

**WATER PERMIT NO. 8283-3**

Name of Applicant: Concrete Materials Company

Address: PO Box 84140, Sioux Falls SD 57118

Phone: 605 390-7255

Amount of Water Claimed: 4.0 cfs (400 acre-feet annually)

Total Acres: NA

Source of Water Supply: groundwater (3 wells) & a gravel pit

Water to be used for: industrial use

County: Yankton

Type of Waste Disposal System:

Location: 5 miles north of Yankton

PRIORITY

Date Received: 4-24-17

Application/License Fee: \$ 1,150

Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: E 1/2 NW 1/4 and W 1/2 NE 1/4

Sec 12-T94N-R56W

Land to be Irrigated: NA

Depth of Well: 200

Well Driller:

Remarks:

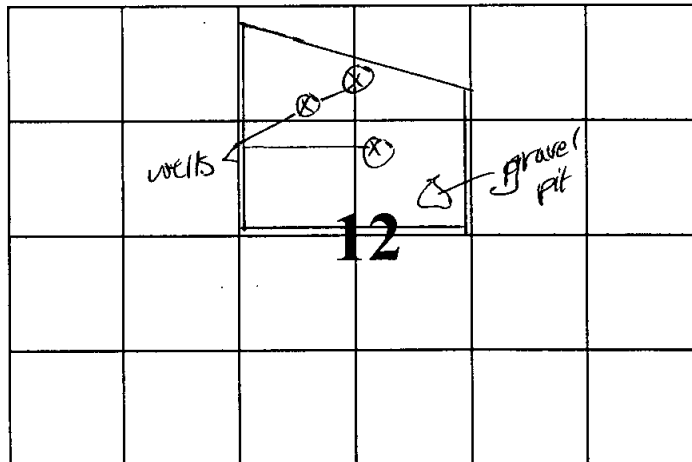
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 4-24-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



|                                                                                                         |                                                                        |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8283-3</u> (office use only)<br>Hydrologic Unit <u>10160011</u> |
|                                                                                                         | Basin <u>James River</u>                                               |
|                                                                                                         | Newspaper <u>Press &amp; Dakotan, Yankton</u>                          |
|                                                                                                         |                                                                        |

RECEIVED

APR 24 2017

WATER RIGHTS  
PROGRAM

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

## Check use(s) of water:

|                                                 |                                                    |                                          |                                        |
|-------------------------------------------------|----------------------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Water Distribution System | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Rural Water System     | <input type="checkbox"/> Commercial                | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal    |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input checked="" type="checkbox"/> Industrial     | <input type="checkbox"/> Other           |                                        |

Type of Application:  
(check one)

|                                                                                                |                                                                  |                                                 |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> New                                                        | <input type="checkbox"/> Vested Right (Use predates Mar 2, 1955) | <input type="checkbox"/> Future Use Reservation |
| <input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____ |                                                                  |                                                 |
| <input type="checkbox"/> Amendment/Correction to Permit No. _____                              |                                                                  |                                                 |

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit Concrete Materials CompanyMailing Address PO Box 84140 (Address) Sioux Falls (City) SD (State) 57118-4140 (Zip Code)Phone 605-357-6000 Mobile 605-390-7255 Email WASTELINE6@aol.com2. Amount of water claimed 4.0 \*CFS or 1800 \*\*GPM and 400 \*\*\*AF or \_\_\_\_\_ Gallons  
Flow rate and volume are both required. (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply James River Basin - Lower James Missouri Aquifer (near Beaver Creek)4. Location of point of diversion 3 wells and 1 gravel pit pond in E1/2 NW1/4 12-94N56W and W1/2 NE1/4 County Yankton  
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ NoIf "Yes," where will water be used? \_\_\_\_\_  
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Yankton6. Annual period during which water is to be used Construction Season (March through November)

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)

Up to three wells will be used to produce water for washing sand and gravel mined at this location, and ground water will be exposed in sand pit created by excavation (estimated average depth to ground water is 30-35 feet from original surface. Wells expected to be 200 feet deep. Water will also be used for dust control. Water used for washing product will flow into sedimentation basins to evaporate or infiltrate back into ground water: no surface discharge planned. 273 ac-ft based on 10 hr/day, 250 days/yr @ 1000 GPM (non-consumptive use except loss to evaporation).

I, Nathan A. Barton, for Concrete Materials Environmental Engineer, the applicant, certify under  
Name of Person Title (if applicable)penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application. Nathan A. Barton

**SOUTH DAKOTA**  
**WATER PERMIT NO. 8283-3**

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Date of first receipt of application April 24, 2017.

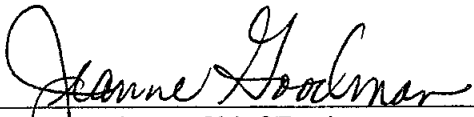
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8283-3 to Concrete Materials Company, c/o Nathan Barton, PO Box 84140, Sioux Falls SD 57118 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8283-3 appropriates and places to beneficial use 400 acre-feet of water annually at a peak diversion rate of 4.0 cubic feet of water per second from a gravel pit and three wells to be completed into the Lower James Missouri Aquifer (200 feet deep) located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use at a sand and gravel operation located in the area described above. The permit states that 273 acre feet of water annually will be non-consumptive use and 127 acre feet of water annually will be consumptively used due to evaporation and dust suppression at the site.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: March 1 – November 30.
4. The date of approval of Permit No. 8283-3 is July 17, 2017.
5. The date from which applicant may claim right is April 24, 2017.
6. One-fifth of the construction is to be completed on or before January 17, 2020.
7. All construction is to be completed on or before July 17, 2022.
8. Water is to be put to beneficial use on or before July 17, 2026.
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 wells will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8283-3 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.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Lower James Missouri aquifer.
4. Water Permit No. 8283-3 appropriates and places to beneficial use up to 400 acre feet of water annually with an annual consumptive use volume of 127 acre feet of water annually.

**WATER MANAGEMENT BOARD**

By:   
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUL 26 2017  
date



## Supplemental Information

(type or print)

### 1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 3 Have test holes been drilled ☐ Yes ☒ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)

b) If existing wells, how many \_\_\_\_\_ Provide copy of log(s), if available. Drilled by \_\_\_\_\_

For either Existing or Proposed Wells:

c) Well Depth (required) 200 Depth to Top of Water Bearing Material 0 Depth to Water from Surface 30-35

d) Distance to nearest domestic well on applicant's property None Property owned by others 2900 ft NW

### 2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Not applicable - wash water will go to evap/infiltration settling basin

b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_

c) Connected to the City of \_\_\_\_\_ Sanitary System

### 3. Dugout Information

a) Surface Dimensions Exposed water in pit up to 800 by 1000 feet Depth 45-50 feet

b) Depth to water (ground surface to water level) 30-35 feet

### 4. Water Storage Dams

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

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

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_

If pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_

Spillway Width \_\_\_\_\_

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

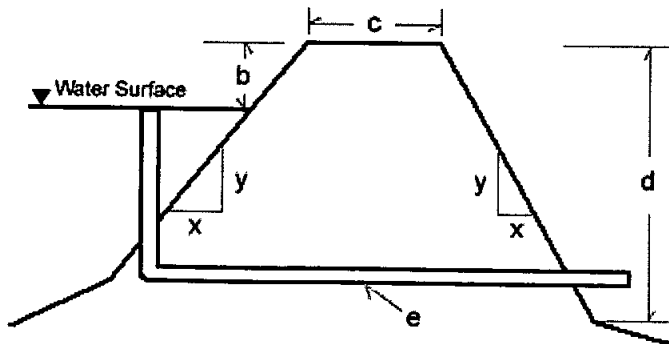
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

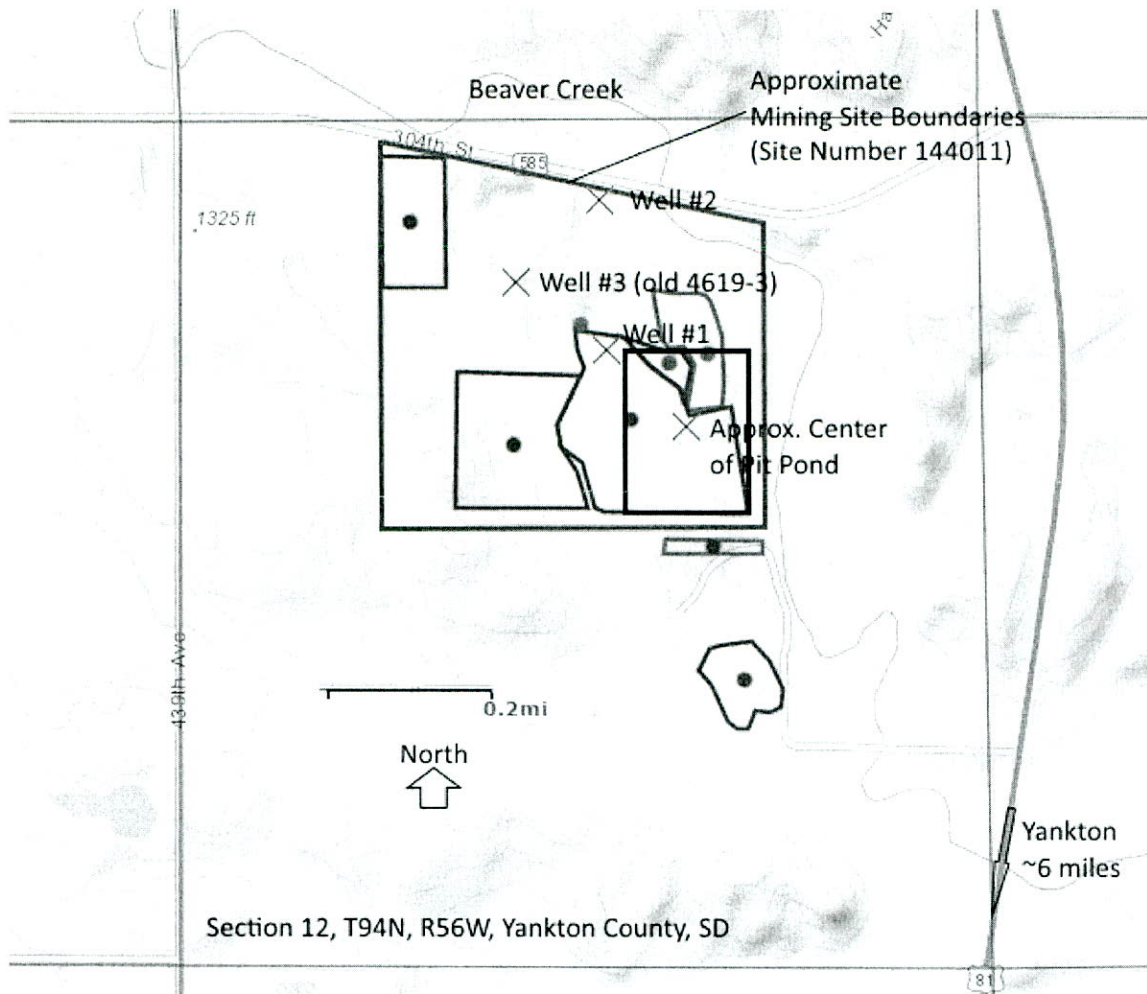
h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres



## Vellek Pit Water Rights Application



Map taken from DENR ([arcgis.sd.gov/server/denr/conagg](http://arcgis.sd.gov/server/denr/conagg)) Annotations by N. A. Barton, 17FEB2017

↑ North Scale as shown (approximately 1"=1000')

**RECEIVED**

**APR 24 2017**

**WATER RIGHTS  
PROGRAM**

Sec 35  
T095N  
R56W

Sec 36  
T095N  
R56W

Map printed by DENR  
to provide clarification  
for submitted map.

Sec 2  
T094N  
R56W

Sec 1  
T094N  
R56W

Sec 6  
T094N  
R55W

Sec  
T094  
R55W

Sec 3  
T094N  
R56W

Sec 11  
T094N  
R56W

Sec 12  
T094N  
R56W

Sec 7  
T094N  
R55W

Sec  
T094  
R55W

Sec 10  
T094N  
R56W

Sec 14  
T094N  
R56W

Sec 13  
T094N  
R56W

Sec 18  
T094N  
R55W

Sec  
T094  
R55W

Sec 15  
T094N  
R56W

Sec 23  
T094N  
R56W

Sec 24  
T094N  
R56W

Sec 19  
T094N  
R55W

Sec  
T094  
R55W

Sec 22  
T094N  
R56W

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/24, 20 17

RECEIVED OF Nathan Barton (Concrete Materials) PO Box 3471 Rapid City SD 57709

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

|                                                                                                                        |       |          |
|------------------------------------------------------------------------------------------------------------------------|-------|----------|
| Fee for Application for Permit No. <u>8283-3</u> to Appropriate Water, to construct and to put water to beneficial use | 950   | 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>8283-3</u>            | 200   | 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 | 1,150 00 |

No. **08236**

By

Jenny Goodman  
Chief Engineer

## Gronlund, Eric

---

**From:** Nathan Barton, CE, PE, DEE <libertysd.02@gmail.com>  
**Sent:** Tuesday, April 25, 2017 1:17 PM  
**To:** Gronlund, Eric  
**Subject:** [EXT] Re: water permit application for Concrete Materials Company

DENR received the application filed by Concrete Materials Company. This email is intended to request clarification to the application.

1. Item No. 4 on the application is the location of point of diversion. The legal location of the proposed wells and gravel pit are stated to be in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  12-94N56W. However looking at the submitted map and an FSA aerial map it appears that at least the gravel pit pond will be located in the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  of this same section. Further the mine site boundary outline on the map includes portions of the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  of this section. Do you concur?

YES, I concur. My mistake: the original description was just for the three wells and I added the pond to it. Is the water rights legal tied to the mining license boundary also?

2. The annual volume listed in Item No. 2 on the application is 400 acre feet of water. The project description in Item No. 7 on the application states 273 ac-ft. Is the 273 ac-ft intended to reflect the pit/pond diversion for washing that is recycled/reused and is basically non-consumptive except loss to evaporation? Is the 400 ac-ft of water reflective of the entire use for washing and dust suppression so there is 127 ac-ft/annually (400 – 273 = 127) that is basically consumptively use.

Yes, that is correct. Thank you for doing a better job of explaining than I did! Obviously, water use for dust control and evaporation lost from both processing and the pond surface is going to vary year to year.

3. Item No. 2 states a maximum pump rate of 1,800 gpm. Item No. 7 indicates a pump rate of 1000 gpm. Again is this intended to reflect the pump rate from the pit/pond of 1000 gpm for washing purposes and a pump rate from the three wells totaling 800 gpm?

Actually, what I intended was that the maximum pumping rate (capacity of pump(s)) is 1800 gpm but that we expect the average pumping rate (when doing any pumping - not calculated for 24-7) is 1000 gpm. This is based on various processing rates as well as weather (need for dust control). That 1000 gpm is total average from wells and directly from pond or any combination thereof.

4. The application states up to three wells and one gravel pit. During our review process it will need to be determined if the wells and the water in the gravel pit are the same water source.

Absolutely got to be your call. I think it is all the same water source (based on the information from the old Vellek well and what other pits in the area have), but may be wrong. We are showing the wells as being up to 200 feet deep to ensure that we have good well development and because we realize the alluvial water (if that is indeed what it is) is going to fluxuate.

On Tue, Apr 25, 2017 at 9:26 AM, Gronlund, Eric <[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)> wrote:

Nathan:

DENR received the application filed by Concrete Materials Company. This email is intended to request clarification to the application.

1. Item No. 4 on the application is the location of point of diversion. The legal location of the proposed wells and gravel pit are stated to be in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  12-94N56W. However looking at the submitted map and an FSA aerial map it appears that at least the gravel pit pond will be located in the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  of this same section. Further the mine site boundary outline on the map includes portions of the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  of this section. Do you concur?
2. The annual volume listed in Item No. 2 on the application is 400 acre feet of water. The project description in Item No. 7 on the application states 273 ac-ft. Is the 273 ac-ft intended to reflect the pit/pond diversion for washing that is recycled/reused and is basically non-consumptive except loss to evaporation? Is the 400 ac-ft of water reflective of the entire use for washing and dust suppression so there is 127 ac-ft/annually (400 – 273 = 127) that is basically consumptively use.
3. Item No. 2 states a maximum pump rate of 1,800 gpm. Item No. 7 indicates a pump rate of 1000 gpm. Again is this intended to reflect the pump rate from the pit/pond of 1000 gpm for washing purposes and a pump rate from the three wells totaling 800 gpm?
4. The application states up to three wells and one gravel pit. During our review process it will need to be determined if the wells and the water in the gravel pit are the same water source.

Eric Gronlund

Water Rights Program, DENR

[605 773-3352](tel:6057733352)

[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)



8283-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

May 15, 2017

Richard Hammond  
Heine Electric & Irrigation Inc.  
31585 460<sup>th</sup> Ave.  
Vermillion, SD 57069

Dear Mr. Hammond:

I am writing in response to your May 12, 2017 e-mail to the South Dakota Department of Environment and Natural Resources. You requested permission to drill a test well on behalf of Concrete Materials prior to the approval of their Water Permit Application. Pursuant to South Dakota Well Construction Standard 74:02:04:21, Heine Electric & Irrigation Inc. is authorized to construct a test well for Concrete Materials. To be completed into the Lower James-Missouri Aquifer to be located in NW ¼ of Section 12- T94N-R56W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

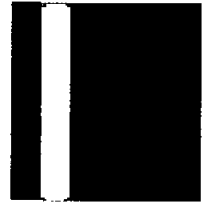
Authorization must be obtained before water from the well can be used in excess of domestic use as defined by South Dakota Codified Law 46-1-6(7). Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application and assessment of the availability of water, review of the potential impacts to existing users, beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit. If you have questions, call Eric Gronlund at (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

CC:  
Concrete Materials Company  
PO Box 84140  
Sioux Falls, SD 57118

Richard Hammond  
Heine Electric & Irrigation, Inc.  
31585 460<sup>th</sup> Ave, Vermillion, SD, 57069  
605-670-2321  
rhhhei@gmail.com



5/12/2017

Mr. Ken Buhler  
Water Rights, SD DENR  
523 East Capitol  
Pierre, SD 57501

Dear Mr. Ken Buhler,

I have been requested to drill a test well pursuant to ARSD 74:02:04:21 for Concrete Materials Company by Andy Haas from their Yankton office.

We want to ascertain that enough water exists at their proposed pit wash site in the NW ¼ of Section 12, T94nR56w. I expect the wells drilled on this site to be approximately 160' deep, static water levels are likely to be 35-40 feet below land surface at the proposed drill site. The target aquifer is the Lower James-Missouri Aquifer. They anticipate using about 3.3 cfs as indicated in a water right application sent to you by Nathan Barton in late April, 2017.

I have visited with Andy and communicated to him that there are no assurances that the permit will be granted, it is pending further review by your agency.

My client's address is: Concrete Materials Company, PO Box 84140, Sioux Falls, SD.  
Our address is: Heine Electric & Irrigation, Inc., 31585 460<sup>th</sup> Ave., Vermillion SD 57069.  
Our SD Drillers license is #810.

Thank you for your consideration of this request.

Sincerely

Richard Hammond



# AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JUL 10 2017

WATER RIGHTS  
PROGRAM

CONCRETE MATERIALS -SIOUX FALLS  
PO BOX 84140  
SIOUX FALLS SD 57118-4140

STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

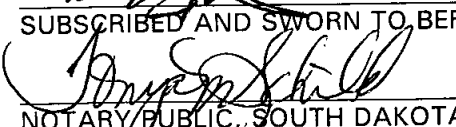
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES  
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON  
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE  
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER  
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY  
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID  
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED  
7 + 6 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 6th DAY OF July, 2017  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$29.25 ENSURES TO THE  
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO  
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS  
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF  
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 07/06/2017

FILED ON: 07/06/2017

  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF July, 2017

  
NOTARY PUBLIC, SOUTH DAKOTA  
MY COMMISSION EXPIRES 08/19/2021

Ad text : 7 + 6

# NOTICE OF APPLICATION NO. 8283-3 to Appropriate Water

Notice is given that Concrete Materials Company, c/o Nathan E Barton, PO Box 84140, Sioux Falls SD 57118 has filed an application for a water permit to appropriate and place to beneficial use 400 acre-feet of water annually at a peak diversion rate of 4.0 cubic feet of water per second from a gravel pit and three wells to be completed into the Lower James Missouri Aquifer (200 feet deep) located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use at a sand and gravel operation located in the area described above. The application states that 273 acre feet of water annually will be non-consumptive use and 127 acre feet of water annually will be consumptively used due to evaporation and dust suppression at the site which is located approximately five miles north of Yankton.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8283-3 with qualifications 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. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 17, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published once at the total approximate cost of \$29.25.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

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

June 27, 2017

Concrete Materials Company  
c/o Nathan E Barton  
PO Box 84140  
Sioux Falls SD 57118

Dear Mr. Barton:

Water Permit Application No. 8283-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). 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 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

**NOTE:** If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Tuesday, June 27, 2017 10:06 AM  
**To:** 'Tera Schmidt'  
**Subject:** 8283-3, Concrete Materials Company  
**Attachments:** 8283-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 6, 2017.

Concrete Materials Company, c/o Nathan E Barton, PO Box 84140, Sioux Falls SD 57118 (605 357-6000 or c 605 390-7255) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

*Karen Schlaak*  
SD DENR, Water Rights Program  
(605) 773-3352



NOTICE OF APPLICATION NO. 8283-3 to Appropriate Water

Notice is given that Concrete Materials Company, c/o Nathan E Barton, PO Box 84140, Sioux Falls SD 57118 has filed an application for a water permit to appropriate and place to beneficial use 400 acre-feet of water annually at a peak diversion rate of 4.0 cubic feet of water per second from a gravel pit and three wells to be completed into the Lower James Missouri Aquifer (200 feet deep) located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use at a sand and gravel operation located in the area described above. The application states that 273 acre feet of water annually will be non-consumptive use and 127 acre feet of water annually will be consumptively used due to evaporation and dust suppression at the site which is located approximately five miles north of Yankton.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8283-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 17, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \_\_\_\_\_.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 8283-3, Concrete Materials 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. 8283-3, Concrete Materials Company, c/o Nathan E Barton, PO Box 84140, Sioux Falls SD 57118.

The Chief Engineer is recommending APPROVAL of Application No. 8283-3 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 wells will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8283-3 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.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Lower James Missouri aquifer.
4. Water Permit No. 8283-3 appropriates and places to beneficial use up to 400 acre feet of water annually with an annual consumptive use volume of 127 acre feet of water annually.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
June 26, 2017

NOTE: The gravel pit is not considered an adequate well and therefore would not be afforded protection under water rights law should fluctuation in the water levels occur.

## **REPORT ON APPLICATION NO. 8283-3**

For Concrete Materials Company

June 22, 2017

Concrete Materials Company has filed Water Permit Application No. 8283-3 for a water permit to appropriate up to 400 acre-feet of water annually at a peak diversion rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James Missouri Aquifer (approximately 200 feet deep) located in the E½ NW¼ and W½ NE¼ Section 12, T94N-R56W for industrial use at a sand and gravel operation located approximately 5 miles north of Yankton, South Dakota.

If approved, the application lists the amount of water appropriated and beneficially used will be 400 acre-feet annually. However, the application also states that 273 acre-feet of water annually will be non-consumptive use and 127 acre-feet of water annually will be consumptively used based on evaporation and use for dust suppression at the site.

The application indicates that a gravel pit at a depth of 30 to 35 feet will intercept water from the Lower James Missouri aquifer. A review of the observation wells in the area confirms that the gravel pit will incise the aquifer and is considered the same water source. However, it should be noted that the gravel pit would not be considered an adequate well by definition and therefore not be afforded protection under water rights law should there be a claim of impairment.

### **AQUIFER – LOWER JAMES MISSOURI (LJM)**

The Lower James Missouri is a buried outwash (sand and gravel) that underlies approximately 191,700 acres of Clay, Hutchinson and Yankton Counties (Hedges and others, 1982). Recharge to the Lower James Missouri aquifer occurs through infiltration of precipitation where the aquifer is at or near land surface in the James River flood plain, upward leakage from the bedrock aquifers, inflow from surface water, and inflow from the surrounding glacial aquifers (Hansen, 1983). The aquifer is hydraulically connected to the Choteau, Lower James Missouri: Scotland, and Niobrara aquifers, and the James and Missouri Rivers. Hedges and others (1985) estimated a recharge rate to the Lower James Missouri aquifer to be 1.5 inches per year or approximately 23,963 acre-feet of recharge per year

Bugliosi (1986) separated the Lower James Missouri into Northern and Southern areas on the “basis of different depositional episodes during the time of glacial deposition that resulted in different thickness of deposits in each area.” Bugliosi’s nomenclature for the aquifer (i.e. Northern and Southern areas) has not been adopted by the SD Department of Environment and Natural Resources or the SD Water Management Board. The DENR continues to use the aquifer boundaries and nomenclature presented by Hedges and others (1982).

### **OBSERVATION WELL DATA**

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.



The Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2017a). There are five observation wells completed into the Lower James Missouri aquifer located within approximately three miles of this application. Hydrographs for the observation wells are shown in Figures 1-5.

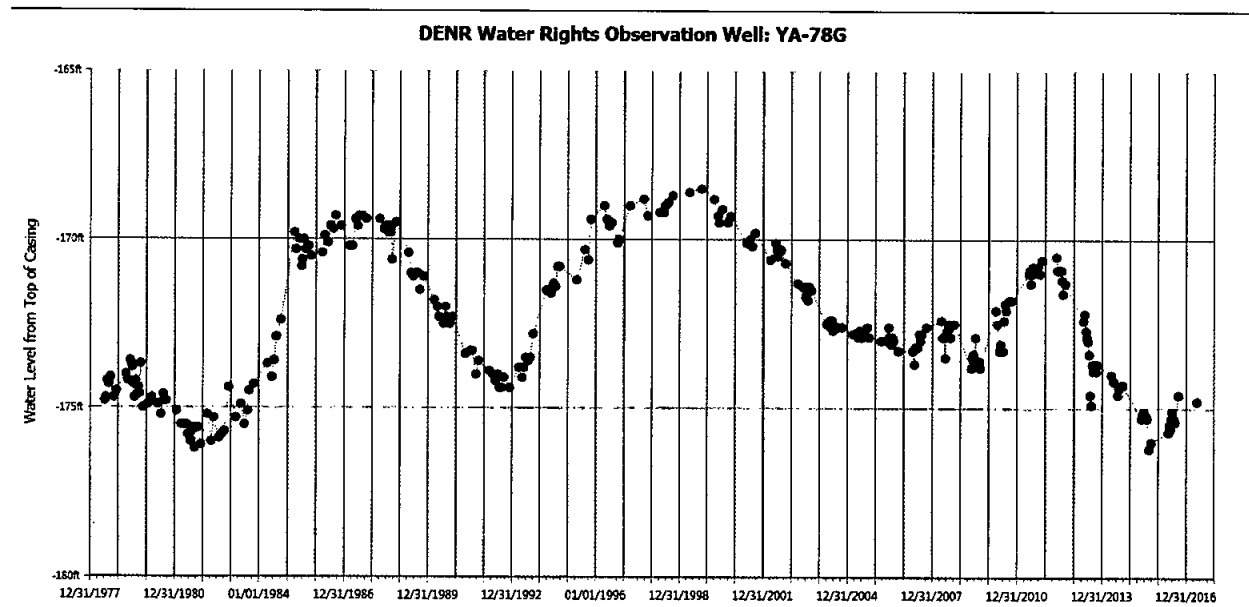


Figure 1. Hydrograph of observation well YA-78G which is completed into the Lower James Missouri aquifer and located approximately 2¼ miles southwest of this application.

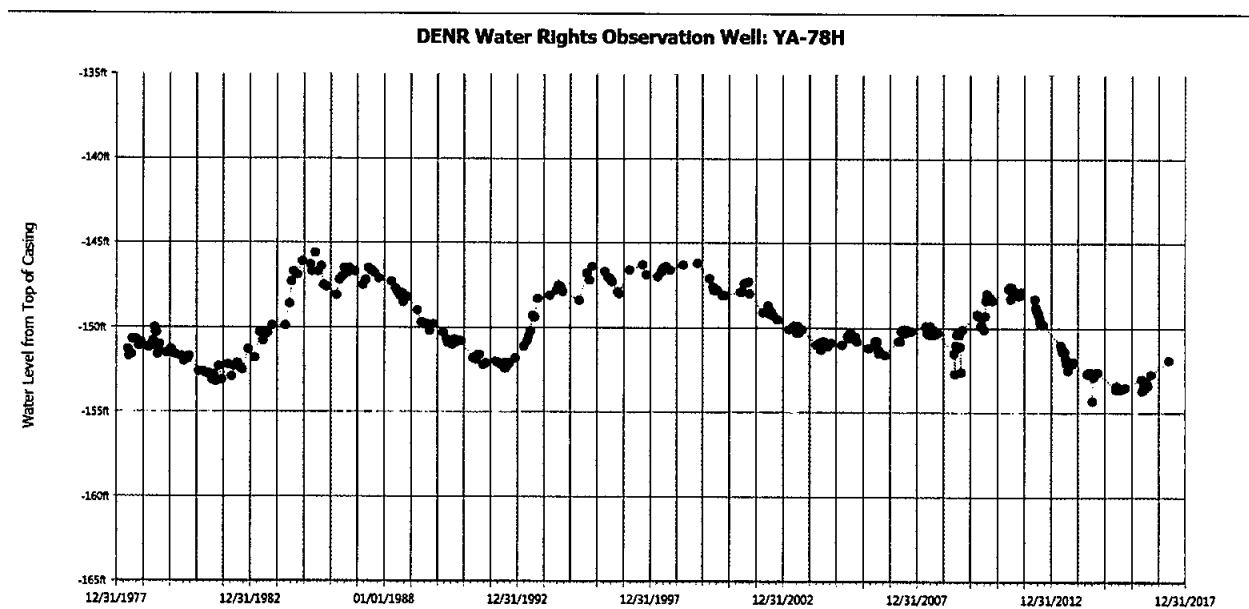


Figure 2. Hydrograph of observation well YA-78H which is completed into the Lower James Missouri aquifer and located approximately 1¼ miles south of this application.

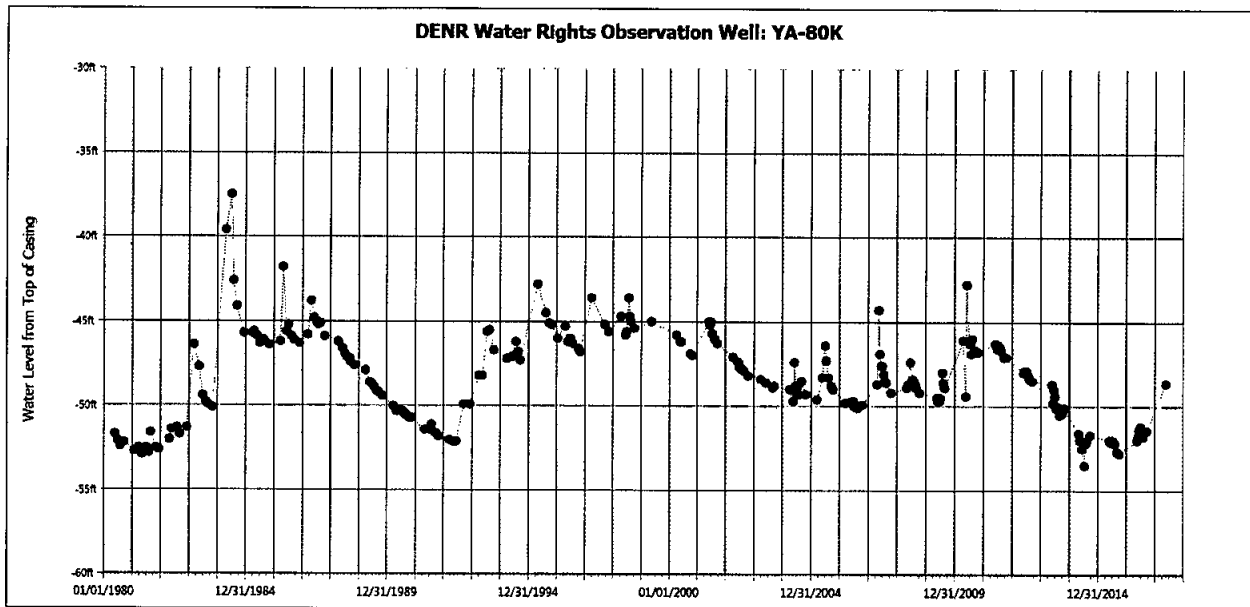


Figure 3. Hydrograph of observation well YA-80K which is completed into the Lower James Missouri aquifer and located approximately ½ mile northwest of this application.

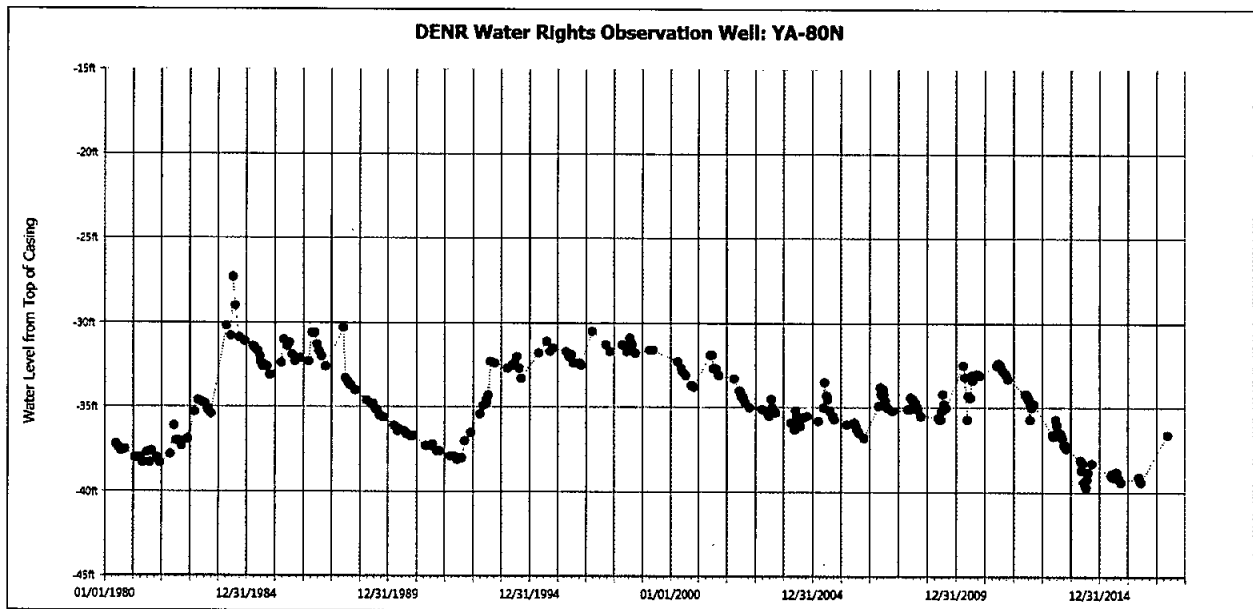


Figure 4. Hydrograph of observation well YA-80N which is completed into the Lower James Missouri aquifer and located approximately ¾ mile southeast of this application.

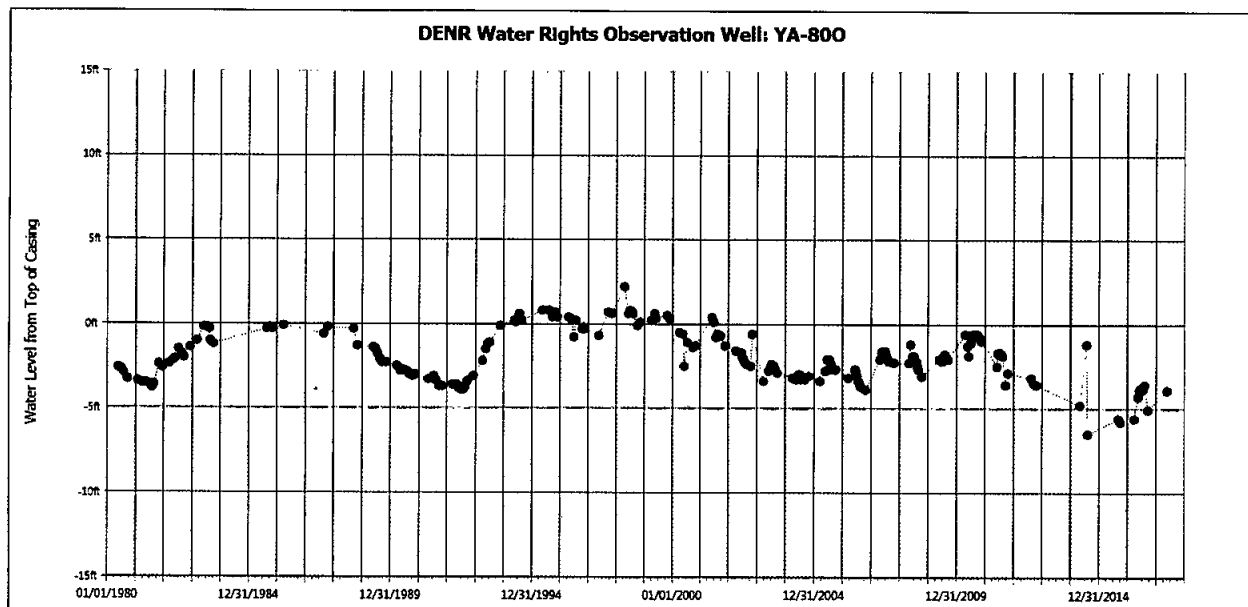


Figure 5. Hydrograph of observation well YA-800 which is completed into the Lower James Missouri aquifer and located approximately 2½ miles southeast of this application.

In general the hydrographs in Figures 1-5 document fairly stable water levels over the period of record. The hydrographs document that the aquifer responds well to climatic conditions with rising water levels during wet years and declining water levels during dry years. Therefore, recharge to plus natural discharge from the aquifer greatly exceeds well withdrawal, so water is available for capture from natural discharge. Therefore, the observation well data indicates there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriation.

### HYDROLOGIC BUDGET

Average annual appropriative use withdrawal from the Lower James Missouri aquifer is estimated to be 7,713 acre-feet per year. The estimated average annual recharge rate is approximately 1.5 inches per year or approximately 23,963 acre-feet of recharge per year. This application, if approved, lists the amount of water appropriated and beneficially used to be 400 acre-feet annually but states that 273 acre-feet of water will be non-consumptive and 127 acre-feet will be consumptive. Therefore, based on observation well records and review of annual appropriative use, there is a reasonable probability that unappropriated water is available for the application.

## REVIEW OF EXISTING WATER PERMITS/RIGHTS

Existing water rights/permits appropriating ground water located within a three mile radius of this application (if approved) are shown in Figure 6 and Table 1 (Water Rights, 2017b).

| PERMIT NO | NAME                          | STATUS | AQUIFER | USE | CFS  |
|-----------|-------------------------------|--------|---------|-----|------|
| 3369A-3   | NELSON                        | LC     | LJM     | IRR | 1.44 |
| 3369B-3   | NELSON                        | LC     | LJM     | IRR | 1.67 |
| 6264-3    | YANKTON LAND & CATTLE CO      | LC     | LJM     | COM | 0.56 |
| 6483-3    | SCHMIDT                       | LC     | LJM     | IRR | 1.56 |
| 6795A-3   | YANKTON LAND & CATTLE COMPANY | PE     | LJM     | IRR | 1.64 |
| 7102-3    | CWACH                         | PE     | LJM     | IRR | 2.11 |
| 7103-3    | CWACH                         | PE     | LJM     | IRR | 2.11 |
| 7213-3    | MARQUARDT FARMS               | PE     | LJM     | IRR | 2.44 |
| 7214-3    | MARQUARDT FARMS               | PE     | LJM     | IRR | 2    |
| 7397-3    | KRALICEK                      | PE     | LJM     | IRR | 1.56 |
| 7398-3    | KRALICEK                      | PE     | LJM     | IRR | 1.56 |
| 7459-3    | STERNHAGEN                    | PE     | LJM     | IRR | 1.78 |
| 7544-3    | NELSON FAMILY PARTNERSHIP     | PE     | LJM     | IRR | 2.22 |
| 7567-3    | FRICK                         | PE     | LJM     | IRR | 1.78 |
| 7612-3    | HACECKY                       | PE     | LJM     | IRR | 2.22 |
| 8057-3    | SCHOENFELDER FAMILY TRUST     | PE     | LJM     | IRR | 2.67 |

Table 1. Water rights/permits within a three mile radius of the application showing the permitted diversion rate.

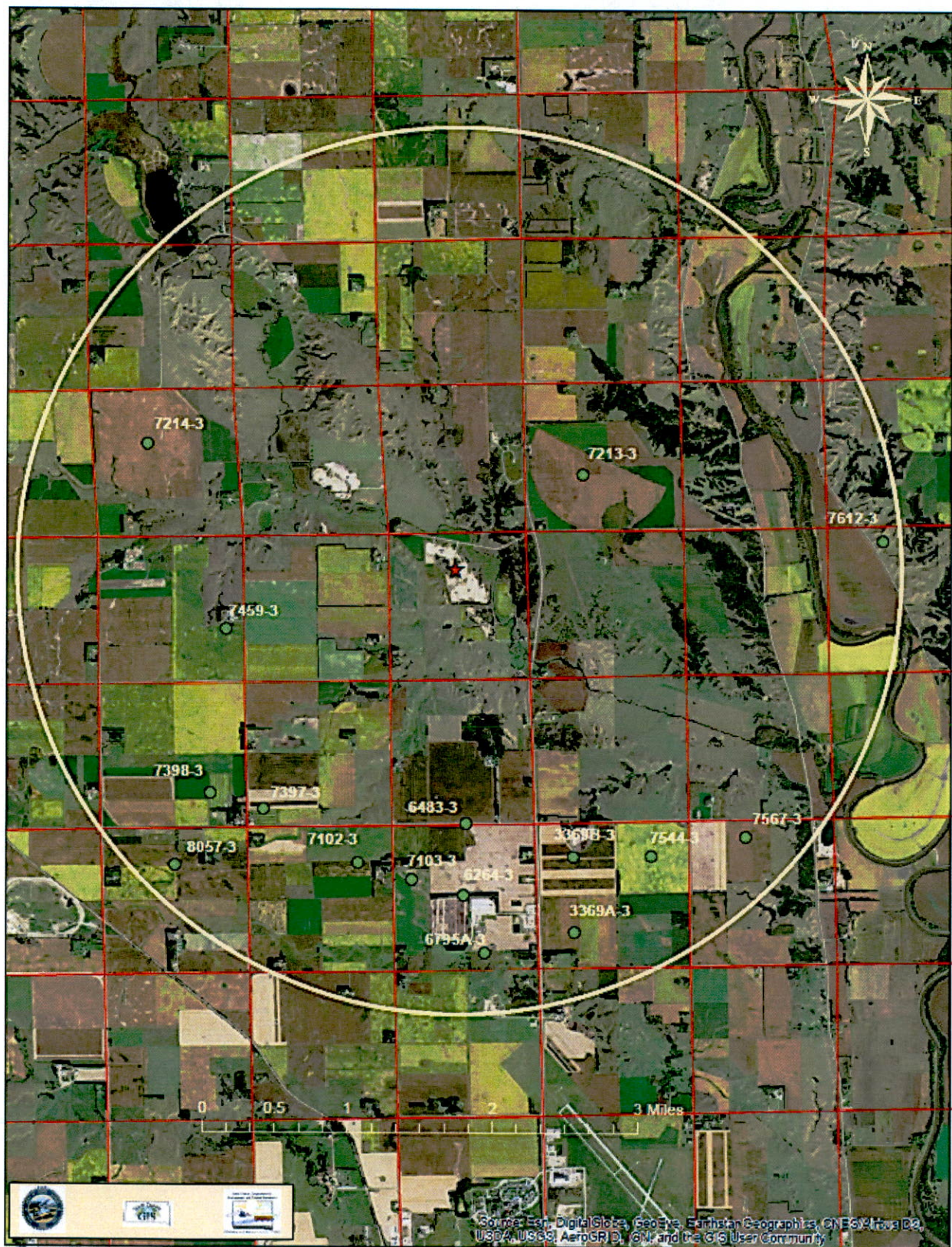


Figure 6. Approximate location of diversion points for water rights/permits appropriating water from Lower James Missouri aquifer within a three mile radius of Application No 8283-3 (if approved).

The aquifer is under unconfined conditions at this site, therefore, minimal drawdown is expected and will not be significant too far from the pumping well. Given the distance to existing wells and water table conditions at this site, adequate wells defined by ARSD 74:02:04:20(6) are not expected to be adversely or unlawfully impaired due to the use of the wells.

## CONCLUSIONS

1. Water Permit Application No. 8283-3 proposes to appropriate up to 400 acre-feet of water annually at a peak diversion rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James Missouri aquifer.
2. Based on observation well records and review of the estimated average annual withdrawals, there is a reasonable probability that unappropriated water is available for the application.
3. There is reasonable probability that diversions under this application, if approved, will not adversely impact existing water rights/permits.



Aaron Tieman

SD DENR-Water Rights Program

## BIBLIOGRAPHY

Bugliosi, E. F. 1986. Water Resources of Yankton County, South Dakota. USGS Water-Resources Investigations Report 84-4241. USGS. Huron, SD.

Hansen, D.S. 1983. Major Aquifers in Hansen and Davison Counties, South Dakota. Information Pamphlet No. 26. S.D. Geological Survey, Vermillion, South Dakota.

Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Water Rights, 2017a, Observation Well Files. SD DENR, DES, Water Rights Program, Joe Foss Building, Pierre, SD, 57501.

Water Rights, 2017b, Water Permit Files. SD DENR, DES, Water Rights Program, Joe Foss Building, Pierre, SD, 57501.





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

JUL 26 2017

Concrete Materials Company  
c/o Nathan Barton  
PO Box 84140  
Sioux Falls SD 57118

Dear Mr. Barton:

Enclosed is Water Permit No. 8283-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
605 773-3352

enclosures

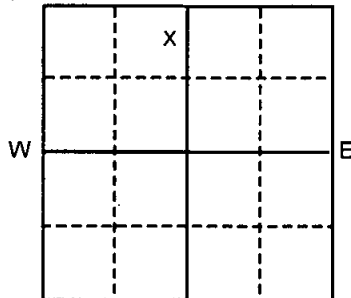
8283-3

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NW ¼ Sec 12 Twp 94N Rg 56WCounty Yankton

North

Please mark well  
location with an "X"

Well Completion Date

24 May 2017

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
2,100.0 ft. from Septic tank (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Reverse Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM    | TO      | HOLE DIAMETER |
|------------|----------|---------|---------|---------------|
| LB/FT      | 16.00 IN | 0.0 FT  | 42.0 FT | 22.00 IN      |
| LB/FT      | 16.00 IN | 92.0 FT | 94.0 FT | 22.00 IN      |
| LB/FT      | IN       | FT      | FT      | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To      |
|------------|--------------|--------------|--------|---------|
| Bentonite  | 12           | 9.5 Lb/gal   | 0.0 Ft | 35.0 Ft |
|            |              | Lb/gal       | Ft     | Ft      |

Describe grouting procedure  
Tremie Method

## SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 50.0 FeetMaterial PVC & Stainless SteelSlot Size .085 Set From 42.0 Feet to 92.0 FeetOther information PVC from 42' - 82'  
SS from 82' - 92'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? HTH tabletsLab to which water ☐ No, Why Not?  
quality sample sent for analysis

Well Owner:

Business Name: Concrete MaterialsAddress: P.O. Box 84140City, State, Zip: Sioux Falls SD 57118

## WELL LOG:

| FORMATION       | DEPTH |     |
|-----------------|-------|-----|
|                 | FROM  | TO  |
| Top soil        | 0     | 2   |
| Sand and gravel | 2     | 92  |
| Gray chalk      | 92    | 100 |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |
|                 |       |     |

STATIC WATER LEVEL 31.8 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other \_\_\_\_\_

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in?

## WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

41.4 Ft. After 4.0 Hrs. pumped 1,225.0 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

Elevation: 1222' asl42°58'42"N-97°24'33"W

Well #1

Lower James MissionThis well was drilled under license # 810 and this  
report is true and accurate.Drilling firm: Heine Electric & Irrigation

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

NOV 02 2017

WATER RIGHTS  
PROGRAMDate: 10-27-17



**Schlaak, Karen**

---

**From:** Billy Pollema <BPollema@cmcsd.com>  
**Sent:** Friday, March 09, 2018 10:08 AM  
**To:** Schlaak, Karen  
**Subject:** RE: [EXT] Re: Water Permit No 8283-3

Sorry about the delay.

If you can, since Nathan is not a Concrete Materials employee, but we have been relying on him for permitting/consulting over the last 20+/- years.... can you make sure all permitting information is addressed to myself moving forward so nothing gets lost in the shuffle?

**Billy Pollema**



*Aggregate Division Manager*  
 1500 North Sweetman Place  
 Sioux Falls, South Dakota 57107  
 desk: (605) 336-5784  
 cell: (605) 759-0119  
 email: [bpollema@cmcsd.com](mailto:bpollema@cmcsd.com)  
 website: [www.concretematerialscompany.com](http://www.concretematerialscompany.com)

---

**From:** Schlaak, Karen <[Karen.Schlaak@state.sd.us](mailto:Karen.Schlaak@state.sd.us)>  
**Sent:** Friday, March 09, 2018 8:26 AM  
**To:** Billy Pollema <BPollema@cmcsd.com>  
**Subject:** RE: Re: Water Permit No 8283-3

**This email was sent from an external source. Use caution when opening attachments or clicking links.**

Yes, Nathan called and gave me the water usage amounts.

*Karen Schlaak*  
 SD DENR, Water Rights Program  
 (605) 773-3352




---

**From:** Billy Pollema [<mailto:BPollema@cmcsd.com>]  
**Sent:** Thursday, March 08, 2018 2:34 PM  
**To:** Schlaak, Karen  
**Subject:** RE: [EXT] Re: Water Permit No 8283-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

FEB 06 2020

8412-3  
8283-3

Concrete Materials Company  
c/o Andy Haas  
PO Box 84140  
Sioux Falls SD 57118

Dear Mr. Haas:

Enclosed is Water Permit and License No. 8412-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing 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 that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

Note: The applicable portions of No. 8283-3 are incorporated into Water License No. 8412-3.

SD EForm - 1311LD V1

Form 10

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

---

MAIL TO: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182  
ph. (605) 773-3352

Date 8-29-2019FROM: Concrete Materials  
(name)43945 304th Street  
(address)Yankton SD 57078  
(city) (state) (zip)605-665-3838  
(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. 8283-3 states that the water use system is to be constructed by  
6-1-17, and water is to be put to beneficial use by 6-1-2017  
(date) (date)

The water use system was completed on 6-1-17  
(date)

Applying the water to beneficial use was completed on 6-1-17  
(date)

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

*Andy Hoon*

