

WATER PERMIT NO. 6419-3

Name of Applicant: Dakota Granite Company

Address: 14964 484th Ave, Milbank SD 57252

Phone: 605 432-5580

Amount of Water Claimed: 2.11 cfs (300 AF)

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: industrial use

County: Grant

Type of Waste Disposal System:

Location: 5 miles east of Milbank

PRIORITY Date Received: 5-1-03

Application/License Fee: \$300

Corrected Application Received: 5-19-03

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SW ¼ SW ¼ Sec 7-T120N-R47W

Land to be Irrigated:

Depth of Well:

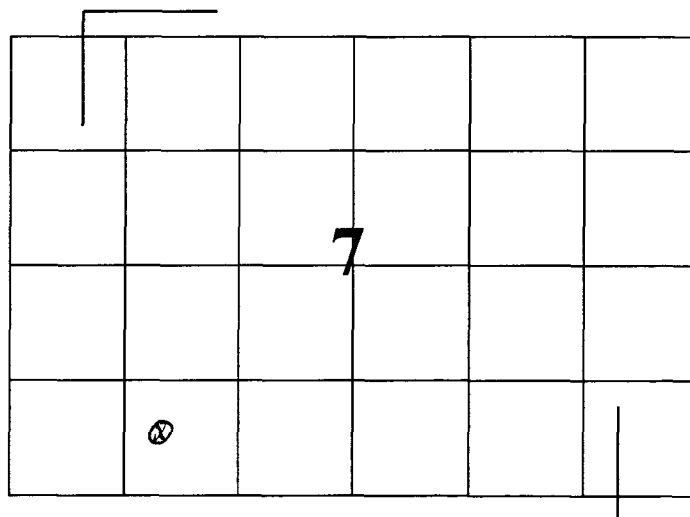
Well Driller: :

Remarks:

Type of Map: plat

Prepared by: Dale E Johnson, Dist.

Conservationist



Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

RECEIVED

MAY - 1 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6419-3</u> (office use only)
	Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota-Whetstone</u>
	Newspaper <u>Grant Co. Review, Milbank</u>

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:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

1. Name of Applicant Dakota Granite Company Phone 605-432-5580
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 14964 484th Ave, Milbank State South Dakota 57252
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.11 *CFS or 950 **GPM 300 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Quarry hole rain water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Grant
Quarry hole in SW 1/4 Section 7, T120N, R47W (SW1/4 SW1/4)
5. County or counties where water will be used Grant
6. Annual period during which water is to be used March 1 - Nov 30
7. 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)

Extract rain water from Quarry hole to permit quarring of granite blocks.

STATE OF SOUTH DAKOTA)
County of Grant) 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, Charles D. Monson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Charles D. Monson

Subscribed and sworn to before me this 29 day of April 20 03

Nancy K. Foshelm
Notary Public signature



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TEMPORARY PERMIT
TO USE PUBLIC WATERS
FOR CONSTRUCTION - DEWATERING PURPOSES

This temporary permit to use public waters for construction - dewatering purposes is issued to Dakota Granite Company, of 14964 484th Ave, Milbank SD 57252 authorizing withdrawal of 238,464,000 gallons of water at a maximum rate of 920 gallons per minute from ground water (quarry) located in the SW ¼ Section 7, T120N, R47W, Grant County. The project involves dewatering a quarry to allow for extraction of materials.

The water withdrawn from the quarry will be discharged to the North Fork Yellowbank River via a ditch. Any discharge of water to must comply with the "*General Permit for Temporary Dewatering*" issued by this Department.

Pursuant to SDCL 46-6-24, Dakota Granite Company may be responsible for damage, loss of water production or quality, replacement cost or increased operating expenses this quarry dewatering causes to domestic and municipal wells that obtain water from the granite, regardless of the construction of the domestic or municipal wells.

This temporary permit becomes effective June 1, 2003 and expires on December 31, 2003. Continuation of this project will require a regular appropriative water permit. This temporary permit will expire upon approval of the new permit or at the end of the calendar year, whichever occurs first.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issued: April 16, 2003

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



c: Mike Erickson, Minerals & Mining Program (via email)

**SOUTH DAKOTA
WATER PERMIT NO. 6419-3**

Date of first receipt of application May 1, 2003.

Date of return to applicant for corrections, amendments or changes May 2, 2003.

Date of receipt of corrected application May 19, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6419-3 to Dakota Granite Company, 14964 484th Ave, Milbank SD 57252 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. 6419-3 appropriates 2.11 cubic feet of water per second (300 acre-feet annually) by dewatering a quarry hole located in the SW ¼ SW ¼ Section 7-T120N-R47W. Water will be pumped from the quarry hole and discharged to the North Fork Yellowbank River via a ditch.
2. The water appropriated shall be used for the purpose of industrial use to allow mining of granite blocks 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: March 1 – November 30.
4. The date of approval of Permit No. 6419-3 is July 28, 2003.
5. The date from which applicant may claim right is May 1, 2003.
6. One-fifth of the construction is to be completed on or before January 28, 2006.
7. All construction is to be completed on or before July 28, 2008.
8. Water is to be put to beneficial use on or before July 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

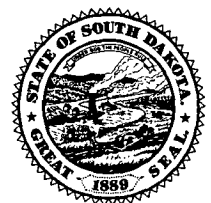
1. The diversion of water for dewatering purposes approved under this permit may be located near domestic wells and other wells which obtain water from the Milbank Granite Aquifer or aquifers hydraulically connected to the fractured granite. Dakota Granite Company shall control its withdrawals so there is not a reduction of needed water supplies in wells constructed into the Milbank Granite or in adequate wells completed into aquifers hydraulically connected into the fractured granite.
2. Dakota Granite Company shall report to the Chief Engineer annually the amount of water pumped.
3. Permit No 6419-3 is subject to Dakota Granite Company obtaining a surface water discharge permit from the Department of Environment and Natural Resources.

WATER MANAGEMENT BOARD

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

AUG 28 2003

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 19, 20 03

RECEIVED OF Dakota Granite Co., PO Box 1351, Milbank SD 57252

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

Fee for Application for Permit No. <u>6419-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6419-3</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	300.00

No.

000780

By Darland Elbele
Chief Engineer *gm*

Sheet No. 3 1000 feet

1 2 3 4 5 6 7 8 9
1080

Veloria replacement
26 acres, el. 66
bottom el. 61

Islands at
el. 655

Course Grout
Apron 1-2 Foot
Material 8'
Well
6852 3/66

Discharge
Channel
7.68

Dewatering
Pipeline

Hunter Park

Dakota
Granite
PRESENT QUARRY

FUTURE QUARRY

OLD QUARRY

Dakota Granite Company

Cold Spring Granite Company

Milbank Water Diversion Project
Cold Spring Granite Company
Quarry Area & Drainage Channel
Plan View
File: Section 7 Westing 5/02 DJS

1096

SW corner section 7-120-47

John E. Johnson, District Conservationist

6419-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Dakota Granite Company

ADDRESS: Milbank COUNTY: Grant

DATE: May 15, 2003 TELEPHONE: 43205580

RE: Discussion with David Buri

COMMENTS:

Mr. Buri returned my call in regard to the volume of water pumped annually from the quarry. He stated that they pump approximately 30 days each spring prior to commencing operations and then again in the fall to draw the quarry down prior to going into the winter months. Mr. Buri confirmed the maximum pump rate is 950 gpm (as they drawdown the quarry they are pumping a greater head hence the pump rate is less). Based on 60 days of pumping each year at a constant rate of 950 gpm the volume of water pumped is approximately 252 acre feet of water. Mr. Buri agreed that the annual volume should be limited to 300 acre feet of water. This provides them to pump a little above the 60 days annual if necessary.

The filing fee for 300 acre feet of water is \$250 + \$50 (licensing fee) for a TOTAL of \$300. Mr. Buri will submit the fee along with a completed & signed map.

NAME: Eve Humber



May 2, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Dakota Granite Company
Charles D. Monson
14964 484th Ave
Milbank SD 57252

Dear Mr. Monson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for industrial use. In order to complete the application the following is required.

Enclosed is the map submitted with the application. The map needs to show the pump site and discharge point in reference to a government section corner or quarter corner. The map also must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

The application/license filing fee based on 950 gallons per minute will be \$550.00. The fee may be less than this if pumping is not continuous and the application is quantified on an annual volume (acre-foot) basis. If you want to quantify on an acre-foot basis, contact me and I will calculate the filing fee.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, July 01, 2003 1:22 PM
To: Petersen, Leslie
Subject: Dakota Granite Company

They filed an application up in Grant Cty to dewater their quarry each spring and in the fall in order to allow for mining of granite. The water (up to 300 ac-ft annually) is discharged in the the North Fork of the Yellowbank River. I don't know if this is any interest to you. If so, let me know and I'll send you up the pertinent information. I believe they are getting a surface water discharge permit for the activity.

7/1/2003

REPORT ON WATER PERMIT APPLICATION NO. 6419-3
For Dakota Granite Company
June 13, 2003

Application No. 6419-3 proposes to appropriate 2.11 cfs (950 gpm) (300 acre-feet annually) by dewatering a quarry hole located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 7, T120N R47W in Grant County. The water will be pumped from the quarry and discharged to the North Fork Yellowbank River via a ditch. This dewatering project is an industrial use of water which will allow mining of granite blocks.

AQUIFER – MILBANK GRANITE (CRSL)

The aquifer is fractured granite. Generally the granite is not considered an aquifer but locally will produce small amounts of water to domestic wells. The Grant County study (Hamilton, 1990) describes two potential aquifers directly overlying the granite, the Veblen aquifer and the Granite Wash aquifer. The Veblen aquifer directly overlies the granite in this immediate area. In addition to ground water seeping into this quarry surface water and rainfall into the quarry will be pumped out. The applicant indicates the quarry can be dewatered by pumping about 300 acre-feet per year or about 70 days of pumping. At this time, it is not possible to separate out the amount of ground water pumped versus the amount of surface water pumped.

The Water Rights Program monitors three observation wells in this area, however, none of them are completed into the granite. These observation wells are completed into sand and gravel which in some cases directly overlies the granite and may be hydraulically connected to the granite. These are observation wells GT-77Q (located about one mile south), GT-83B (located about one mile north) and GT-77P (located about two miles west) all from this application. The water levels show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years (Water Rights, 2003). There is no indication in the water level record that dewatering the quarry or pumping for irrigation in the area has any effect upon the water levels in the aquifers. Hydrographs for these wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

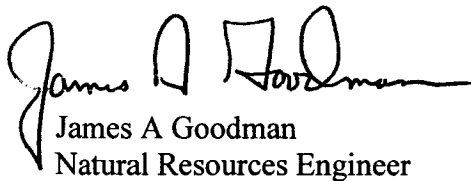
There are numerous water permits/rights in this area. There are four irrigation wells within a one mile radius of this site. Interference is not a concern. Apparently pumping from aquifers in the area does not affect the quarry and so pumping from the quarry should not adversely affect wells completed into the aquifer.

CONCLUSIONS

1. The act of dewatering for mining purposes is specifically addressed by South Dakota Statutes. In SDCL 46-6-24, if a domestic or municipal well is damaged by mine dewatering protection is afforded to those wells. In this particular

situation, if the act of pumping down the quarry could be shown to have adversely affected a domestic well then the quarry would be responsible for remedying the situation.

2. The water in the quarry is some combination of surface (rain) water and seepage of ground water into the quarry. It is not expected, that the amount of seepage into the quarry is significant.
3. No adverse impairment of existing water permits/rights is expected by this diversion.
4. Approval of this application will allow a diversion rate of 950 gpm for a period of about 70 days per year.



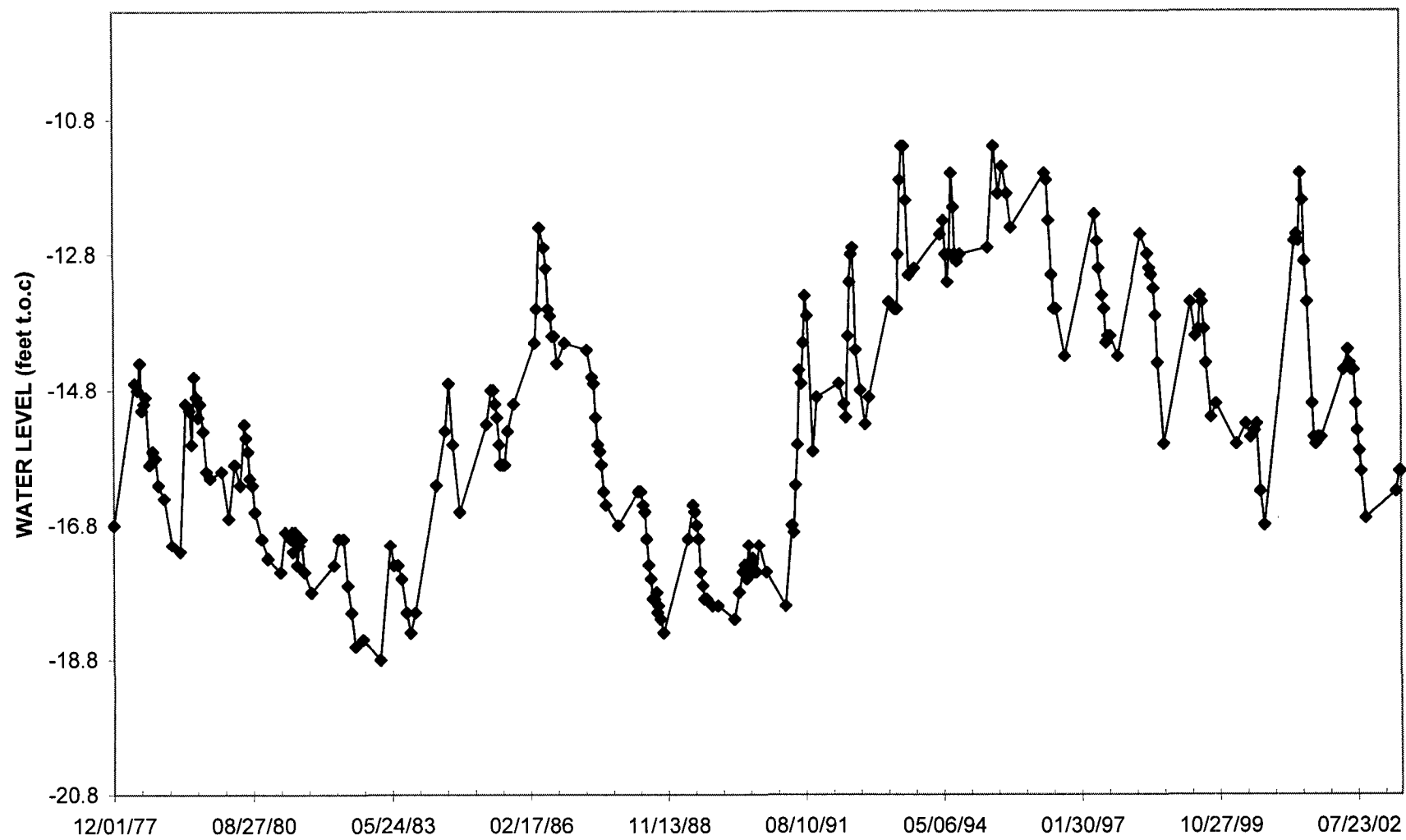
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

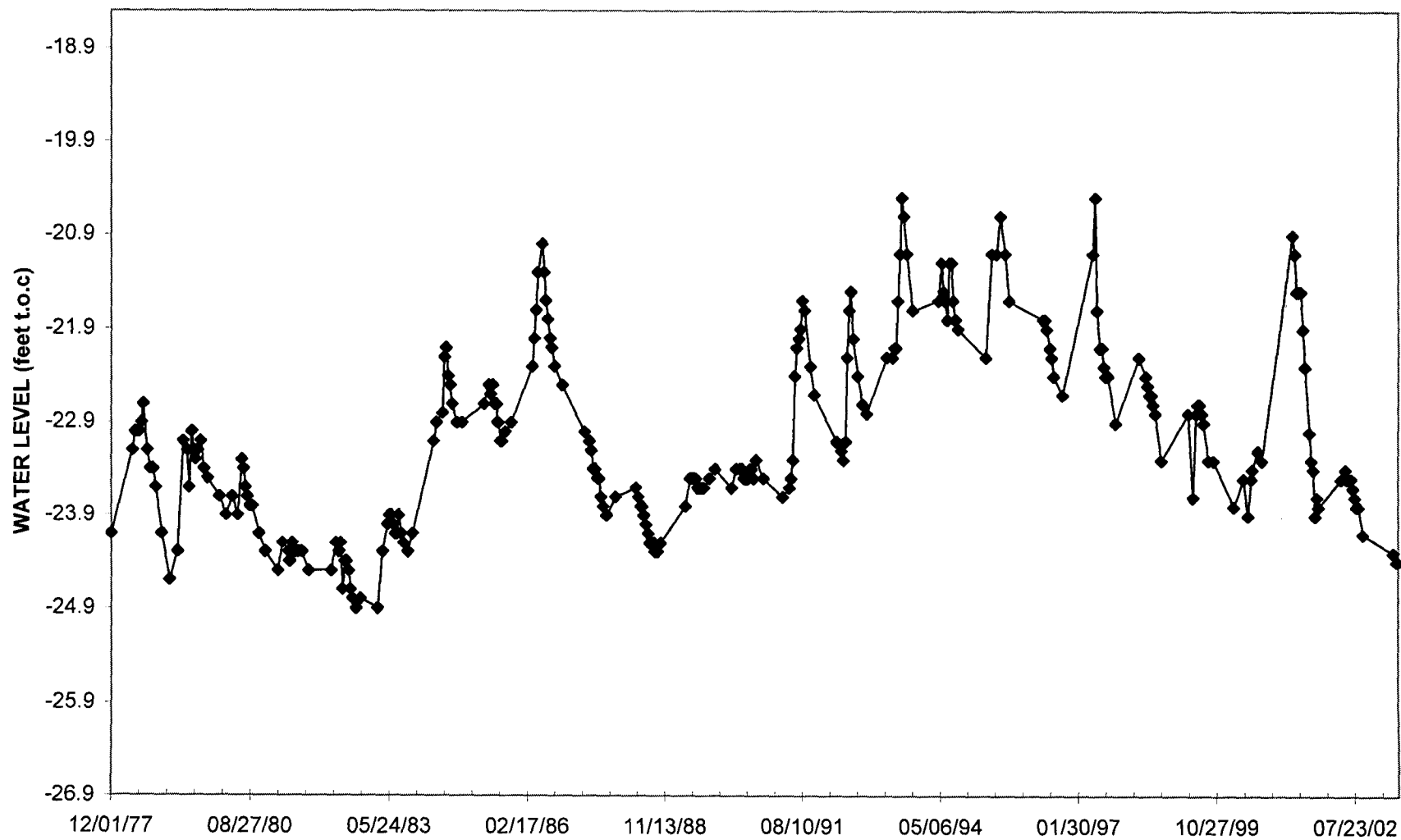
Hanson, D.S., 1990, Water Resources of Codington and Grant Counties, WRI 89-4147, USGS, Huron, SD, 57350.

Water Rights, 2003, Unpublished Observation Well Data for Grant County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

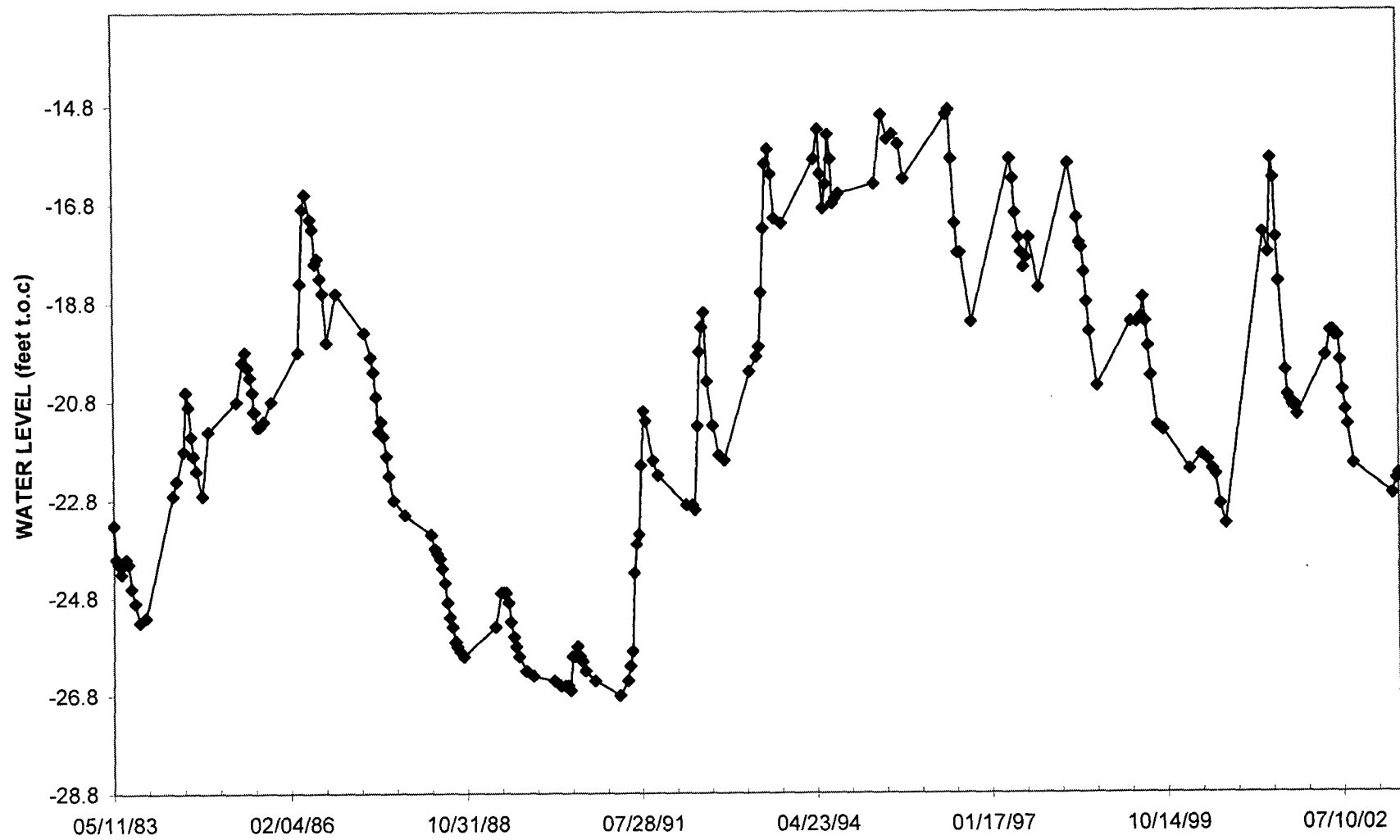
WATER RIGHTS' OBSERVATION WELL
GT-77P



WATER RIGHTS' OBSERVATION WELL
GT-77Q



WATER RIGHTS' OBSERVATION WELL
GT-83B





**DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6419-3, Dakota Granite Company**

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. 6419-3, Dakota Granite Company, 14964 484th Avenue, Milbank SD 57252.

The Chief Engineer is recommending APPROVAL of Application No. 6419-3 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 diversion of water for dewatering purposes approved under this permit may be located near domestic wells and other wells which obtain water from the Milbank Granite Aquifer or aquifers hydraulically connected to the fractured granite. Dakota Granite Company shall control its withdrawals so there is not a reduction of needed water supplies in wells constructed into the Milbank Granite or in adequate wells completed into aquifers hydraulically connected into the fractured granite.
2. Dakota Granite Company shall report to the Chief Engineer annually the amount of water pumped.
3. Permit No 6419-3 is subject to Dakota Granite Company obtaining a surface water discharge permit from the Department of Environment and Natural Resources.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 1, 2003

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holle Sechazer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 6419-3 to appropriate water

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

July 9 2003	20
July 16 2003	20
20	20

That \$ 40.44, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Helli Saahas

Subscribed and sworn to before me 16th this day of July 20 03

Debra L. Hummel
Notary Public, Grant County

Notary Public, Grant County, South Dakota

petition 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 July 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.

July 9 July 16

Publication Fee	\$ 40.44
Notarial Fee	\$
Total	\$ 40.44

RECEIVED
JUL 17 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 1, 2003

Dakota Granite Company
% Charles D Monson
14964 484th Ave
Milbank SD 57252

Dear Mr. Monson:

Water Permit Application No. 6419-3 for 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 Grant County Review printed at Milbank, SD (Ph # 605-432-4516). 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

c: David Buri, Dakota Granite Company, PO Box 1351, Milbank SD 57252

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

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July 1, 2003

Grant Co. Review
PO Box 390
Milbank SD 57252-0390

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6419-3 to Appropriate Water to be published twice. Please publish the first notice on July 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 Dakota Granite Company, %Charles D Monson, 14964 484th Ave., Milbank, SD 57252 (Ph # 605-432-5580).

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. 6419-3

Date _____

We are in receipt of your letter of July 1, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6419-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

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

NOTICE OF APPLICATION NO. 6419-3 to Appropriate Water

Notice is given that Dakota Granite Company, 14964 484th Ave, Milbank SD 57252 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second (300 acre-feet annually) by dewatering a quarry hole located in the SW ¼ SW ¼ Section 7-T120N-R47W. Water will be pumped from the quarry hole and discharged to the North Fork Yellowbank River via a ditch. This dewatering is an industrial use of water to allow mining of granite blocks.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6419-3 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 July 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**

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www.state.sd.us/denr

AUG 28 2003

Dakota Granite Company
%Charles D Monson
14964 484th Ave
Milbank SD 57252

Dear Mr. Monson:

Enclosed is Water Permit No. 6419-3 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

6419-3

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

Date October 28, 2003

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

RECEIVED
OCT 29 2003
**WATER RIGHTS
PROGRAM**

FROM: Dakota Granite Company
(name)

14964 484th Ave
(address)

Milbank, SD 57252
(city, state, zip)

605-432-5580
(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.

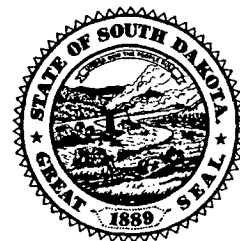
Water Permit No. 6419-3 states that the water use system is to be constructed by
7/28/08, and water is to be put to beneficial use by 7/28/12.
(date) (date)

The water use system was completed on 10/17/03.
(date)

Applying the water to beneficial use was completed on 10/20/03.
(date)

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

David L. Bunn
(signature)



Permit No. 6419-3
Minnesota-Whetstone - 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, July 10, 2006, made a thorough examination of the water use system constructed by Dakota Granite of 14964 484th Ave., Milbank, SD 57252 holder of Permit No. 6419-3, bearing the priority of May 1, 2003 authorizing the diversion of 2.11 cu. ft. per second of the waters of Runoff for Industrial purposes, in Grant County.

Inspection contact & relationship **Dave Buri 432-5580**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make BIBO
- 2) Model BS 2125
- 3) Capacity 950 GPM
- 4) Horsepower rating 13 hp @ 3450 rpm

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

- 1) Type Aluminum
- 2) Size 3 and 4 inches

Chemigation Equipment:

- 1) Does chemigate NA

C. 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

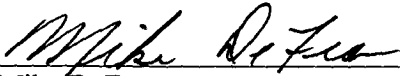
The system is in Good condition with the point(s) of diversion located as follows: Approximately 520 feet east and 840 feet north of the SW corner of Section 7-T120N-R47W (N 45.21141, W -96.51486). The works are capable of diverting and conveying to the place of use 2.11 cu. ft. per second of water which is to be used for Dewatering of the quarry hole. Water has been put to beneficial use.

The license should be issued for 2.11 cfs and limited to 300 acre-feet of water annually.

All structures, wells and lands on map Y

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

The quarry dewateres the hole for approximately 30 days each spring prior to commencing operations and then again in the fall to draw down the quarry prior to the winter months. Based on 60 days of constant pumping at a rate of 950 gpm, the volume of water is approximately 252 acre-feet. Prior to permitting, Dakota Granite agreed to limit the volume of water to 300 acre-feet to provide them a few extra days of dewatering if needed annually.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: February 5, 2007

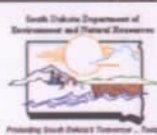
Dakota Granite
14964 484th Ave
Milbank, SD 57252
432-5580

Water Permit No. 6419-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 5, 2007



0 0.125 0.25 0.5 Miles

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6419-3**

(1) Dakota Granite Company, 14964 484th Ave, Milbank SD 57252 made Application No. 6419-3, May 1, 2003 for a water permit to divert 2.11 cubic feet of water per second (300 acre-feet annually) from runoff and groundwater in a quarry located in Grant County, South Dakota for industrial purposes. Permit No. 6419-3, with a priority date of May 1, 2003 was approved July 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 July 28, 2008 and for the application to beneficial use of said water on or before July 28, 2012.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 29, 2003. The "*Notice*" stated the water use system was completed on October 17, 2003 and the water placed to beneficial use on October 20, 2003.

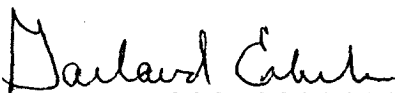
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.11 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 520 feet east and 840 feet north of the SW corner of Section 7, T120N, R47W (SW 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. Water is pumped from the quarry hole to allow mining of granite blocks. The water is then discharged to the North Fork Yellowbank River via a ditch.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Granite Company, 14964 484th Ave, Milbank SD 57252 the holder and owner of Water Right No. 6419-3 is issued a license to appropriate water, the right to divert 2.11 cubic feet of water per second (300 acre-feet annually) from runoff and groundwater in a quarry hole with a priority date of May 1, 2003 from the location specified in (2) of this license.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6419-3 and subject to the following qualifications:

- The diversion of water for dewatering purposes approved under this permit may be located near domestic wells and other wells which obtain water from the Milbank Granite Aquifer or aquifers hydraulically connected to the fractured granite. Dakota Granite Company shall control its withdrawals so there is not a reduction of needed water supplies in wells constructed into the Milbank Granite or in adequate wells completed into aquifers hydraulically connected to the fractured granite.
- Dakota Granite Company shall report to the Chief Engineer annually the amount of water pumped.
- Permit No. 6419-3 is subject to Dakota Granite Company obtaining a surface water discharge permit from the Department of Environment and Natural Resources. *(At the time of licensing, Dakota Granite Company held a storm water permit for this facility which includes the surface water discharge permit.)*



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

6419-3

Dave Buri
Dakota Granite Co
14964 484th Ave
Milbank SD 57252

Dear Mr. Buri:

Enclosed is Water License No. 6419-3 and a copy of the map prepared by the staff engineer who conducted the field investigation. Water License No. 6419-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,

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

enclosures

6419-3

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

ARTICLES OF INCORPORATION
DOMESTIC BUSINESS CORPORATION
SDCL 47-1A-120, 129 & 202

FILING FEE: \$165

Make check payable to SECRETARY OF STATE

Article I

The name of the company:

Dakota Stone, Inc.

Note. The name must include the term corporation, incorporated, company, limited or the applicable abbreviation (SDCL 47-1A-401 to 47-1A-401.3)

Article IA

The purpose or purposes for which the company is to be incorporated: *(Optional)*

Article II

The number of shares the corporation is authorized to issue: 10,000

Article III

The address of the principal office in or out of the State of South Dakota where the company conducts its business:

48391 150th Street Milbank SD 57252

Actual Street Address City State ZIP+4

Mailing Address in this State, if Different from Street Address City State ZIP+4

Email Address *(Optional)*

Article IV

SDCL 47-1A-202(4), 59-11-6

The South Dakota Registered Agent's name:

South Dakota law permits the registered agent to be either: **A)** noncommercial registered agent (this may be an individual), **B)** a commercial registered agent, or **C)** an office holder. **Complete only one below, either (a) or (b) or (c).**

(a) The South Dakota Noncommercial Registered Agent's name: Kay O'Farrell

48391 150th Street Milbank SD 57252

Actual Street Address in this State City State ZIP+4

Mailing Address in this State, if Different from Street Address City State ZIP+4

Email Address *(Optional)*

(b) When listing a Commercial Registered Agent, please state their CRA# This number can be obtained from the Commercial Registered Agent

Name _____ CRA# _____

(c) Title of the office or other position with the company _____

Business Office's Actual Street Address in this State _____ City _____ State _____ ZIP+4 _____

Mailing Address in this State, if Different from Street Address _____ City _____ State _____ ZIP+4 _____

Email Address (Optional) _____

Article V

The name and address of each incorporator (one or more persons – person includes an individual or entity)

Jacob Barkley	48391 150th Street	Milbank	SD	57252
Name	Street Address	City	State	Zip+4

Name	Street Address	City	State	Zip+4

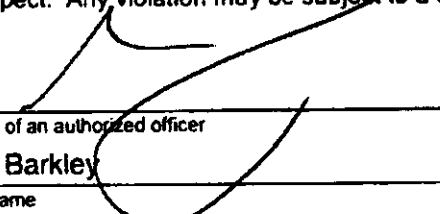
Name	Street Address	City	State	Zip+4

This document must be executed by the chair of the board of directors, by its president, or by another of its officers. If directors have not been selected or the corporation has not been formed, an incorporator may execute the document.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

Dated 6/11/2021

Email _____
(Optional)

Signature of an authorized officer _____

 Jacob Barkley
 Printed Name
 Incorporator
 Title

Optional Provisions - Any of the optional articles may be added by attachment.

- The names and addresses of the individuals who are to serve as the initial directors
- Provisions not inconsistent with law regarding:
 - Managing the business and regulating the affairs of the corporation;
 - Defining, limiting, and regulating the powers of the corporation, its board of directors and shareholders;
 - A par value for authorized shares or classes of shares; and
 - The imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions;
- Any provision that under this chapter is required or permitted to be set forth in the bylaws.
- A provision eliminating or limiting the liability of a director to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for the amount of a financial benefit received by a director to which the director is not entitled; an intentional infliction of harm on the corporation or the shareholders; a violation of SDCL 47-1A-833, or an intentional violation of criminal law;
- A provision permitting or making obligatory indemnification of a director for liability, as defined in subdivision 47-1A-850(5), to any person for any action taken, or any failure to take any action, as a director, except liability for receipt of a financial benefit to which the director is not entitled; an intentional infliction of harm on the corporation or its shareholders; a violation of 47-1A-833 1; or an intentional violation of criminal law; and
- Any provision limited or denying preemptive rights to acquire additional or treasury shares of the corporation

6414-3

State of South Dakota

Office of the Secretary of State

Certificate of Conversion

Domestic Business Corporation

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Application for Conversion for

Dakota Stone, Inc.

BUSINESS ID# DB205153

with an effective date of: June 22, 2021, duly signed and verified, pursuant to the provisions of the South Dakota Corporation Acts, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Conversion and attach hereto a duplicate of the Application for Conversion.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, June 22, 2021.

Steve Barnett

Steve Barnett
Secretary of State

06/22/2021 2:59 PM

6419-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date July 15, 2021RECEIVED OF Dakota Granite Co. 48391 150th St., Milbank SD 57252

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>6419-3</u>	\$ <u>100.00</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>100.00</u>

By Eric Gronlund
 Chief Engineer
EG

PAID

JUL 15 2021

Ck# 64429

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JUL 15 2021

WATER RIGHTS
PROGRAM

No. 6419-3

Date: July 6 2021

I/We request that Water Right/Permit No. 6419-3

formerly owned by: Dakota Granite Company

be transferred to: (name & address)

Dakota Stone, Inc.

3640 Bayside Road

Orono, MN 55356

Telephone No. 612-598-9895

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

SW 1/4 SW 1/4 Section 7-T120N-R47W

I/We understand that the validity of Water Right/Permit No. 6419-3 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 Dakota Stone, Inc., the new owner, certify that the above information is true and correct.

(Signed by new owner)

Jacob Barkley

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 19, 2021

6419-3

Jacob Barkley
Dakota Stone Inc
48391 150th St
Milbank SD 57252

Dear Mr. Barkley:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 6419-3.

Last week we spoke by phone concerning which address you prefer correspondence be directed to and my understanding was the Milbank, SD address. The ownership change has been completed. The water right formerly held by Dakota Granite Co., is now listed under Dakota Stone Inc.

The filing fee for an ownership change is \$50. The check received from you was for \$100. A refund of \$50 will be processed and mailed to you within a couple weeks. If you have any questions, please let me know.

Sincerely,

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

Encl: receipt