

WATER PERMIT NO. 6393-3

Name of Applicant: **Brandon Materials**

Address: **PO Box 515, Brandon** Phone: **605 582-6366**

Amount of Water Claimed: 0.22 cfs Total Acres: **NA**

Source of Water Supply:

Water to be used for: **commercial/industrial** County: **Minnehaha**

Type of Waste Disposal System:

Location: **2 miles north of Brandon**

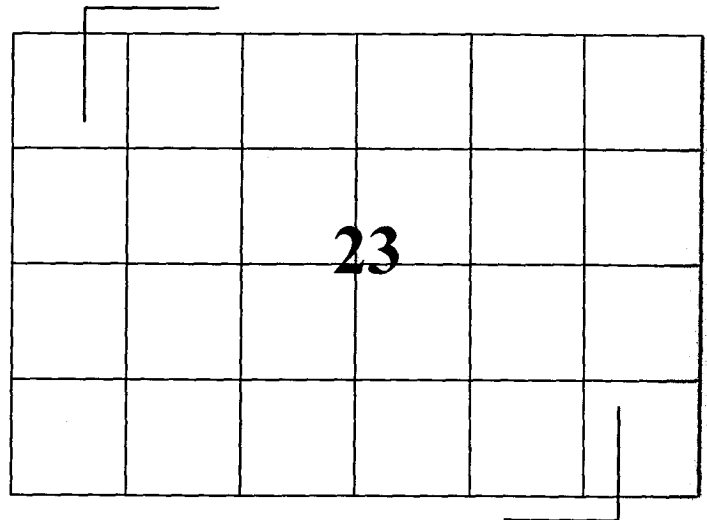
PRIORITY Date Received: **1-30-03** Application/License Fee: **\$200**

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

Remarks:

Diversion Point: **NW ¼ SW ¼ Sec 23-T102N-R48W**

Land to be Irrigated: **NA**



Depth of Well:

Well Driller :

Remarks:

Type of Map: **plat**

Prepared by: **Nathan Barton, PE**

Reviewed and the Number Assigned on: **2-13-03**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6393-3

Date of first receipt of application January 30, 2003.

Date of return to applicant for corrections, amendments or changes January 30, 2003.

Date of receipt of corrected application February 3, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6393-3 to Brandon Materials, c/o Mark Thompson, PO Box 515 Brandon SD 57005-0515 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. 6393-3 appropriates 0.22 cubic feet of water per second (100 gallons per minute) from a well located in the NW ¼ SW ¼ Section 23, T102N, R48W. The well will either be completed into the Brandon Aquifer (approximately 50 feet deep), the Split Rock Creek Formation (150 feet deep) or Sioux Quartzite. Water will be used for a ready mix plant. The plant will utilize sediment basins with a storage capacity of less than 5.0 acre feet of water located in the SW ¼ NW ¼ Section 23, T102N, R48W.
2. The water appropriated shall be used for the purpose of commercial use at the ready mix plant 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 of approval of Permit No. 6393-3 is April 28, 2003.
5. The date from which applicant may claim right is January 30, 2003.
6. One-fifth of the construction is to be completed on or before October 28, 2005.
7. All construction is to be completed on or before April 28, 2008.
8. Water is to be put to beneficial use on or before April 28, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 6393-3 shall be constructed into a single water source, either the Brandon, Sioux Quartzite or Split Rock Creek Formation. At the time of licensing, the final water right will be issued for the developed water source.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 6393-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

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. 6393-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux River
Newspaper The Argus Sioux Falls

RECEIVED
JAN 30 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 Brandon Materials, div of Sweetman Const. Co. Phone (605) 582-6366
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 515, Brandon State SD 57005-0515
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.22 *CFS or 100/75¹ **GPM est. 8.5² ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Alluvial aquifer associated with Split Rock Creek or quartzite bedrock
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Jones Tract 1 of
(NW 1/4 of SW 1/4) of Section 23, Brandon Township (T102N R48W, 5th P.M.): 1 well or draw directly
From Split Rock Creek at the private road crossing (see map) County Minnehaha
- County or counties where water will be used Production to be used in Minnehaha County
Jan - 1 - Dec 31
- Annual period during which water is to be used Year round, more in summer (construction season)
- 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)

Well will provide water for a Ready Mix Plant, including water for concrete, maintenance, equipment and vehicle cleanup, dust control and general use on site; and for a scalehouse, including potable water for domestic use (toilets, washing, cooking, emergency showers, etc.). Well will be connected with system to also allow water to be drawn directly from Split Rock Creek (separate application).

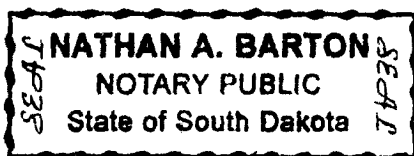
STATE OF SOUTH DAKOTA) SS
County of Minnehaha)

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, Mark Thompson, Manager of Brandon 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 Mark Thompson

Subscribed and sworn to before me this 15 day of Jan 2003



Nathan A. Barton
Notary Public

WASTELINE INC.

P.O. Box 3471 Rapid City, SD 57709-3471 (605)348-0244
PO Box 88 Cortez, CO 81321-0088 (970) 564-1380 FAX (425) 696-2025
E-mail: WASTELINE6@aol.com or SDLiberty@aol.com



31 January 2003

MEMORANDUM FOR: Mr. Eric Grunland, Water Rights Office, South Dakota Department of Environment and Natural Resources, 523 E. Capitol Ave., Pierre, SD 57501-3388 VIA FAX

SUBJECT: Additional information for water rights applications for Brandon Materials and Concrete Materials, Corson Township, Minnehaha County

Dear Eric:

As we discussed yesterday, I am providing the following information, in lieu of Form 2A.

1. Well Information - Proposed Construction (if well is used for Brandon Materials)

- a) Drill Hole Diameter 13 inches Depth max 150 feet, planned 120 feet (to bedrock)
- b) Casing Type PVC Diameter 8-inch Thickness SDR17
- c) Screen Type none planned Diameter n/a Thickness n/a
- d) Gravel pack planned Length of gravel pack planned max 40 feet
- e) Depth to Top of Water Bearing Material Surface (alluvium, steep slopes)
- f) Depth to Water (ground surface to water level) Surface to 80 feet (steep slopes)
- g) Distance to nearest existing domestic well: Estimated 1/4 mile minimum (to north and north west)
On applicants property no On property owned by others yes

As we discussed, this is only if water is not drawn directly from the creek.

As regards water from the creek versus water from the settling ponds: we will pump water from the creek at a maximum rate of 1000 GPM, as stated in the application; but water will be recirculated between the sediment ponds, water storage pond and plant at a considerably higher rate, as much as 6350 GPM to the plant and up to 8000 GPM (including sediment from sand washing) to the sediment ponds. As discussed, the intent is to recycle the water as much as possible, with the losses (due to evaporation, transportation, and use for dust control) made up by water pumped from the sand pit ponds and/or creek.

If there are any more questions, please call me.

Nathan A. Barton, PE, DEE
Environmental and Permitting Engineer
WASTELINE, INC.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date ~~Jan~~ February 3, 20 03

RECEIVED OF Brandon Material Co., 605 Aspen Blvd., Box 515, Brandon SD 57005

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

Fee for Application for Permit No. <u>675-2</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>6396-3</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.

000628

By Darland Ebele
Chief Engineer gm

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

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	23.34 Ac-ft initial 75.18 Ac-ft future	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	

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

TABLE 2. ANNUAL WATER CONSUMPTIVE USE (WORST CASE)

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.

[illegible]

Gronlund, Eric

From: SDLiberty@aol.com
Sent: Monday, February 10, 2003 2:47 PM
To: Eric.Gronlund@state.sd.us
Subject: Re: Letter I sent

In a message dated 02/10/2003 13:12:49 Mountain Standard Time, Eric.Gronlund@state.sd.us writes:

| . Is it correct that the ponds for the redi-mix are listed on the table as Ready Mix SB?

Yes, the ready mix ponds are listed; SB is "Sediment Basin".

Nathan

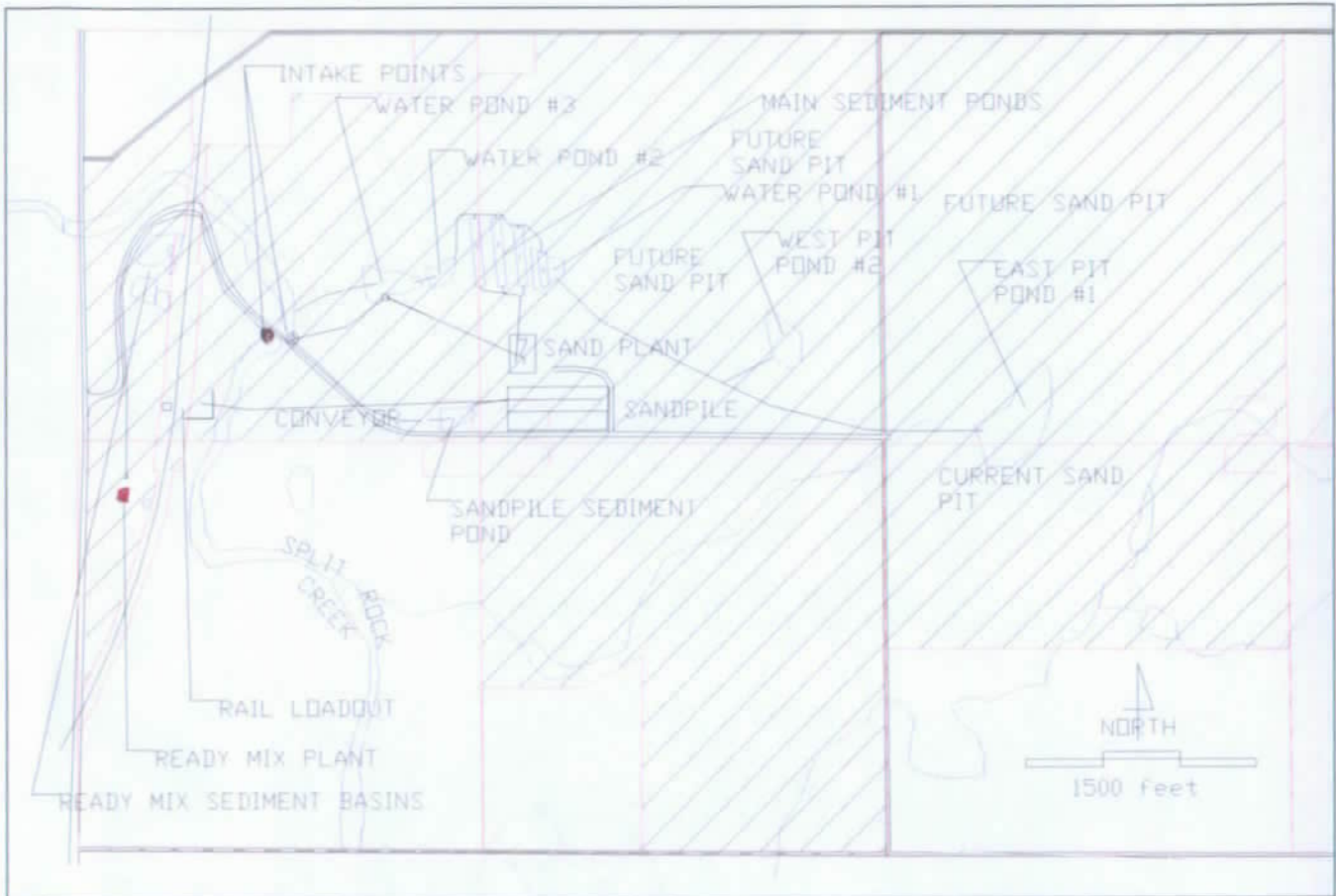
2/10/2003

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

Distances to point of diversion for application and planning purposes:¹

from Split Rock Creek: 1245 feet East and 687 feet North of W ¼-Corner of Section 23.

This map shows other water features in the area, covered by other applications and or use of record. Hatched area shows property belonging to Sweetman Const. Company, parent of Brandon Materials Company.



MAP PREPARED BY NATHAN A. BARTON, PE, DEE *Nathan A. Barton*

¹ Actual location may vary somewhat based on mining and other work: initially portable pumps and surface-laid lines will be used.

6393-3

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 if 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

Gronlund, Eric

From: SDLiberty@aol.com
Sent: Wednesday, February 12, 2003 8:43 PM
To: Eric.Gronlund@state.sd.us
Subject: Re: more questions on water right permit application

By George, I think you've got it! No help from me, I fear. But that seems to be the gist!

Nathan

2/13/2003

REPORT ON WATER PERMIT APPLICATION NO. 6393-3
For Brandon Materials
February 28, 2003

Application No. 6393-3 proposes to appropriate 0.22 cfs (100 gpm) from a well approximately 150 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 23, T102N R48W in Minnehaha County. The water will be used for commercial/industrial purposes for a ready mix plant. The plant will utilize sediment basins with a storage capacity of less than 5.0 acre-feet of water which are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 23, T102N R48W.

AQUIFER – BRANDON (BR), SPLIT ROCK CREEK (SRKC) or SIOUX QUARTZITE (SOUX)

The Brandon aquifer is composed of alluvium and outwash (sand and gravel) which is associated with Split Rock Creek. The aquifer is probably under water table conditions and in hydraulic connection with Split Rock Creek. The Brandon aquifer (Lindgren, 1992) underlies six square miles and contains an estimated 25,000 acre-feet of water in storage in Minnehaha County. The Brandon aquifer is also hydraulically connected to the Beaver Creek and Big Sioux aquifers in this area. The alluvial aquifer directly overlies the Split Rock Creek Formation or Sioux Quartzite in this area (Putnam, 1998).

The Split Rock Creek aquifer is composed of fine to coarse well sorted quartzose sand and interbedded with thick layers of siltstone, shale, and claystone. The aquifer underlies 138 square miles and contains an estimated 855,000 acre-feet of water in storage in Minnehaha County (Lindgren, 1992). The aquifer directly overlies the Sioux Quartzite which is also considered an aquifer in this area.

No test well or well completion report is filed with this application. However, there is sufficient information available from the County Study and Split Rock Creek aquifer study to evaluate this application. The applicant requests a well with a maximum depth of about 150 feet or to bedrock. Most likely, it appears that the well at this site would be 40 to 50 feet deep and completed into the alluvium or Brandon aquifer. A deeper well could be completed into the Split Rock Creek aquifer, however, the geologic mapping and cross-sections for this area indicate that the aquifer is either thin or absent under this site. In any case a well completed to a depth of 150 feet would probably be completed into the Sioux Quartzite.

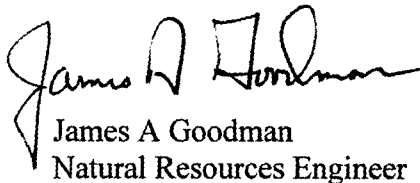
The Water Rights Program does monitor observation wells in the area which are completed into the Big Sioux South, Split Rock Creek and Brandon aquifers. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). Water levels at this site should behave similarly to observation wells completed into other shallow aquifers in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted diversion is Water Right No. 1792-3 for irrigation of 42 acres at a rate of 0.60 cfs from Split Rock Creek. This proposed application is about one-quarter miles north of the existing diversion. However, this application is for ground water. Pumping at the requested rate is not expected to measurably affect the flows in the creek. The nearest existing ground water diversion is located about one-half mile south of this application and is for the Town of Corson.

CONCLUSIONS

1. Water is available from the Brandon aquifer.
2. The aquifer is under water table conditions and is hydraulically connected to Split Rock Creek. Interference is not concern. There are no other nearby water permits/rights which obtain water from this source.
3. Pumping at this rate should not adversely affect the flows of Split Rock Creek. Because of the intermittent nature of pumping and the potential to reuse water on site it is not expected that diversions from the well will impact Split Rock Creek at all.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Most likely the well will be completed into the shallower water source. However, the well may be completed into either the Split Rock Creek or Sioux Quartzite. In either case interference should not be a concern. Water is available from either source but the well yield from either source may not be sufficient to supply 100 gpm.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, Water-Resources Investigations Report 91-4101, USGS, Huron, SD, 57350.
- Putnam, L.D., 1998, Hydrogeology of the Split Rock Creek Aquifer with Emphasis on Calibration of a Numerical Flow Model, Southeast Minnehaha County, South Dakota, Water-Resources Investigations Report 97-4102, USGS, Rapid City, SD, 57702.
- Water Rights, 2003, Unpublished Observation Well Data for Minnehaha County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6393-3, Brandon 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. 6393-3, Brandon Materials, Division of Sweetman Construction, c/o Mark Thompson, Manager, PO Box 515, Brandon SD 57005-0515.

The Chief Engineer is recommending APPROVAL of Application No. 6393-3 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 qualifications:

1. The well authorized by Permit No. 6393-3 shall be constructed into a single water source, either the Brandon, Sioux Quartzite or Split Rock Creek Formation. At the time of licensing, the final water right will be issued for the developed water source.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 6393-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 31, 2003

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 11833

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,

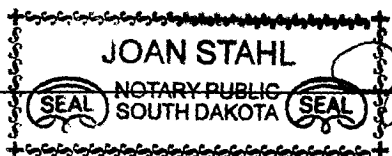
_____, the _____ day of _____ 2003,

_____, the _____ day of _____ 2003,

_____, the _____ day of _____ 2003,

and that \$97.01 was charged for publishing the same including a \$5.00 affidavit fee.

Subscribed and sworn to before 4/16/2003



Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF APPLICATION
NO. 6393-3 to Appropriate
Water

Notice is given that Brandon Materials, c/o Mark Thompson, PO Box 515, Brandon SD 57005-0515 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from a well located in the NW 1/4 SW 1/4 Section 23, T102N, R48W. The well will either be completed into the Brandon Aquifer (approximately 50 feet deep), the Split Rock Creek Formation (150 feet deep) or Sioux Quartzite. Water will be used for a ready mix plant. The plant will utilize sediment basins with a storage capacity of less than 5.0 acre feet of water located in the SW 1/4 NW 1/4 Section 23, T102N, R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6393-3 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-2, 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 the applicant and Chief Engineer. The petition must be a person contesting the Chief Engineer's recommendation. The Chief Engineer's address is Water Rights Program, Rice Building, 623 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. Application 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 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 Grondal 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.
11833 Apr. 9, 10, 2003

RECEIVED

APR 21 2003

WATER RIGHTS
PROGRAM

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 NO. 6393-3 to Appropriate Water

Notice is given that Brandon Materials, c/o Mark Thompson, PO Box 515, Brandon SD 57005-0515 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (100 gallons per minute) from a well located in the NW ¼ SW ¼ Section 23, T102N, R48W. The well will either be completed into the Brandon Aquifer (approximately 50 feet deep), the Split Rock Creek Formation (150 feet deep) or Sioux Quartzite. Water will be used for a ready mix plant. The plant will utilize sediment basins with a storage capacity of less than 5.0 acre feet of water located in the SW ¼ NW ¼ Section 23, T102N, R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6392-3 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 April 28, 2003.

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

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

March 31, 2003

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

ATTENTION: Legal Public Notice

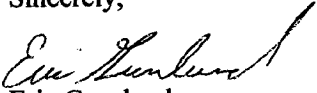
Enclosed is a Notice of Hearing on Application No. 6393-3 to Appropriate Water to be published twice. Please publish the first notice on April 9, 2003 with the second publication 7 days later.

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 Brandon Materials, % Mark Thompson, PO Box 515, Brandon SD 57005-0515 (Ph # 605-582-6366).

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

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

No. 6393-3

Date _____

We are in receipt of your letter of March 31, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6393-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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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.**

March 31, 2003

Brandon Materials
% Mark Thompson
Po Box 515
Brandon SD 57005-0515

Dear Mr. Thompson:

Water Permit Application No. 6393-3 for commercial/industrial 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
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Nathan Barton, PE, Wasteline Inc.

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

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

Brandon Materials
% Mark Thompson
PO Box 515
Brandon SD 57005-0515

Dear Mr. Thompson:

Enclosed is Water Permit No. 6393-3 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

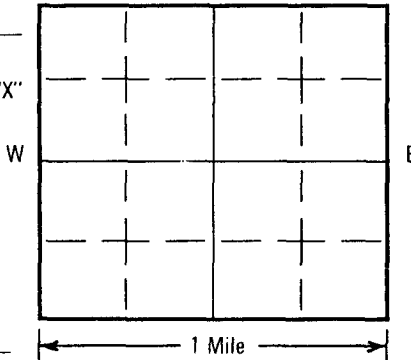
0393-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW SW SE NE 23 Twp 102N Rg 48W
County Minnehaha

Please mark well location with an "X"



Well Completion Date

Sept 16, 2005

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from RIVER (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>6</u> IN	<u>+3</u> FT	<u>76</u> FT	<u>10</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type cement No. of Sacks 18 Grout Weight _____ lb./gal From 3 ft To 76 ft
_____ lb./gal _____ ft _____ ft

Describe grouting procedure tremie pipe

SCREEN: ☐ Perforated pipe ☐ Manufactured N/A

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorination

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: Brandon Materials

Business Name: Mark Thompson

Address: PO Box 515

25940 482d AV, Brandon SD 57005

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
sandy clay	tan	M	0	8
sand	tan	M	8	54
quartzite/broken	red	H	54	61
clay sandy	tan	M	61	73
quartzite	red	H	73	104
pipestone	dk red	M	104	110
quartzite	red	H	110	203
pipestone	dk red	M	203	261
quartzite	red	H	261	303
quartzite/sand strks red/pink		H	303	326
quartzite	red	H	326	451
pipestone	red	M	451	466
quartzite	red	H	466	603

STATIC WATER LEVEL _____ 20 _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC - 1 2005

WATER RIGHTS PROGRAM

This well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Mark D.P. Steffl

Date: September 28, 2005

**Stearns DHIA Central Lab**

825 12th Street South
PO Box 227
Sauk Centre, MN 56378-0227

Phone: 320.352.2028

800.369.2697

FAX: 320.352.6163

WEBSITE: www.stearnsdhialab.comEMAIL: mail@stearnsdhialab.com

Date Printed: 09/21/05

SAMPLE NUMBER: 54932
SAMPLE TYPE: WATER DOMESTIC PURITY
SAMPLE ID: BRANDON MATERIALS
DATE PROCESSED: 09/21/05

INVOICE NUMBER: 888117
CUSTOMER NUMBER: STEFFLDR

STEFFL DRILLING AND PUMP
2295 66TH AV NE
WILLMAR, MN 56201

Results:**WATER ANALYSIS:**

PROPERTY: BRANDON MATERIALS
25940 482ND AVE
BRANDON SD

UNIQUE WELL NO:

NPDES PERMIT:

COLLECTION INFO:

TESTING INFO:

DATE: 9-19-05

9-20-05

TIME: 12:01

10:45

BY: STEFFL

LAURIE PETERSON

TOTAL COLIFORMS, COLONIES/100 ML LESS THAN 1

PASS: XXX

FAIL:

NITRATE-NITROGEN, ppm

1.35

PASS: XXX

FAIL:

STATE OF MINNESOTA CERT. #027-145-378

MINNESOTA DEPARTMENT OF HEALTH STANDARDS FOR DRINKING WATER	
COLIFORM, COLONIES/100 ML:	LESS THAN 1
NITRATE-NITROGEN, ppm:	10 ppm OR LESS

This analysis is based solely on the sample provided.
Improper sampling techniques will result in misrepresentation of values.

6393-3

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

Date 7-14-2006

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

FROM: Brandon Materials Company

(name)

25940 482nd Ave

(address)

Brandon, SD 57005-0515

(city, state, zip)

(605) 582-6366

(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. 6393-3 states that the water use system is to be constructed by
April 28th, 2008 , and water is to be put to beneficial use by April 28th, 2012 .
(date) (date)

The water use system was completed on April .
(date)

Applying the water to beneficial use was completed on April 10th, 2006 .
(date)

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

RECEIVED
JUL 27 2006
WATER RIGHTS
PROGRAM



Permit No. 6393-3
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, August 17, 2011, made a thorough examination of the water use system constructed by Brandon Materials of PO Box 515, Brandon, SD 57005 holder of Permit No. 6393-3, bearing the priority of January 30, 2003 authorizing the diversion of 0.22 cu. ft. per second of the waters of the Sioux Quartzite for Commercial/Industrial purposes, in Minnehaha County.

Inspection contact & relationship **Mark Thompson**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling and Pump
- 2) No. of Wells 1
- 3) Depth(s) 603 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 6 inches
- 2) Length 76 feet
- 3) Type Steel

Pump:

- 1) Make Grundfos
- 2) Model 85S20-14
- 3) Size 2 hp
- 4) Capacity 85 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

Report of Examination of Works

Permit No. 6393-3

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2,630 feet north and 317 feet east of the SW corner of Section 23-T102N-R48W

(N 43.62359, W -96.57045) (NW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.19 cu. ft. per second of water which is to be used for Commercial/Industrial use.

The license should be issued for 0.19 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

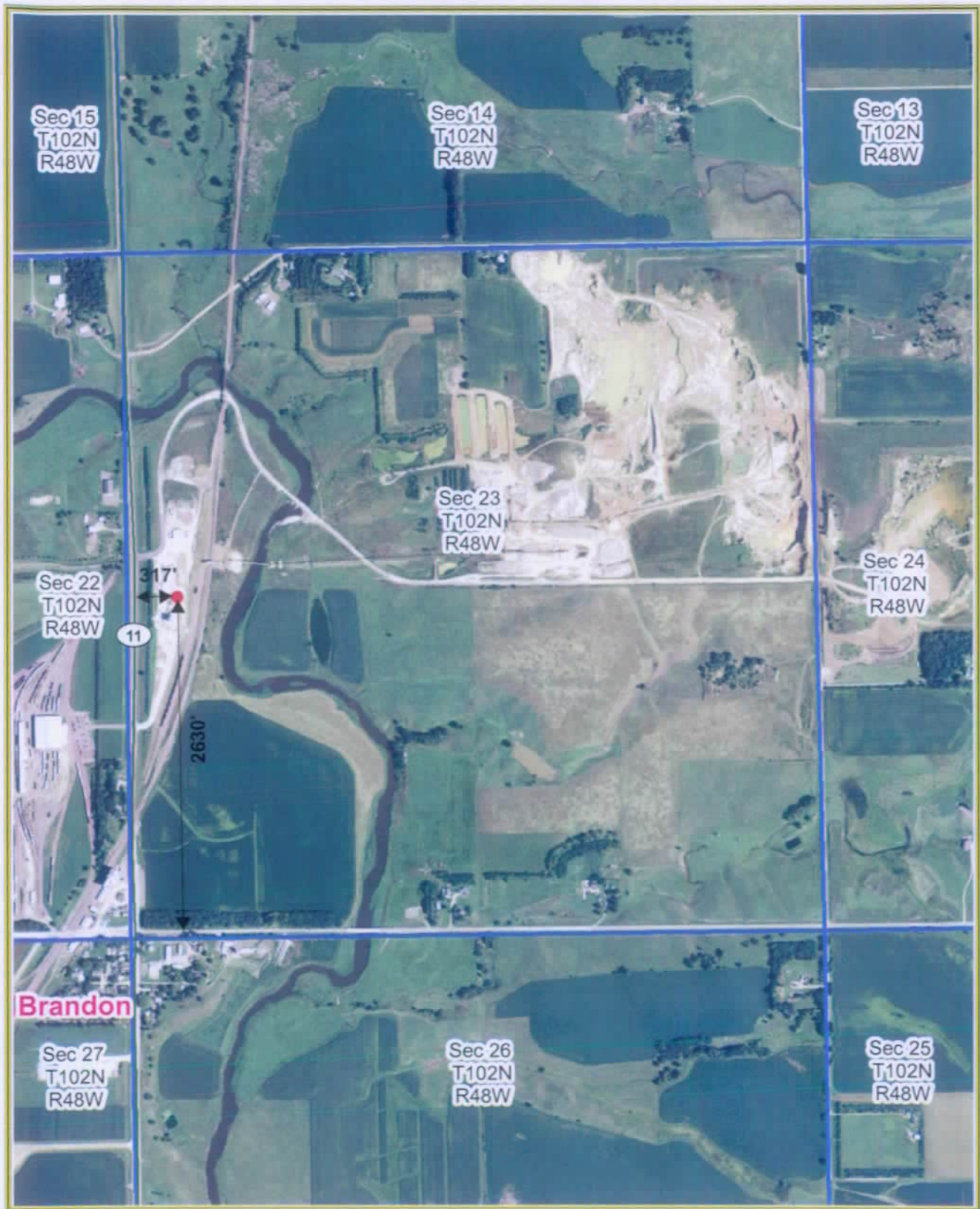
Natural Resources Engineer

DENR, Water Rights Program

Date report completed: September 2, 2011

Brandon Materials

Water Permit No.6393-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
September 2, 2011

0 380 760 1,520 2,280 3,040 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6393-3**

(1) Brandon Materials, PO Box 515, Brandon SD 57005-0515 made Application No. 6393-3, January 30, 2003 for a water permit to divert 0.22 cubic feet of water per second from ground water (one well) into the Brandon Aquifer, Split Rock Creek Formation or Sioux Quartzite, Minnehaha County, South Dakota for commercial purposes. Permit No. 6393-3, with a priority date of January 30, 2003 was approved April 28, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2008 and for the application to beneficial use of said water on or before April 28, 2012.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.19 cubic feet of water per second for beneficial use.

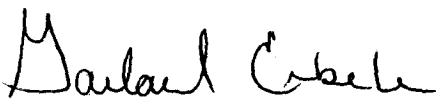
The location of the diversion point is 2,630 feet north and 317 feet east of the SW corner of Section 23, T102N, R48W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at a ready mix plant.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brandon Materials, PO Box 515, Brandon SD 57005-0515 the holder and/or owner of Water Right No. 6393-3 is issued a license to appropriate water, the right to use 0.19 cubic feet of water per second from ground water (one well) into the Sioux Quartzite with a priority date of January 30, 2003 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6393-3 and subject to the following qualifications:

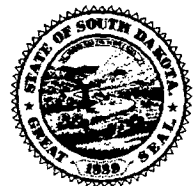
- The well authorized by Permit No. 6393-3 was to be constructed into a single water source, the Brandon, Sioux Quartzite or Split Rock Creek Formation. Upon investigation, the final water right is being issued for the developed water source of Sioux Quartzite.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6393-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 **(Well drilled in September, 2005 by Steffl Drilling & Pump. A copy of the log is on file with the Water Rights Program.)**



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

SEP 08 2011

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 08 2011

6393-3

Mark Thompson
Brandon Materials
PO Box 515
Brandon SD 57005-0515

Dear Mr. Thompson:

Enclosed is Water License No. 6393-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6393-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garland Erbele'.

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

enclosures