

WATER PERMIT NO. 8316-3

Name of Applicant: Alexandria Gravel Products LLC

Address: PO Box 38, Alexandria ^{MN}SD 56308 Phone: 320 760-0982

Amount of Water Claimed: 1.33 cfs Total Acres: na

Source of Water Supply: springs

Water to be used for: industrial use County: Marshall

Type of Waste Disposal System:

Location: 20 miles northeast of Britton

PRIORITY Date Received: 10-26-17 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 35-T129N-R54W

Land to be Irrigated: na

Depth of Well: na

Well Driller:

Remarks:

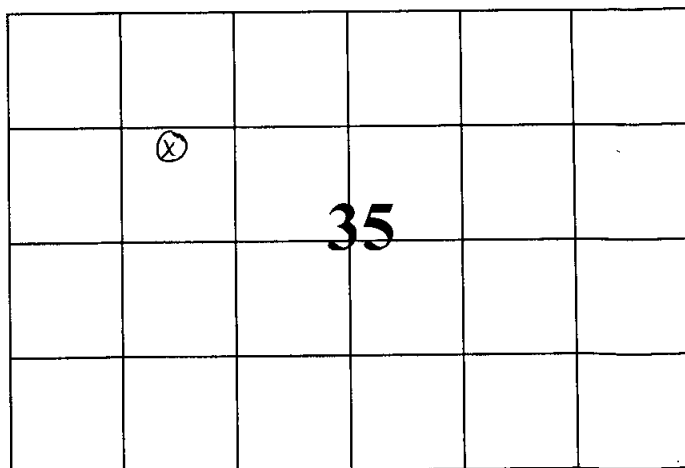
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-26-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8316-3**

Date of first receipt of application October 26, 2017.

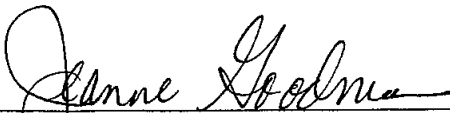
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8316-3 to Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8316-3 appropriates 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from an excavation along a spring located in the SW 1/4 NW 1/4 Section 35-T129N-R54W within the former boundaries of the Sisseton Wahpeton Indian Reservation. Water is to be diverted to water/sediment ponds located in the S 1/2 NW 1/4 Section 35-T129N-R54W for use. The project is located approximately 20 miles northeast of Britton SD.
2. The water appropriated shall be used for the purpose of industrial use in an aggregate washing operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – September 30.
4. The date of approval of Permit No. 8316-3 is January 22, 2018.
5. The date from which applicant may claim right is October 26, 2017.
6. One-fifth of the construction is to be completed on or before July 22, 2020.
7. All construction is to be completed on or before January 22, 2023.
8. Water is to be put to beneficial use on or before January 22, 2027.
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. Permit No. 8316-3 authorizes diversion of water from the spring during April 1 – September 30 and only to the extent necessary to replenish the water / sediment ponds for losses due to evaporation and wash plant use. Water shall be re-circulated through the water / sediment ponds and reused to minimize the need to make diversions from the spring.
2. Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn.
4. Water Permit No. 8316-3 authorizes a total annual diversion of 38 acre feet of water from the spring.

WATER MANAGEMENT BOARD

By: 

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

FEB 12 2018

date



RECEIVED

OCT 26 2017

WATER RIGHTS
PROGRAM

SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8316-3</u>	(office use only) Hydrologic Unit <u>09020105</u>
	Basin <u>Red Baing</u>	
	Newspaper <u>Britton Journal</u>	
	<u>American News, Aberdeen</u>	

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ 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.)

- Name to Appear on Water Permit Alexandria Gravel Products, LLC
Mailing Address PO Box 38 (Address) Alexandria (City) MN (State) 56308 (Zip Code)
Phone 320-762-5620 Mobile 320-760-0982 Email agpllc95@gmail.com
- Amount of water claimed 1.33 *CFS or 600 **GPM and 38 ***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)
- Source of water supply Surface/Spring
- Location of point of diversion Section 35, Twnsp 129, Range 54 (SW 1/4 NW 1/4) County Marshall
(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 ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Marshall
- Annual period during which water is to be used April - Sept
- 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)

Washing aggregate for various construction projects. A 600 gpm pump will be set by a free flowing spring located on landowners property (landowner: Curtis Christensen 10166 441st Ave., Veblen, SD 57270 (605) 880-4255). See attached map. We will dig a 10' x 10' x 6'deep hole along the spring to pump water out of to supply wash plant. Water from the wash plant will then be used for washing aggregate, water and sediment will then be kept on site by ponds (see attached maps). Pond sizes will be 75' x 150' x 8'deep.

I, Sam H. Wirtjes Wirtjes President, 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.



Water pump

Water/sediment ponds

veblen pit north

Landowner

441st Ave



Sec 27
T129N
R54W

Sec 26
T129N
R54W

Sec 25
T129N
R54W

Sec 34
T129N
R54W

Sec 35
T129N
R54W

Sec 36
T129N
R54W

Sec 3
T128N
R54W

Sec 2
T128N
R54W

Sec 1
T128N
R54W

Sec 10
T128N
R54W

Sec 11
T128N
R54W

Sec 12
T128N
R54W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 26, 20 17

RECEIVED OF Alexandria Gravel Products LLC PO Box 38 alexandria, MN 56308-6038

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

Fee for Application for Permit No. <u>8316-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8316-3</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	700 00

No. **08367**

By

Deanne Goodman
Chief Engineer

DM

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Alexandria Gravel Products LLC

ADDRESS: PO Box 38, Alexandria MN 56308 COUNTY: Maarshall County

DATE: October 26, 2017 TELEPHONE: cell 320 762-5620

RE: phone conversation with Scott

COMMENTS:

I contacted Scott with Alexandria Gravel Products regarding the annual volume of water associated with each application filed.

Based on operating 8 hours a day, 5 days a week, April through September at diversion rate of 600 gpm and needing to pump to refill/maintain the pond one out of every three day, he arrived at an annual volume of 38 acre feet of water.

$8 \text{ hours/day} \times 60 \text{ minutes/hour} \times 129 \text{ days} \times 600 \text{ gpm} \times \text{use } 1/3 \text{ of the time} = 38 \text{ ac-ft}$

Scott indicated the pump location from the creek/spring is the green dot on the map.

The use of water will take place generally with 100 feet of the water/sediment ponds.

NAME: Eric Hunsler



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

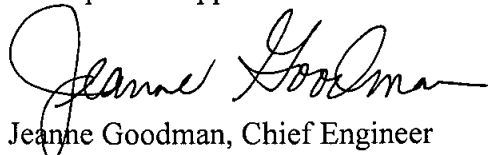
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8316-3, Alexandria Gravel Products LLC**

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. 8316-3, Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308.

The Chief Engineer is recommending APPROVAL of Application No. 8316-3 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. Permit No. 8316-3 authorizes diversion of water from the spring during April 1 – September 30 and only to the extent necessary to replenish the water / sediment ponds for losses due to evaporation and wash plant use. Water shall be re-circulated through the water / sediment ponds and reused to minimize the need to make diversions from the spring.
2. Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed.
3. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn.
4. Water Permit No. 8316-3 authorizes a total annual diversion of 38 acre feet of water from the spring..

See report on application for additional information.



Jeanne Goodman, Chief Engineer
January 4, 2018

NOTE: The spring may not be a reliable source of water capable of sustaining the requested water during dry conditions. Small fluctuations in the water table may cause large changes in the spring discharge.

REPORT ON WATER PERMIT APPLICATION NO. 8316-3

Alexandria Gravel Products LLC, % Scott Wirtjes

PO Box 38

Alexandria, MN

December 26, 2017

Water Permit Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second (cfs) from a spring located in the SW¼ NW¼ Section 35, T129N-R54W, on non-tribal land, within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. The proposed project is located approximately 20 miles northeast of the town of Britton in Marshall County, South Dakota.

Review of the Proposed Project

The applicant proposes to place a 600 gallon per minute pump (gpm) in a 10' x 10' x 6' deep hole next to a free flowing spring to pump water to supply an aggregate wash plant. Water from the wash plant will be used for washing aggregate, the water and sediment will be kept onsite in two settling ponds measuring 75' x 150' x 8' deep. The annual volume limitation of 38 acre-feet was based on operating 8 hours a day, 5 days a week, April through September at a diversion rate of 600 gpm and needing to refill/maintain the ponds one out of every three days.

Review of the Water Source and Existing Rights

The spring discharges to an unnamed tributary of LaBelle Creek, which drains a small area in the northeastern flank of the Prairie Coteau before flowing into North Dakota. The spring is located approximately one mile northeast of what is essentially the top of the Coteau. The spring appears to be the result of precipitation percolating down through the Coteau, recharging a permeable layer, likely sand and gravel, and then discharging out the side at a lower elevation. However, total discharge from these types of springs is about equal to stream losses, so rarely does any stream flow more than a mile or two downstream from a spring (Koch, 1975). It should be noted the distance between this proposed project and the state line is approximately 1½ miles. Since recharge is dependent on precipitation, and discharge could be what is recharged, this is not a reliable source of water during dry years.

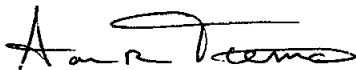
There are no other existing water rights/permits appropriating water from this source. Although unrecorded wells may exist, the Water Rights Program does not have domestic wells on file within 3½ miles of the proposed project (Water Rights, 2017).

There is reasonable probability that there is unappropriated water is available for this use, that this appropriation can be made without adversely impacting existing water rights or domestic use.

If approved, this application should contain a qualification stating that downstream domestic use will have priority and that water will have to be bypassed in order to protect such use.

Conclusions

1. Water Permit Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cfs.
2. The water source for the proposed projects is from a free flowing spring on a tributary to Belle Creek.
3. There is a reasonable probability that there is unappropriated water available for this use and that this appropriation can be made without adversely impacting existing water rights or domestic use.



Aaron R. Tieman
Natural Resources Engineer II
DENR, Water Rights Division

Reviewed by:



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Division

References

Koch, N.C., 1975. Geology and Water Resources of Marshall Count, South Dakota; Part I: Geology and Water Resources. Bulletin 29. SD DENR-Geological Survey. Vermillion, South Dakota.

Water Rights. 2017. Water Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 4, 2018

Curtis Christensen
10166 441st Avenue
Veblen SD 57270

Dear Mr. Christensen:

Alexandria Gravel Products filed a water permit application to pump water from a spring for use at an aggregate washing plant. The application states you are the landowner where the spring is located in the SW ¼ NW ¼ Section 35-T129N-R54W.

Please find attached the staff report, recommendation and publication notice regarding Water Permit Application No. 8316-3. The notice is to be published in the Britton Journal, Aberdeen American News and Watertown Public Opinion on January 10, 2018.

If you have any questions regarding the application, please feel free to contact me.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA, County of Marshall.

FEB 07 2018

WATER RIGHTS
PROGRAM

Douglas M. Card of said county, being first duly sworn on oath says that he is publisher of the BRITTON JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

16 NOTICE OF APPLICATION NOS. 8316-3 and 8317-3 to Appropriate Water

Notice is given that Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 has filed the following applications for a water permit. Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from an excavation along a spring located in the SW 1/4 NW 1/4 Section 35-T129N-R54W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. Water is to be diverted to water/sediment ponds located in the S 1/2 NW 1/4 Section 35-T129N-R54W for use. The project is located approximately 20 miles northeast of Britton SD. Application No. 8317-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from ponds dug below the water table located in the SE 1/4 SE 1/4 Section 12-T127N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. The project is located approximately 25 miles east of Britton SD.

that the DENR - notice of application
MUS. 8316-3 and 8317-3 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 one successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

January 10, 2018

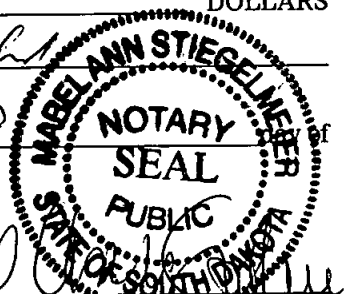
that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Thirty-five and 51/100

DOLLARS

Subscribed and sworn to before me this

January A.D. 2018



Notary Public, Marshall County, S.D.

My Commission Expires November 25, 2020

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8316-3 and 8317-3 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 recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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 January 22, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall

act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the total approximate cost of \$35.51

Form 8

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JAN 18 2018

WATER RIGHTS
PROGRAM

DEPARTMENT
OF ENVIRON-
MENT AND
NATURAL RE-
SOURCES

NOTICE OF APPLICATION
NOS. 8316-3 and 8317-3 to
Appropriate Water

Notice is given that Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 has filed the following applications for a water permit. Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from an excavation along a spring located in the SW 1/4 NW 1/4 Section 35-T129N-R54W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. Water is to be diverted to water/sediment ponds located in the S 1/2 NW 1/4 Section 35-T129N-R54W for use. The project is located approximately 20 miles northeast of Britton SD.

Application No. 8317-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from ponds dug below the water table located in the SE 1/4 SE 1/4 Section 12-T127N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. The project is located approximately 25 miles east of Britton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8316-3 and 8317-3 with qualifications because: 1) unappropriated water is available, 2) existing rights will not be unlawfully asserted, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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, 528-B Capitol, Pierre SD 57501 (605-773-6362)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 22, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at an approximate cost of \$62.27, (January 10, 2018)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettstad

certify that the attached printed Notice was taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

January 10, 2018

Cost of Printing \$67.27

Jackie Wettstad
(Signature)

Accounting Clerk
(Title)

1/16/18
(Date Signed)

**NOTICE OF APPLICATION
NOS. 8316-3 and 8317-3
to Appropriate Water**

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

May Bash being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 398 068

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

by for 10 successive days.
The first publication being made on the 10 day of Jan, 2018
The second publication being made on the day of , 2018
The third publication being made on the day of , 2018
The fourth publication being made on the day of , 2018
The fifth publication being made on the day of , 2018
The sixth publication being made on the day of , 2018

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 62.11, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

May Bash
Subscribed and sworn to before me this 10 day of Jan, 2018

Daily Circulation 13000

Amidelf

Notary Public, Brown County, S

My commission expires March 20, 2019

Notice is given that Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 has filed the following applications for a water permit. Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from an excavation along a spring located in the SW 1/4 NW 1/4 Section 35-T129N-R54W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. Water is to be diverted to water/sediment ponds located in the S 1/2 NW 1/4 Section 35-T129N-R54W for use. The project is located approximately 20 miles northeast of Britton SD.

Application No. 8317-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from ponds dug below the water table located in the SE 1/4 SE 1/4 Section 12-T127N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. The project is located approximately 25 miles east of Britton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8316-3 and 8317-3 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 recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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 January 22, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained.

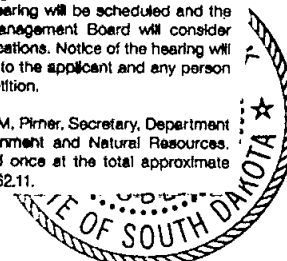
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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$62.11.

RECEIVED

JAN 16 2018

WATER RIGHTS
PROGRAM



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 04, 2018 10:07 AM
To: legals@thepublicopinion.com
Subject: 8316-3 and 8317-3, Alexandria Gravel Products LLC
Attachments: 8316-38317-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 10, 2018.

Alexandria Gravel Products LLC c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 (320 762-5620 or c 320 760-0982) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 04, 2018 10:06 AM
To: Nancy Zantow (nzantow@aberdeennews.com)
Subject: 8316-3 and 8317-3, Alexandria Gravel Products LLC
Attachments: 8316-38317-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 10, 2018.

Alexandria Gravel Products LLC c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 (320 762-5620 or c 320 760-0982) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 04, 2018 10:05 AM
To: journal@brittonsd.com
Subject: 8316-3 and 8317-3, Alexandria Gravel Products LLC
Attachments: 8316-38317-3public.short.docx; FORM8.FRM.doc

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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 NEWSPAPERS RIGHT AWAY.**

January 4, 2018

Alexandria Gravel Products LLC
c/o Scott Wirtjes
PO Box 38
Alexandria MN 56308

Dear Mr. Wirtjes:

Water Permit Application Nos. 8316-3 and 8317-3 for industrial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Britton Journal printed at Britton SD (Ph # 605-448-2281), the American News printed at Aberdeen SD (Ph # 605-225-4100) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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 recommendations, 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 applications.

NOTICE OF APPLICATION NOS. 8316-3 and 8317-3 to Appropriate Water

Notice is given that Alexandria Gravel Products LLC, c/o Scott Wirtjes, PO Box 38, Alexandria MN 56308 has filed the following applications for a water permit. Application No. 8316-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from an excavation along a spring located in the SW 1/4 NW 1/4 Section 35-T129N-R54W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. Water is to be diverted to water/sediment ponds located in the S 1/2 NW 1/4 Section 35-T129N-R54W for use. The project is located approximately 20 miles northeast of Britton SD.

Application No. 8317-3 proposes to appropriate 38 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from ponds dug below the water table located in the SE 1/4 SE 1/4 Section 12-T127N-R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation for industrial use in an aggregate washing operation. The project is located approximately 25 miles east of Britton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8316-3 and 8317-3 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 recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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 January 22, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pimer, 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>

FEB 12 2018

Alexandria Gravel Products LLC
c/o Scott Wirtjes
PO Box 38
Alexandria MN 56308

Dear Mr. Wirtjes:

Enclosed is Water Permit No. 8316-3 authorizing construction of the 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,

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

enclosures