The DBA/Fictitious Business Name registered above has a filing date of March 29, 2022, and is effective for a term of 5 years and will expire on March 29, 2027.

Steve Barnett
SD Secretary of State





6387-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 7, 2022

Brooke Muhlack, Env Mgr
Knife River Corporation
1500 N Sweetman Pl
Sioux Falls SD 57107

RE: Water Permit or Right Nos. 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3,
4556-3 and 1618-3

Dear Ms. Muhlack:

In follow-up to your letter and our phone conversation, enclosed are nine partially completed "Notice of Transfer of Ownership" forms for all permits and licenses listed under Concrete Materials.

Please review to ensure accuracy and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$450). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you or if I have missed anything on the forms, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

PAID

MAY 12 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 42009089

Rec't# _____

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

RECEIVED

MAY 12 2022

WATER RIGHTS
PROGRAM

No. 6387-3

Date: _____

I/We request that Water Right No. 6387-3

formerly owned by: Concrete Materials

be transferred to: (name & address) Knife River

1500 N Sweetman Pl

Sioux Falls, SD 57107 Telephone No. 605 336 5776

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

East pit - SW 1/4 NW 1/4 Section 24; west pit - SE 1/4 NE 1/4 Section 23, all in T102N, R48W

I/We understand that the validity of Water Right No. 6387-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Knife River, the new owner, certify that the above information is true and correct.

Andy Kees

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 12, 2022

RECEIVED OF Knife River 1500 N Sweetman Pl., Sioux Falls SD 57107

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6387-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

6387-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2022

Brooke Muhlack
Knife River
1500 N Sweetman Pl
Sioux Falls SD 57107

RE: 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3, 4556-3, 1618-3

Dear Ms. Muhlack:

Thank you for following up on the ownership changes for the above listed water permits and water rights.

The ownership changes have been completed. Nos. 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3, 4556-3, 1618-3 formerly held by Concrete Materials are now listed under Knife River.

Enclosed are receipts for the filing fees paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures