

**WATER PERMIT NO. 8345-3**

Name of Applicant: L G. Everist Inc. c/o Chris Klein

Address: 350 S Main Ave, Suite 400, Sioux Falls SD 57104

Phone: 605 330-6570

Amount of Water Claimed: 3.36 add'l cfs (1,105 AF)

Total Acres: NA

Source of Water Supply: existing quarry

Water to be used for: industrial

County: Minnehaha

Type of Waste Disposal System:

Location: southwest Dell Rapids

PRIORITY

Date Received: 4-3-18

Application/License Fee: \$       

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: Site has been in existence for many years

Diversion Point: NW 1/4 SE 1/4 Sec 10-T104N-  
R49W

Land to be Irrigated: NA

Depth of Well: 145 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-3-18

By: **Karen Schlaak**

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

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**SOUTH DAKOTA**  
**WATER PERMIT NO. 8345-3**

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Date of first receipt of application April 3, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8345-3 to L. G. Everist Inc., 350 S Main Ave, Suite 400, Sioux Falls SD 57104 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. 8345-3 authorizes the appropriation of 3.36 cfs by increasing the diversion rate authorized by Water Right No. 5784-3. Water Right No. 5784-3 appropriates 3.33 cfs to dewater a quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. This water right states water is discharged to the Big Sioux River in the same location. This permit appropriates 3.36 cfs by increasing the current maximum pump rate from 3.33 cfs to 6.69 cfs. This permit also allows for diverting quarry dewatering water either directly to the river or for washing the aggregate material during processing. A total annual volume of 1,105 acre-feet of water will be diverted for dewatering and aggregate washing activity at the site. The water is for an existing aggregate plant located in the NW 1/4 Section 16 and E 1/2 NE 1/4 Section 17; all in T104N-R49W. Water is recycled by discharging to two settling ponds located in the NE 1/4 NE 1/4 Section 17-T104N-R49W. The operation is located on the southwest edge of Dell Rapids SD.
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: January 1 – December 31.
4. The date of approval of Permit No. 8345-3 is April 3, 2018.
5. The date from which applicant may claim right is June 25, 2018.
6. 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 quarry is excavated into the water table and will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of this Permit 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 Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
3. Water Right No. 5784-3 and Water Permit No. 8345-3 authorizes a total annual diversion of 1,105 acre foot of water.

**WATER MANAGEMENT BOARD**

By: 

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

JUL 18 2018

date



RECEIVED

APR 03 2018

WATER RIGHTS  
PROGRAM

|                                                                                                         |                               |                                                      |
|---------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8345-3</u>             | (office use only)<br>Hydrologic Unit <u>10170203</u> |
|                                                                                                         | Basin <u>Sioux River</u>      |                                                      |
|                                                                                                         | Newspaper <u>Argus Leader</u> |                                                      |
|                                                                                                         |                               |                                                      |

## 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 checked="" type="checkbox"/> Amendment/Correction to Permit No. <u>5784-3</u>           |                                                                  |                                                 |

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

- Name to Appear on Water Permit L.G. Everist, Inc. c/o Chris Klein  
Mailing Address 350 S Main Ave, Suite 400 Sioux Falls SD 57104  
(Address) (City) (State) (Zip Code)  
Phone 605-330-6570 Mobile \_\_\_\_\_ Email cmklein@lgeverist.com
- Amount of water claimed 3.36 add'l\*CFS or 3,000 \*\*GPM and 1105 <sup>total</sup>\*\*\*AF or 360,000,000 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 Sioux Quartzite
- Location of point of diversion SW1/4 NW1/4, S16-T104N-R49W & SE1/4 NE1/4 NE1/4 S17-T104N-R49W County Minnehaha  
(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 Minnehaha
- Annual period during which water is to be used January 1st - December 31st
- 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)

Quarry dewatering occurs to facilitate mining of Sioux Quartzite to be processed into construction aggregate. Original permit approval was for quarry dewatering to be discharged directly to the Big Sioux River, however a major percentage of the diversion goes towards washing the aggregate material during processing. The diverted water is pumped to a freshwater pond where it is then pumped to the processing plant before being diverted back to 2 settling ponds and then recycled into the freshwater pond. A permit modification is being requested to allow for diverting quarry dewatering either directly to the river or to the processing plant as needed to process the aggregate. An increase from 4.44 total cfs (2,000 gpm) to 6.69 cfs (3,000 gpm) is also being requested as the system has been upgraded and currently runs at or above the approved limit. 3.33 cfs (1500 gpm)

I, Chris Klein QC & Regulatory Manager, 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.

## 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 \_\_\_\_ 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) \_\_\_\_ Depth to Top of Water Bearing Material \_\_\_\_ Depth to Water from Surface \_\_\_\_
- d) Distance to nearest domestic well on applicant's property \_\_\_\_ Property owned by others \_\_\_\_

**2. Wastewater Disposal System Information**

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_
- b) System Capacity (gallons ) \_\_\_\_ Year Constructed \_\_\_\_
- c) Connected to the City of \_\_\_\_ Sanitary System

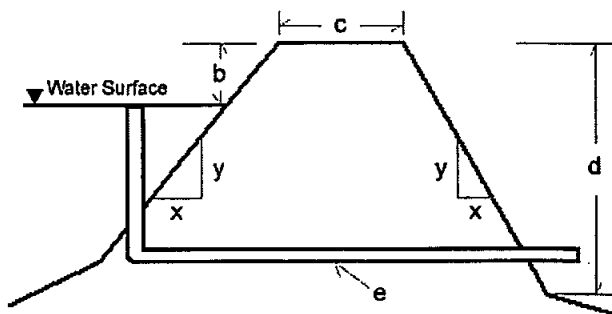
**3. Dugout Information** Quarry Dewatering Pond

- a) Surface Dimensions 50' x 180' Depth 20'
- b) Depth to water (ground surface to water level) 5'

**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

## 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 \_\_\_\_ 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) \_\_\_\_ Depth to Top of Water Bearing Material \_\_\_\_ Depth to Water from Surface \_\_\_\_
- d) Distance to nearest domestic well on applicant's property \_\_\_\_ Property owned by others \_\_\_\_

### 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_
- b) System Capacity (gallons) \_\_\_\_ Year Constructed \_\_\_\_
- c) Connected to the City of \_\_\_\_ Sanitary System

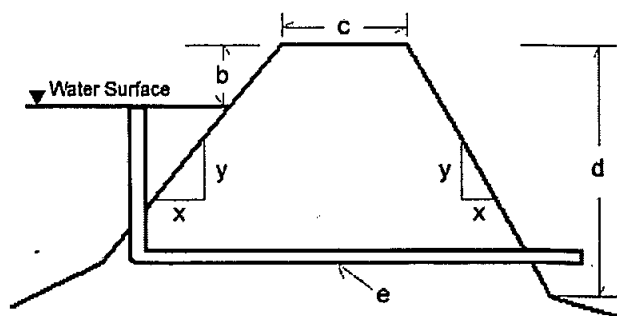
### 3. Dugout Information Plant Freshwater Pond

- a) Surface Dimensions 80' x 330' Depth 15'
- b) Depth to water (ground surface to water level) 3'

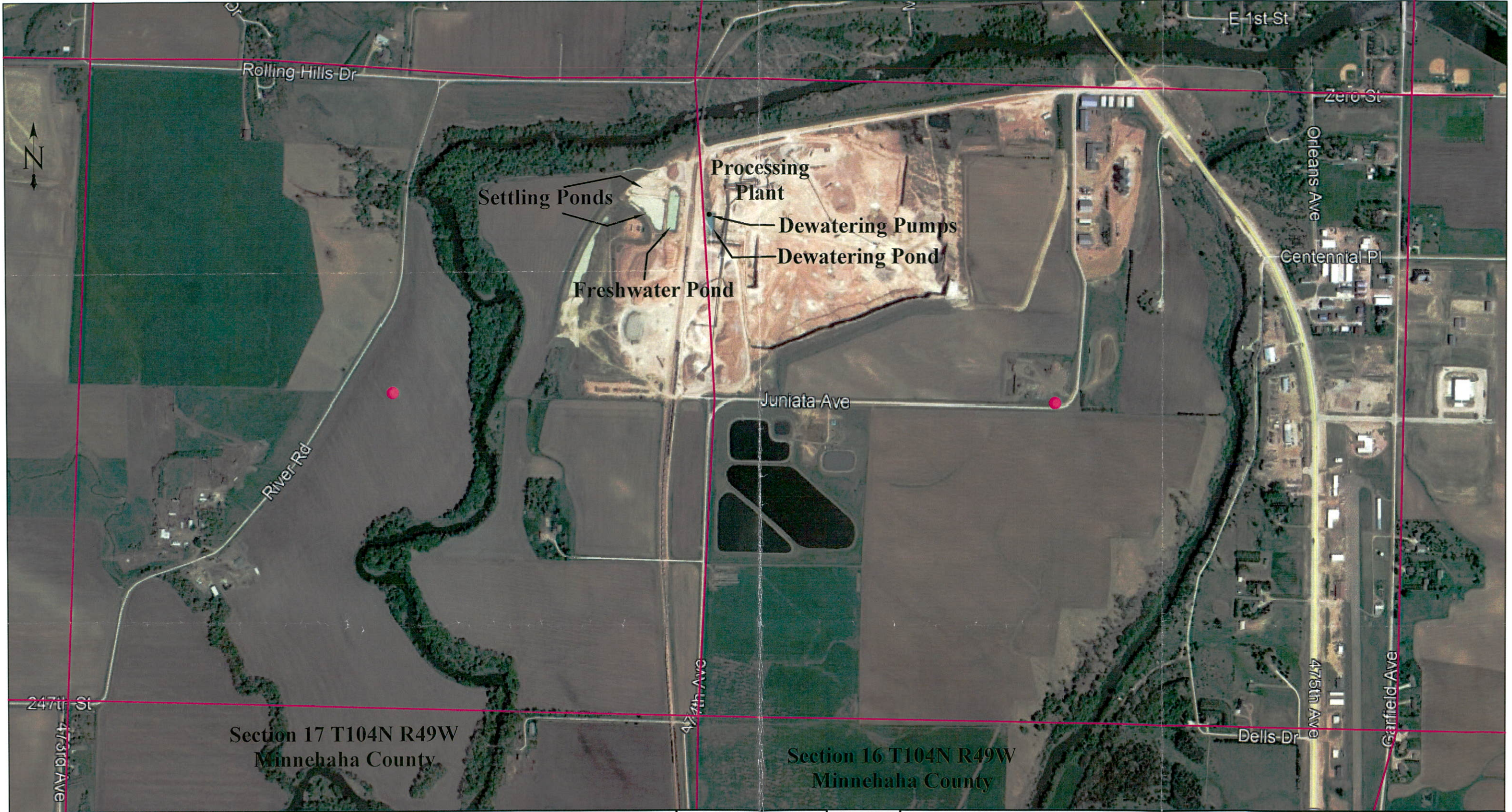
### 4. Water Storage Dams

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



|                      |  |                                                                                       |                                                                            |  |                                                                                       |                            |                                                                                               |
|----------------------|--|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------|
| DRAWN BY<br>C. KLEIN |  |  | Dell Rapids, SD - West Quarry Water Rights<br>Location Of Water Diversions |  | <b>L.G. EVERIST, INC.</b><br>AGGREGATE<br>PRODUCERS<br>SIOUX FALLS, SD (605) 334-5000 | DRAWING<br>NO.<br><b>1</b> | REV.<br> |
|                      |  |                                                                                       |                                                                            |  |                                                                                       |                            |                                                                                               |
|                      |  |                                                                                       |                                                                            |  |                                                                                       |                            |                                                                                               |
| DATE<br>03/19/2018   |  |                                                                                       |                                                                            |  |                                                                                       |                            |                                                                                               |
| SCALE<br>???         |  |                                                                                       |                                                                            |  |                                                                                       |                            |                                                                                               |

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF L.G. Everist, Inc. 350 S Main Ave Suite 400 Sioux Falls, SD 57104 Date April 17, 20 18

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>8345-3</u> to Appropriate Water, to construct and to put water to beneficial use | 400   | 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. _____                    |       |        |
| 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 | 400 00 |

No. **08657**

By

Jeanne Goodman  
Chief Engineer

2471

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 3, 20 18

RECEIVED OF L.G. Everist, Inc 350 S Main Ave Suite 400 Sioux Falls, SD 57104

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>8345-3</u> to Appropriate Water, to construct and to put water to beneficial use | 100   | 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>8345-3</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 | 300 00 |

No. **08647**

By

Jeanne Goodman  
Chief Engineer  
JMG

## Gronlund, Eric

---

**From:** Chris Klein <cmklein@LGEVERIST.com>  
**Sent:** Friday, April 06, 2018 8:44 AM  
**To:** Gronlund, Eric  
**Subject:** RE: [EXT] Water permit application

Eric –

In answer to your questions:

1. I was actually kind of wondering if the original permit was still technically valid, although it was more because the old well was no longer there as the source rather than for non-usage. To my knowledge, the pump in the new well is only capable of 10 gpm. The total water claimed in the application is based on that gpm multiplied by an estimated total annual hours.
2. You are correct – I did view this solely as an amendment. I will get another \$400 submitted. One question though – our current dewatering volume is greater than the 1,500 gpm that was licensed, and it's actually at or slightly above the original 2,000 gpm that was requested. That being said, we are slowly expanding & deepening our quarry, however the 3,000 gpm requested in the modification may not be achieved for a few years. Based on your response below, I'm guessing that the final approved license will be for the capacity we are currently experiencing and then we'd need to apply for another increase in the future?

Just let me know if you have any other questions.

Thanks.



**CHRIS KLEIN**, L.G. Everist, Inc. – QC & Regulatory Manager  
350 S Main Ave, Suite 400, Sioux Falls, SD 57104  
605.929.4017 || [cmklein@lgeverist.com](mailto:cmklein@lgeverist.com) || [www.lgeverist.com](http://www.lgeverist.com)  
**SAFE...RELIABLE...PRODUCTIVE**

**From:** Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]  
**Sent:** Thursday, April 05, 2018 9:58 AM  
**To:** Chris Klein <cmklein@LGEVERIST.com>  
**Cc:** Schlaak, Karen <[Karen.Schlaak@state.sd.us](mailto:Karen.Schlaak@state.sd.us)>  
**Subject:** Water permit application

Chris

DENR received two more application for LG Everist.

1. Application to appropriate 10 gpm from the well in the SE ¼ NW ¼ SE ¼ Section 10-T104N-R49W states it is an amendment to Permit No. 5741-3. In the description of the project the application states the original water right permit was for a well that supplied water to a lab for rest rooms and washing aggregate samples. This well was abandoned and sealed in the early 1990's and a new well was drilled in 2006. The application requests to transfer the water right from the original well to the new well.

There appears to have been over ten years of nonuse from the well under Water Right No. 5741-3. Therefore by state law the No. 5741-3 is likely subject to forfeiture for nonuse and DENR will cancel No. 5741-3 as part of the

approval process for this recent application. Question is – this application requests 10 gpm from the well, Water Right No. 5741-3 was for 22 gpm. What is the pump installed in the 2006 well capable of producing 10 or 32 gpm?

2. LG Everist's other application is for quarry dewatering at a total rate of 3,000 gpm and to add the use for aggregate washing in addition to the discharge to the Big Sioux River.

The project description includes this is "an increase of 4.44 cfs total (2,000 gpm) to 6.69 cfs (3,000 gpm). While the original water permit was obtained for 4.44 cfs (2,000 gpm) it was only licensed for 3.33 cfs (1,500 gpm) based based on the pump rate when the licensing inspection was conducted in 2006. See attached water license. Therefore it appears this application in addition to adding the aggregate washing component is an increase in the amount of water claimed from 3.33 cfs (1,500 gpm) to 6.69 cfs (3,000 gpm).

Also the fee submitted with this application was \$300 (\$100 application filing fee + \$200 licensing fee). I presume you viewed this solely as an amendment and that is how you arrived at the \$300 amount. However, since additional diversion rate authority is requested, that increase component of the application constitutes a "new" application therefore the total fee should be \$700 (\$500 application filing fee + \$200 licensing fee). Please submit an additional \$400.

Please let me know if you concur and if you have questions please call or email me.

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)



L. G. EVERIST, INC.

RECEIVED

APR 17 2018

WATER RIGHTS  
PROGRAM

350 S. MAIN AVE., SUITE 400  
SIOUX FALLS, SD 57104  
605.334.5000  
WWW.LGEVERIST.COM

4/11/2018

Eric Gronlund  
SD DENR Water Rights Program  
Joe Foss Building  
523 E Capitol Ave  
Pierre, SD 57501

Dear Eric:

Per our email correspondence on 04/05/2018, please find enclosed a check for \$400 for the application to modify Water Right 5784-3. As discussed, this fee is for the request to increase the dewatering capacity from 3.33 cfs to 6.69 cfs.

I trust this is the information you need. If you do have any questions or need further information, please contact me at (605) 330-6570 or by email at [cmklein@lgeverist.com](mailto:cmklein@lgeverist.com).

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Klein', is written over a horizontal line.

Chris Klein  
L.G. Everist, Inc.



**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. 8345-3, L. G. Everist Inc.**

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. 8345-3, L. G. Everist Inc., c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 8345-3 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 quarry is excavated into the water table and will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of this Permit 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 Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
3. Water Right No. 5784-3 and Water Permit No. 8345-3 authorizes a total annual diversion of 1,105 acre foot of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
June 6, 2018

NOTE: The quarry is excavated into the Sioux Quartzite and is not considered an adequate well and therefore will not be afforded protection under water rights law should fluctuation in the water levels occur.

**Report to the Chief Engineer**  
**Water Permit Application No. 8345-3**  
**L. G. Everist Inc.**  
**May 25, 2018**

Water Permit Application No. 8345-3 proposes to appropriate water annually at a maximum instantaneous diversion rate of 3.36 cubic feet per second (cfs) from a quarry in the Sioux Quartzite. The water is for industrial use to dewater the quarry or for washing aggregate during processing in an existing quarry located in the NW ¼ NW ¼ Section 16-T104N-R49W on the southwest edge of Dell Rapids. This is in addition to Water Right No. 5784-3 for a maximum instantaneous diversion rate of 3.33 cfs. In total this would allow a maximum instantaneous diversion rate of 6.96 cfs with a total maximum annual volume of 1,105 acre-feet for dewatering and aggregate washing. Water use in the aggregate washing process is recycled through the quarry's settling ponds. This application is for upgrades to the quarry's water system already in use.

**Aquifer: Sioux Quartzite (SOUX)**

The Sioux Quartzite is a Precambrian age ortho-quartzite, a sedimentary formation that consists of primarily pink and red colored quartz sand cemented into a nonporous quartzite by silica (Baldwin, 1949). The Sioux Quartzite extends over a regional scale underlying portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa (Tomhave, 1994). The extent of the Sioux Quartzite in South Dakota is shown in Figure 1. Mapping of the Precambrian surface by McCormick (2010) indicates that depth to the Sioux Quartzite can change over a short distance. This rugged and craggy upper surface is likely the product of pre-glacial streams that incised irregular valleys on the quartzite surface (Baldwin, 1949).

The primary porosity of the Sioux Quartzite is generally extremely low, except in areas where the silica cement is not present due to either weathering or non-deposition (Baldwin, 1949). In areas where conditions are favorable, water can be transmitted through the Quartzite through secondary porosity and permeability features (i.e. fractures and joints) resulting in areas where the Quartzite can be considered an aquifer. Aquifer characteristics within the Sioux Quartzite are site specific and highly variable due to the unpredictable nature of the fractures and joints in the aquifer.

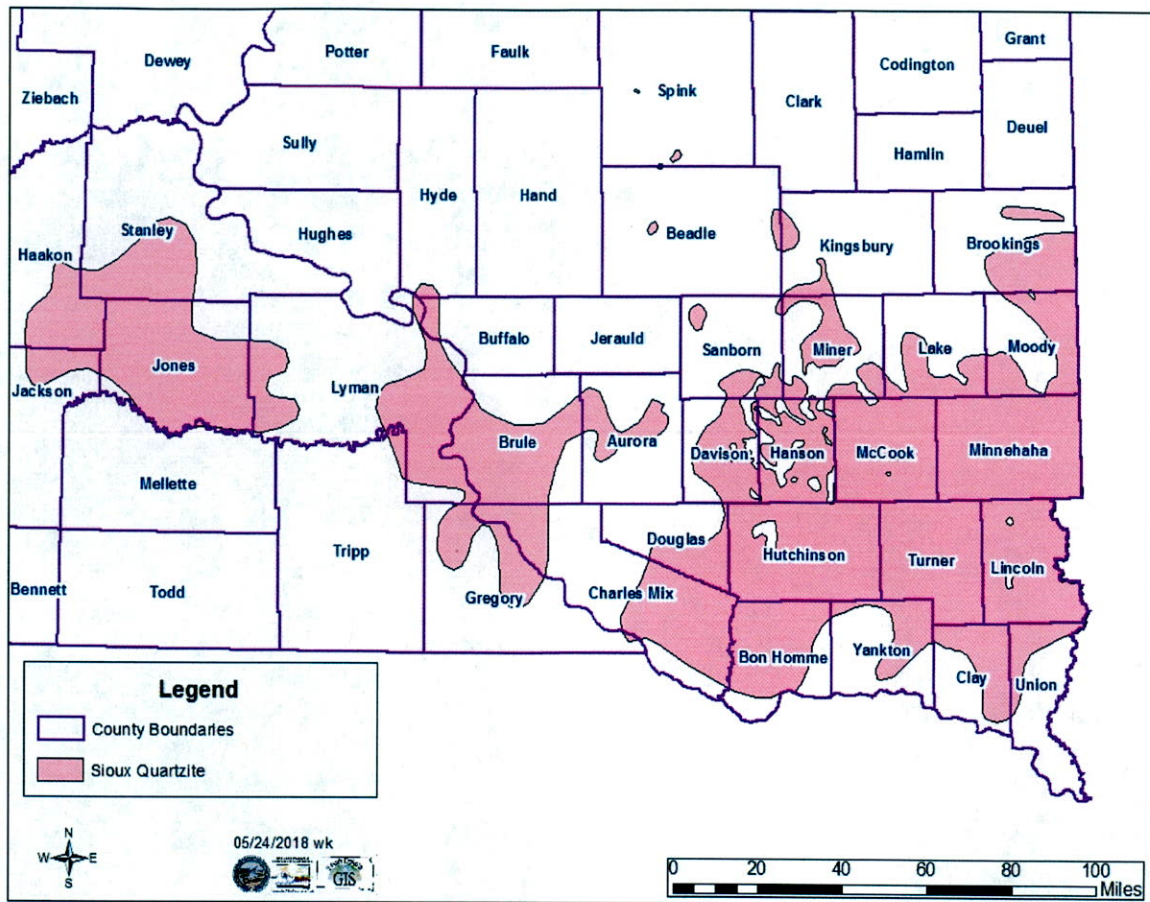


Figure 1: Extent of the Sioux Quartzite in South Dakota (modified from McCormick, 2010)

Estimates of the maximum thickness of the Sioux Quartzite vary from 3,000 feet (Baldwin, 1949) to less than 1,000 feet (Gries, 1983). However, wells for water supply typically only penetrate the Sioux Quartzite to a depth of 200 feet or less (Lindgren and Niehus, 1992). The Sioux Quartzite is likely hydraulically connected to overlying aquifers in direct contact with the quartzite to some extent. However the extent of any hydraulic connections between the quartzite and other aquifers in Minnehaha County likely varies by locality and are not well understood due to the lack of a detailed hydrogeologic study of the Sioux Quartzite in Minnehaha County. In the area of Dell Rapids the Sioux Quartzite can either be exposed at the surface (outcrops), overlain by till, overlain by the Big Sioux aquifer, or the Howard aquifer (Barari, 1967; Lindgren and Niehus, 1992). Additionally, the Big Sioux River runs over Sioux Quartzite outcrops in the area of Dell Rapids (Lindgren and Niehus, 1992). The quarry is located in an outcrop of the Sioux Quartzite. Between the edge of the quarry and the Big Sioux River located about 0.25 miles to the northwest, available information indicates alluvium, outwash, and till overlaying the Sioux Quartzite (Water Rights, 2018b and 2018c; Tomhave, 2001). Water Right No. 6455-3 for the Minnehaha Community Water Corporation is identified as appropriating water from an Unknown management unit of a Pleistocene series aquifer (Water Rights, 2018b). However, the report for Water Right No. 6455-3 notes that this outwash body

could potentially be consider a portion of the Sioux Falls management unit of the Big Sioux aquifer isolated from the rest of the management unit by a Sioux Quartzite high to the south (Water Rights, 2018b).

### **South Dakota Codified Law (SDCL) 46-2A-9**

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights, and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and potential effects on existing rights from the aquifer that are pertinent to this application.

### **Water Availability**

The probability of unappropriated water being available from the Sioux Quartzite aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Here, the Sioux Quartzite aquifer is older than the Greenhorn Formation, but a water distribution system as defined by SDCL 46-1-6 (17) is not involved. Therefore the issue of recharge versus discharge must be considered.

### **Hydraulic Budget**

Discharge from the Sioux Quartzite is from well withdrawals and leakage to hydraulically connected aquifers where the potentiometric gradients are favorable (a higher water level in the quartzite than in an overlying hydraulically connected aquifer would indicate potential for upward leakage). There are currently 63 water rights/permits authorized to appropriate water from the Sioux Quartzite of which 55 are for non-irrigation use (Water Rights, 2018b). There is also one pending application for 4.6 acre-feet annually for industrial use. The amount of water withdrawn by domestic uses is not considered a significant portion of the hydraulic budget of the aquifer due to the relatively low diversion rate of domestic wells; additionally with the development of rural water systems in the area many domestic wells may no longer be in use.

For water rights/permits limited to an annual volume, full use of that volume is assumed for estimation of average annual withdrawal. Water rights/permits and the pending application for 4.6 acre-feet annually in the aquifer limited to an annual volume total 258.43 acre-feet per year. There are four water rights for mine dewatering and quarrying activities (summarized in

Table 1) with diversion rates totaling 20.5 cfs; water usage for these water rights is estimated to be less than 100% utilization resulting in an estimated average annual use of less than 14,827 acre-feet per year. Reported water use from 2003 to 2017 by Water Right Nos. 6070-3, 5400-3, and 5784-3 are shown in Table 2. In reviewing this data these water rights typically use less than full time diversions at their maximum permitted diversion rates. However, given that this application is requesting additional diversion rate authority at the same quarry as Water Right No. 5784-3 with maximum total annual volume of 1,105 acre-feet for an in place upgrade; there is some uncertainty as to what usage is reflected by the reported water use for Water Right No. 5784-3.

Table 1: Summary of Water Rights in the Sioux Quartzite for Mine Dewatering shown in Figure 2 (Water Rights, 2018b)

| Permit No. | Name                 | Status | Use | Rate (cfs) |
|------------|----------------------|--------|-----|------------|
| 4493-3     | SPENCER QUARRIES INC | LC     | COM | 1.8        |
| 6070-3     | SPENCER QUARRIES INC | LC     | COM | 3.1        |
| 5400-3     | EVERIST INC          | LC     | IND | 12.25      |
| 5784-3     | LG EVERIST           | LC     | COM | 3.33       |

LC- Water Right, COM- commercial, IND-industrial

Historically, average water use by non-irrigation appropriations limited by instantaneous diversion rate has been less than 60% of full time pumping at the permitted diversion rate. Of the municipalities that have water rights for the Sioux Quartzite, the majority have connected to rural water systems (Drinking Water, 2018 and Kilts, 2017) and do not use much or any water from their wells. Water Right No. 6552A-3 is required to report annual use, which is shown in Table 2. Average water use by 6552A-3 is estimated at 10 acre-feet per year. Water Right No. 5741-3 is subject to cancellation for nonuse so water use was estimate at zero acre-feet per year. The remaining non-irrigation water rights/permits that authorize withdrawals by maximum instantaneous diversion rate have a total instantaneous diversion rate of 6.023 cfs, this results in an estimated average annual use of less than 2,616 acre-feet per year. This totals to an estimated average annual non-irrigation use of less than 17,712 acre-feet per year.

Table 2: Reported Water Use for Non-irrigation Water Rights/Permits in the Sioux Quartzite that Require Reporting (Water Rights, 2004-2018;2018b)

|                | <b>5400-3</b> | <b>5784-3</b> | <b>6070-3</b> | <b>6552A-3</b> |
|----------------|---------------|---------------|---------------|----------------|
| 2017           | 2663          | 0             | 1120          | 8.5            |
| 2016           | 2557          | 1             | 1120          | 10             |
| 2015           | 2114          | 0             | 1248          | 13             |
| 2014           | 2221          | 0             | 1120          | 9              |
| 2013           | 2027          | 10            | 1120          | n/a            |
| 2012           | 2308          | 10            | 1111          | n/a            |
| 2011           | 2691          | 113           | 1680          | n/a            |
| 2010           | 2751          | 132           | 1690          | n/a            |
| 2009           | 2355          | 63            | 1680          | n/a            |
| 2008           | 2115          | 70            | 1680          | n/a            |
| 2007           | 2100          | 66            | 1680          | n/a            |
| 2006           | 2101          | 0             | 2190          | n/a            |
| 2005           | 1790          | 28            | 2240          | n/a            |
| 2004           | 1801          | 640           | 2190          | n/a            |
| 2003           | 1984          | 3             | 2240          | n/a            |
| <b>Average</b> | <b>2239</b>   | <b>76</b>     | <b>1607</b>   | <b>10</b>      |

There are eight water rights/permits appropriating water from the Sioux Quartzite for irrigation use. These water rights/permits and their average reported irrigation use is summarized in Table 3. Water Right Nos. 6451-3 and 6553-3 do not have a qualification for reporting annual irrigation use (Water Rights, 2018b). Average annual irrigation use by Water Right Nos. 6451-3 and 6553-3 is estimated to be less than their permitted limitations of two acre feet annually per acre, especially in the case of Water Right No. 6451-3, which is qualified for use only when water restrictions for the City of Sioux Falls are implemented. Authorizing a total of seven acres for irrigation the average annual withdrawal for Water Right Nos. 6451-3 and 6553-3 is estimated at less than 14 acre-feet per year. This results in an estimated average annual irrigation use of less than 300 acre-feet per year.

Table 3: Irrigation Water Rights/Permits from the Sioux Quartzite (Water Rights, 1991-2017 )

| Permit No.            | Status | Acres        | Average Reported Use<br>(acre-feet ) | Years of Constructed System<br>Data |
|-----------------------|--------|--------------|--------------------------------------|-------------------------------------|
| 5365-3                | LC     | 1.5          | 1.21                                 | 6 (1990-1995)                       |
| 6195-3                | LC     | 61           | 91.62                                | 17                                  |
| 6451-3                | LC     | 3            | no data                              | not reporting                       |
| 6553-3                | LC     | 4            | no data                              | not reporting                       |
| 6618-3                | LC     | 71           | 76.75                                | 11                                  |
| 6910-3                | LC     | 80           | 6.58                                 | 7                                   |
| 7805-3                | LC     | 8            | 4.44                                 | 4                                   |
| 7415-3                | PE     | 34           | 104                                  | 4                                   |
| <b>Total</b>          |        | <b>262.5</b> | <b>284.6</b>                         |                                     |
| LC-license, PE-permit |        |              |                                      |                                     |

Recharge to the Sioux Quartzite is from infiltration of precipitation where the Sioux Quartzite is at or near land surface, streamflow losses where streams and rivers flow across outcrops with secondary porosity features, or leakage from overlaying aquifers where the potentiometric gradients are favorable (a lower water level in the quartzite than in an overlying hydraulically connected aquifer would indicate potential for downward leakage) (Lindgren and Niehus, 1992). Recharge to the Sioux Quartzite has not been quantified. Therefore, data is not available to quantitatively compare the estimated average annual recharge to estimated average annual withdrawal in the aquifer.

A qualitative examination of average annual recharge with average annual withdrawals from the aquifer can be accomplished by considering water level trends in the aquifer. The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite aquifer (Water Rights, 2018a), so the availability of historical water level data is limited. Data from Lindgren and Niehus (1992) indicates water levels in the Sioux Quartzite show a correlation with long-term precipitation trends. Water levels that follow long-term precipitation trends typically undergo cyclic conditions, rising during wet years and declining during dry years. There are not a sufficient number of well completion reports for wells completed into the Sioux Quartzite in the vicinity of the quarry for this application to offer insight into site specific historic water level trends. However, reviews of historic water level data for the Sioux Quartzite from well completion reports in other parts of southeast South Dakota done in the last three years suggest withdrawals from the aquifer have not exceeded recharge to the aquifer (Water Rights, 2018b). Given that in this area the Sioux Quartzite is relatively close to ground surface, water levels in the aquifer are expected to show a correlation with long-term precipitation trends.

### Existing Users

Water rights/permits currently authorized to appropriate water for the Sioux Quartzite are shown in Figure 2 and summarized in Table 4. The nearest water right/permit authorized to appropriate water for the Sioux Quartzite not held by the applicant is Water Right No. 562-3 held

by the City of Dell Rapids located about one mile to the east-northeast. The City of Dell Rapids purchases their drinking water from Minnehaha Community Water Corp (Drinking Water, 2018). The majority of well completion reports on file with the Water Rights Program in the vicinity of this application appear to be completed into the overlying glacial aquifers (Water Rights, 2018). There are other housing sites in the vicinity that could potentially have wells completed into the Sioux Quartzite, however given the well site's proximity to Dell Rapids and the availability of rural water in the area it is likely that the majority of domestic users in the area rely on a municipal/rural water system for drinking water. Water Right No. 5784-3 was not contested, and there is not a record of complaints on well interference associated with the water right (Water Rights, 2018b).

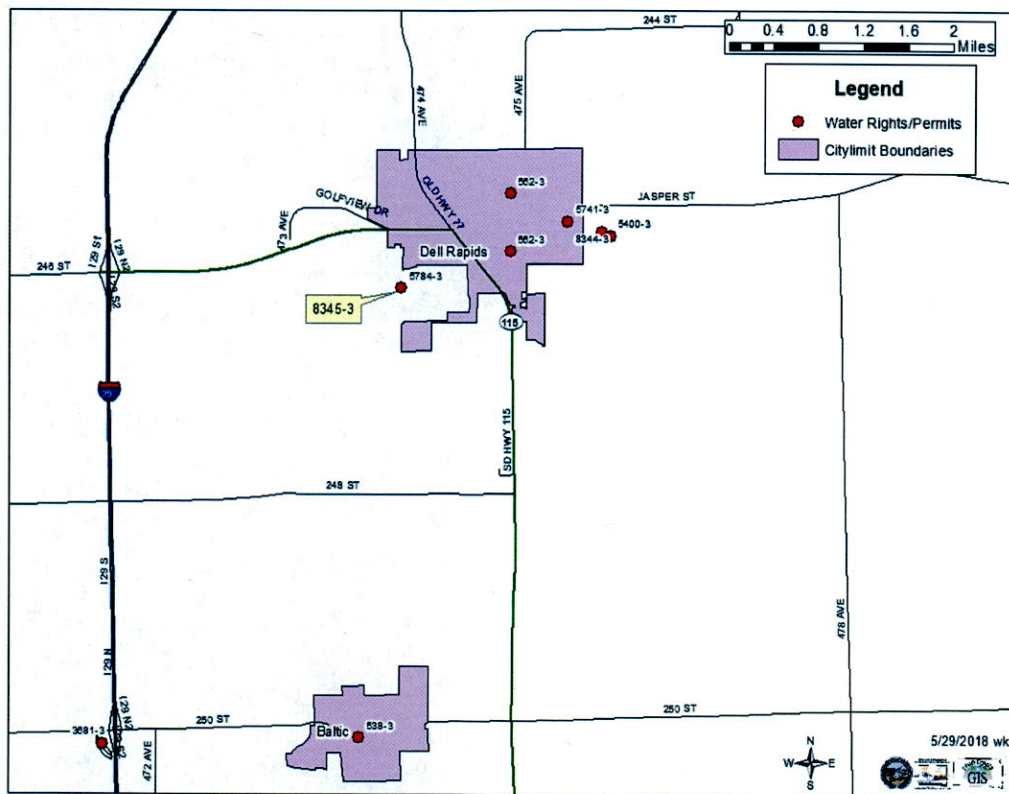


Figure 2: Water rights/permits currently authorized to appropriate water from the Sioux Quartzite in the area of the well for this application (Water Rights, 2018b)

Table 4: Summary of Water Rights shown in Figure 2 (Water Rights, 2018b)

| Permit No. | Name                  | Status | Use | Rate (cfs) | Annual Limit       |
|------------|-----------------------|--------|-----|------------|--------------------|
| 538-3      | CITY OF BALTIC        | LC     | MUN | 0.09       | n/a                |
| 562-3      | CITY OF DELL RAPIDS   | LC     | MUN | 0.89       | n/a                |
| 562-3      | CITY OF DELL RAPIDS   | LC     | MUN | 0.89       | n/a                |
| 3681-3     | COACHMAN MANOR MOBILE | LC     | COM | 0.04       | n/a                |
| 5400-3     | EVERIST INC           | LC     | IND | 12.25      | n/a                |
| 5741-3     | LG EVERIST            | LC     | COM | 0.05       | n/a                |
| 5784-3     | LG EVERIST            | LC     | COM | 3.33       | limited by this AP |
| 8344-3     | LG EVERIST            | AP     | IND | 0.022      | 4.6 acre-feet      |

LC- Water Right, MUN- municipal, COM- commercial, IND-industrial, AP- application

Water Right No. 6455-3 for the Minnehaha Community Water Corporation is identified as appropriating water from a glacial aquifer overlaying the Sioux Quartzite between this quarry and the Big Sioux River (Water Rights, 2018b). Due to the close proximity of the wells for Water Right No. 6455-3 to the Big Sioux River, pumping by these wells likely induced recharge to the glacial aquifer from the Big Sioux River. Pumping under this application, if approved, is not expected to adversely impact Water Right No. 6455-3.

Administrative Rule of South Dakota (ARSD) 74:02:04:20(7) defines an adversely impacted domestic well as “a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.” While in most aquifers 20 feet is an adequate depth of water for prior users and domestic wells, in the Sioux Quartzite 20 feet below the top of the aquifer is seldom a sufficient depth for a well to be a dependable water supply. To further complicate the consideration of adverse impact in the Sioux Quartzite, maximum drawdown that could result from pumping a large capacity well is limited by well depth rather than aquifer thickness. So provided that a well is adequate as defined by ARSD 74:02:04:20(6), the assessment of well interference being an adverse impact would also have to consider well depth.

Minimum well depth is not regulated, however ARSD 74:02:04:60 specifies requirements for the installation of pumps in wells. The rule requires that the depth of the pump placement be determined by dividing the specific capacity of the well into the required yield and adding at least 10 additional feet. Therefore, the minimum depth of the pump placement as determined by ARSD 74:02:04:60 could be used as a quasi-minimum well depth standard. If well depth allowed for pump placement per ARSD 74:02:04:60 and well interference requires the well be deepened, that interference could be considered an adverse impact. However, if the affected well is not deep enough to allow compliance with the requirements of ARSD 74:02:04:60, interference that would require deepening of the well would not be considered an adverse impact. Additionally, the use of the pump placement standard does not fix the pump placement to the static water level or the specific capacity of the well at the time of construction. Instead the pump setting and well depth would need to allow for climatic fluctuations of the static water level and/or a change in specific capacity of the well.

This application is being done after the fact for an existing upgrade at the quarry and a review of available information does not indicate a history of complaints linked to dewatering at this quarry. Therefore, it is unlikely that area wells will be adversely impacted by this application, if approved. However, SDCL 46-6-24 states:

“The failure of a well to meet standards established pursuant to SDCL 46-6-6.1 is not a defense in any action or proceeding regarding damage, loss of water production or quality, replacement cost, or increased operating expenses incurred by a municipal or domestic use well located in a formation older than or

stratigraphically lower than the greenhorn formation caused by any person using or withdrawing groundwater for mine dewatering in a formation older than or stratigraphically lower than the greenhorn formation.”

Since the Sioux Quartzite is older than the Greenhorn Formation and this application is for mine dewatering SDCL 46-6-24 would apply to this application, if approved.

### **Conclusions**

1. Water Permit Application No. 8345-3 proposes to appropriate water annually at a maximum instantaneous diversion rate of 3.36 cfs from a quarry in the Sioux Quartzite for industrial use to dewater the quarry or for washing aggregate during processing at an existing quarry located in the NW ¼ NW ¼ Section 16-T104N-R49W. This is in addition to Water Right No. 5784-3 for a maximum instantaneous diversion rate of 3.33 cfs. In total this would allow a maximum instantaneous diversion rate of 6.96 cfs with a total maximum annual volume of 1,105 acre-feet industrial use.
2. Average annual recharge to the Sioux Quartzite in South Dakota has not been quantified; however the best available information suggests that withdrawals from the Sioux Quartzite have not exceeded recharge.
3. The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite.
4. Existing water rights, (either appropriative or domestic), are not expected to be adversely impacted by this application. However, pursuant to SDCL 46-6-24 if dewatering of a mine affects a well, the mine operator is responsible; this protection may be without regard to the condition of the well.

  
Whitney Kilts  
Water Rights Program

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Water Rights. 2018b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2018c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

|                  |            |                                                               |
|------------------|------------|---------------------------------------------------------------|
| CUSTOMER NUMBER: | 6053306570 | <b>Argus Leader</b><br>P.O. Box 677349, Dallas, TX 75267-7349 |
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350 S MAIN AVE., SUITE 400  
SIOUX FALLS, SD 57104

**AFFIDAVIT OF PUBLICATION-**

Customer Number: 6053306570  
Invoice Number: 2966116

## Argus Leader AFFIDAVIT OF PUBLICATION

**STATE OF SOUTH DAKOTA**

**COUNTY OF MINNEHAHA } ss**

Sara Kruse being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 13 day of June, 2018.  
\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
\_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

and that \$94.39 pd. was charged for publishing the same.

*Sara Kruse*

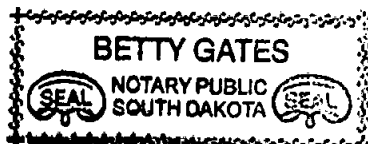
Subscribed and sworn to before me

7/11/18

*Betty Gates*

Notary Public, South Dakota

My Commission expires March 11, 2022



NOTICE OF APPLICATION NOS. 8344-3 and 8345-3 to Appropriate Water

Notice is given that L. G. Everist, Inc., c/o Chris Klein, 350 S Main Ave, Suite 400, Sioux Falls SD 57104 has filed the following applications for a water permit.

Application No. 8344-3 proposes to appropriate 4.6 acre-feet of water annually from one well completed into the Sioux Quartzite Aquifer (145 feet deep) located in the NW 1/4 SE 1/4 Section 10-T104N-R49W. The water is for industrial use in an existing aggregate plant located in SE 1/4, E 1/2 SW 1/4 Section 10-T104N-R49W. The operation is located on the southeast edge of Dell Rapids SD.

Application No. 8345-3 proposes to appropriate 3.36 cfs by increasing the diversion rate authorized by Water Right No. 5784-3. Water Right No. 5784-3 appropriates 3.33 cfs to dewater a quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. This water right states water is discharged to the Big Sioux River in the same location. This application proposes to appropriate 3.36 cfs by increasing the current maximum pump rate from 3.33 cfs to 6.69 cfs. The application requests to allow for diverting quarry dewatering water either directly to the river or for washing the aggregate material during processing. A total annual volume of 1.105 acre-feet of water will be diverted for dewatering and aggregate washing activity of the site. The water is for industrial use in an existing aggregate plant located in the NW 1/4 Section 16 and E 1/2 NE 1/4 Section 17: all in T104N-R49W. Water is recycled by discharging to two settling ponds located in the NE 1/4 NE 1/4 Section 17-T104N-R49W. The operation is located on the southwest edge of Dell Rapids SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8344-3 and 8345-3 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/pub> or by contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3332)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 25, 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 recommendations 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 \$94.39.

2966116 June 13, 2018



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 6, 2018

L. G. Everist Inc.  
c/o Chris Klein  
350 S Main Ave, Suite 400  
Sioux Falls SD 57104

Dear Mr. Klein:

Water Permit Application Nos. 8344-3 and 8345-3 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 Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the 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 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.

-----  
NOTICE OF APPLICATION NOS. 8344-3 and 8345-3 to Appropriate Water  
-----

Notice is given that L. G. Everist, Inc, c/o Chris Klein, 350 S Main Ave, Suite 400, Sioux Falls SD 57104 has filed the following applications for a water permit.

Application No. 8344-3 proposes to appropriate 4.6 acre-feet of water annually water at a maximum pump rate of 0.022 cubic feet of water per second (cfs) from one well completed into the Sioux Quartzite Aquifer (145 feet deep) located in the NW 1/4 SE 1/4 Section 10-T104N-R49W. The water is for industrial use in an existing aggregate plant located in SE 1/4, E 1/2 SW 1/4 Section 10-T104N-R49W. The operation is located on the southeast edge of Dell Rapids SD.

Application No. 8345-3 proposes to appropriate 3.36 cfs by increasing the diversion rate authorized by Water Right No. 5784-3. Water Right No. 5784-3 appropriates 3.33 cfs to dewater a quarry located in the NW 1/4 NW 1/4 Section 16-T104N-R49W. This water right states water is discharged to the Big Sioux River in the same location. This application proposes to appropriate 3.36 cfs by increasing the current maximum pump rate from 3.33 cfs to 6.69 cfs. The application requests to allow for diverting quarry dewatering water either directly to the river or for washing the aggregate material during processing. A total annual volume of 1,105 acre-feet of water will be diverted for dewatering and aggregate washing activity at the site. The water is for industrial use in an existing aggregate plant located in the NW 1/4 Section 16 and E 1/2 NE 1/4 Section 17; all in T104N-R49W. Water is recycled by discharging to two settling ponds located in the NE 1/4 NE 1/4 Section 17-T104N-R49W. The operation is located on the southwest edge of Dell Rapids SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8344-3 and 8345-3 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 these 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 25, 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 recommendations 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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
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<http://denr.sd.gov>

JUL 18 2018

L. G. Everist Inc.  
c/o Chris Klein  
350 S Main Ave, Suite 400  
Sioux Falls SD 57104

Dear Mr. Klein:

Enclosed are Water Permit Nos. 8344-3 and 8345-3 authorizing your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that the Water Licenses may be issued, thus completing the acquisition of a Water Right.

Sincerely,

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

enclosures

Note: Approval of Water Permit No. 8344-3 cancels Water Right No. 5741-3.

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8345-3

I have this day, August 3, 2021, made a thorough examination of the water use system constructed by L G Everest Inc, c/o Chris Klein, 350 S Main Ave, Suite 400, Sioux Falls, SD57104 of Permit No. 8345-3, bearing the priority of April 3, 2021 authorizing the diversion of 3.36 additional cu. ft. per second of the waters of an existing quarry for industrial use purposes, in Minnehaha County.

### A. Works used to divert the water:

#### Pump #1:

- 1) Make unknown
  - 2) Model Turbine
  - 3) Capacity 1500 GPM
- Motor:** unknown

#### Pump #2:

- 1) Make unknown
  - 2) Model Submersible
  - 3) Capacity 1500 GPM
- Motor:** unknown

#### Pump # 3

- 1) Make unknown
  - 2) Model Submersible
  - 3) Capacity 1500 GPM
- Motor:** unknown

### B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

### C. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NW corner Sec 16 T104N R49W, \*\*PUMP #1: 930 ft S & 270 ft E, Lat 43.81658 Long -96.73008 (NW ¼ NW ¼ Sec 16). \*\*PUMP #2, 1080 ft S & 565 ft E, Lat 43.81615 Long -96.72894 (NW ¼ NW ¼ Sec 16) \*\*PUMP #3: 1575 ft S & 890 ft E, Lat 43.81483 Long -96.72776 (SW ¼ NW ¼ Sec 16).
2. The works are capable of diverting and conveying to the place of use 6.69 cu. ft. per second of water which is to be used for industrial purposes. (2 pumps running at a time)  
The license should be issued for 6.69 cfs.

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

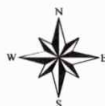
There are three (3) pumps currently operating in the quarry. One pump at the upper elevation (#1) is used for aggregate washing while the lower (#3) pump dewateres the lower parts of the quarry and discharges into the holding pond where pump #1 is located. Basically, Pump #3 pumps water to Pump #2 and Pump #2 in turn pumps water to Pump #1.

The map was constructed with the aid of FSA maps and the ArcMAP software.



Darrell W DeBoer  
Water Rights Inspector  
DANR, Water Rights Program

Date report completed: November 15, 2021



0 0.125 0.25 0.5 0.75 1 Miles



Darrell DeBoer  
Water Right Inspector  
DANR-Water Rights Program

8345-3



DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

MAR 21 2022

5784-3  
8345-3

Chris Klein  
L G Everist Inc  
350 S Main Ave Ste 400  
Sioux Falls SD 57104

Dear Mr. Klein:

Enclosed is Water License No. 8345-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

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

enclosures

**Note: Upon licensing, the applicable portions of Water Right No. 5784-3 were incorporated into Water License No. 8345-3.**

## STATE OF SOUTH DAKOTA

### WATER LICENSE NO. 8345-3

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(1) L G Everist Inc., 350 S Main Ave., Suite 400, Sioux Falls SD 57104 made Application No. 8345-3, April 3, 2018, for a water permit to divert 3.36 cubic feet of water per second (cfs) from an existing quarry, Minnehaha County, South Dakota for industrial use purposes. Permit No. 8345-3, with a priority date of April 3, 2018, was approved June 25, 2018, and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 5784-3, with a priority date of August 6, 1993, authorizes diversion of 3.33 cfs for dewatering the quarry with water discharged to the Big Sioux River. No. 8345-3 was obtained to increase the diversion rate by 3.36 cfs for a total of 6.69 cfs. Permit No. 8345-3 also authorized diverting the quarry water either directly to the river or for washing aggregate material during processing.

The applicable portions of Water Right No. 5784-3 are incorporated into this water license. A priority date of August 6, 1993, is retained for 3.33 cfs and a priority date of April 3, 2018, is retained for 3.36 cfs of the diversion rate.

(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 6.69 cubic feet of water per second with an annual volume of 1,105 acre feet of water for beneficial use. The location of the pumps within the quarry are as follows:

**Pump #1** - 930'S and 270'E of the NW corner of Section 16, T104N, R49W (NW ¼ NW ¼ Sec 16)  
Lat 43.81658 Long -96.73008

**Pump #2**, 1,080'S and 565'E of the NW corner of Section 16, T104N, R49W (NW ¼ NW ¼ Sec 16)  
Lat 43.81615 Long -96.72894

**Pump #3**: 1,575'S and 890'E of the NW corner of Section 16, T104N, R49W (SW ¼ NW ¼ Sec 16)  
Lat 43.81483 Long -96.72776

The water is recycled by discharging to two settling ponds located in the NE ¼ NE ¼ Section 17, T104N, R49W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for industrial purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 L G Everist Inc., 350 S Main Ave., Suite 400, Sioux Falls SD 57104 the holder and/or owner of Incorporated Water Right No. 8345-3 is issued a license to appropriate water, the right to use 6.69 cubic feet of water per second from a quarry with priority dates of August 6, 1993 (3.33 cfs) and April 3, 2018 (3.36 cfs) from the locations specified in (2) of this license for industrial purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8345-3 and subject to the following qualifications:

- The quarry is excavated into the water table and will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner of this water right 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.
- The water right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite Aquifer.
- Water Right Nos. 5784-3 and 8345-3 authorize a total annual diversion of 1,105 acre feet of water.

*Eric Gronlund*

Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

MAR 21 2022

date

