

WATER PERMIT NO. 8412-3

Name of Applicant: Concrete Material Company

Address: PO Box 84140, Sioux Falls SD 57118 Phone: 605 336-5784

Amount of Water Claimed: 3.8 cfs Total Acres: na

Source of Water Supply: groundwater (2 wells) and sedimentation ponds

Water to be used for: industrial use County: Yankton

Type of Waste Disposal System:

Location: 5 miles north of Yankton

PRIORITY Date Received: 10-21-19 Application/License Fee: \$ 500

Corrected Application Received: Period of Annual Use: March 1 – November 30

Remarks: Additional diversion rate to Water Permit No. 8283-3 based on inspection by Keith DeJong

Diversion Point: NE 1/4 NW 1/4 Sec 12-T94N-
R56W

Land to be Irrigated: na

Depth of Well: 100 & 92 feet deep

Well Driller:

Remarks:

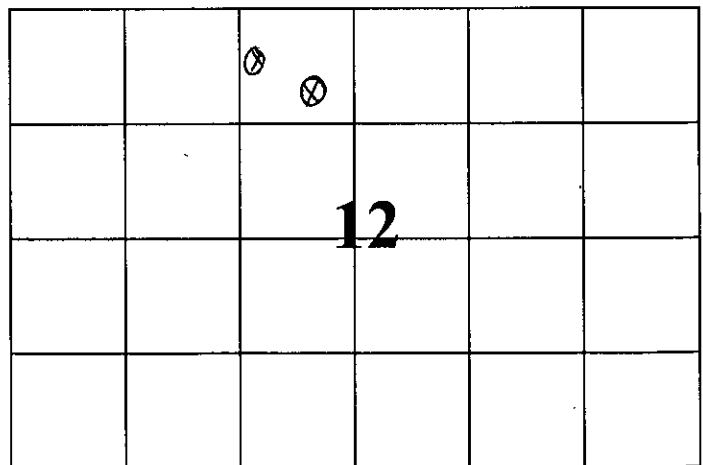
Type of Map: aerial

Prepared by: Keith DeJong

Reviewed and the Number Assigned on: 10-21-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 8412-3

Date of first receipt of application October 21, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8412-3 to Concrete Materials Company, c/o Andy Haas, PO Box 84140, Sioux Falls SD 57118 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8412-3 increases the diversion rate authority authorized by Water Permit No. 8283-3. Water Permit No. 8283-3 authorizes 400 acre-feet of water annually at a maximum pump rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James Missouri Aquifer located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use and dust suppression at a sand and gravel operation located in the area described above. An investigation of the permit found the system capable of diverting an additional 3.8 cfs from the two wells that have been developed. This permit and Water Permit No. 8283-3 will authorize 400 acre-feet of water annually at a total diversion rate of 7.8 cfs. This site is located approximately 5 miles north of Yankton SD.
2. The water appropriated shall be used for the purpose of industrial use and dust suppression at a sand and gravel 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: March 1 – November 30.
4. The date of approval of Permit No. 8412-3 is January 20, 2020.
5. The date from which applicant may claim right is October 21, 2019 (3.8 cfs).
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 wells approved under Water Permit Nos. 8283-3 and 8412-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control 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 Lower James Missouri Aquifer.
3. Water Permit Nos. 8283-3 and 8412-3, combined, appropriate and place to beneficial use up to 400 acre feet of water annually with an annual consumptive use volume of 127 acre feet of water.

WATER MANAGEMENT BOARD

By: _____

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

FEB 06 2020
date



OCT 21 2019

PAID

OCT 21 2019

Ck# 42002387

Mail to:	No. <u>8412-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	Basin <u>James River</u>	Newspaper <u>Press & Dakotan</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.)

1. Name to Appear on Water Permit Concrete Materials Company
Mailing Address P.O. Box 84140 Sioux Falls ☒ SD ☒ 57118-4140
(Address) (City) (State) (Zip Code)
Phone (605) 336-5784 Mobile (605) 759-0119 Email brooke.muhlack@kniferriver.com
2. Amount of water claimed 3.8 adf'l *CFS or _____ **GPM and [redacted] ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
3. Source of water supply Lower James Missouri aquifer
4. Location of point of diversion 2 existing wells in NE 1/4 NW 1/4 Sec. 12-T94N-R56W County Yankton ☒
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used?
(example - NW1/4 section 12-T104N-R53W)
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used March through November
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is for additional diversion rate to Water Permit No. 8283-3 following licensing inspection. Water in settling basins is reused for product washing.

I, Andy Haas, 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.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 2 Provide copy of log(s), if available. Drilled by Heine Electric & Irrigation

For either Existing or Proposed Wells:

c) Well Depth (required) 100 Depth to Top of Water Bearing Material 0 Depth to Water from Surface 30 ft

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) N/A - wash water will go to evap/infiltration settling basin

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions Exposed water in pit up to 800 by 1,000 ft Depth 45-50 ft

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

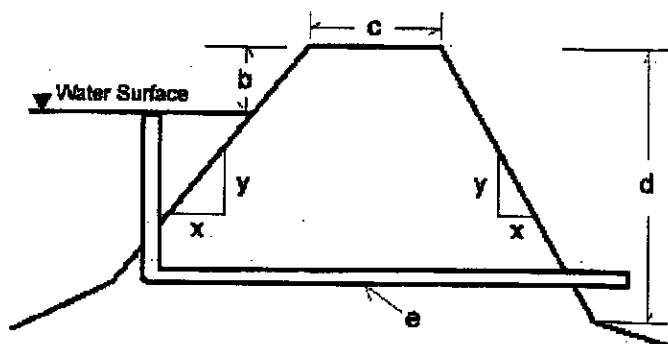
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

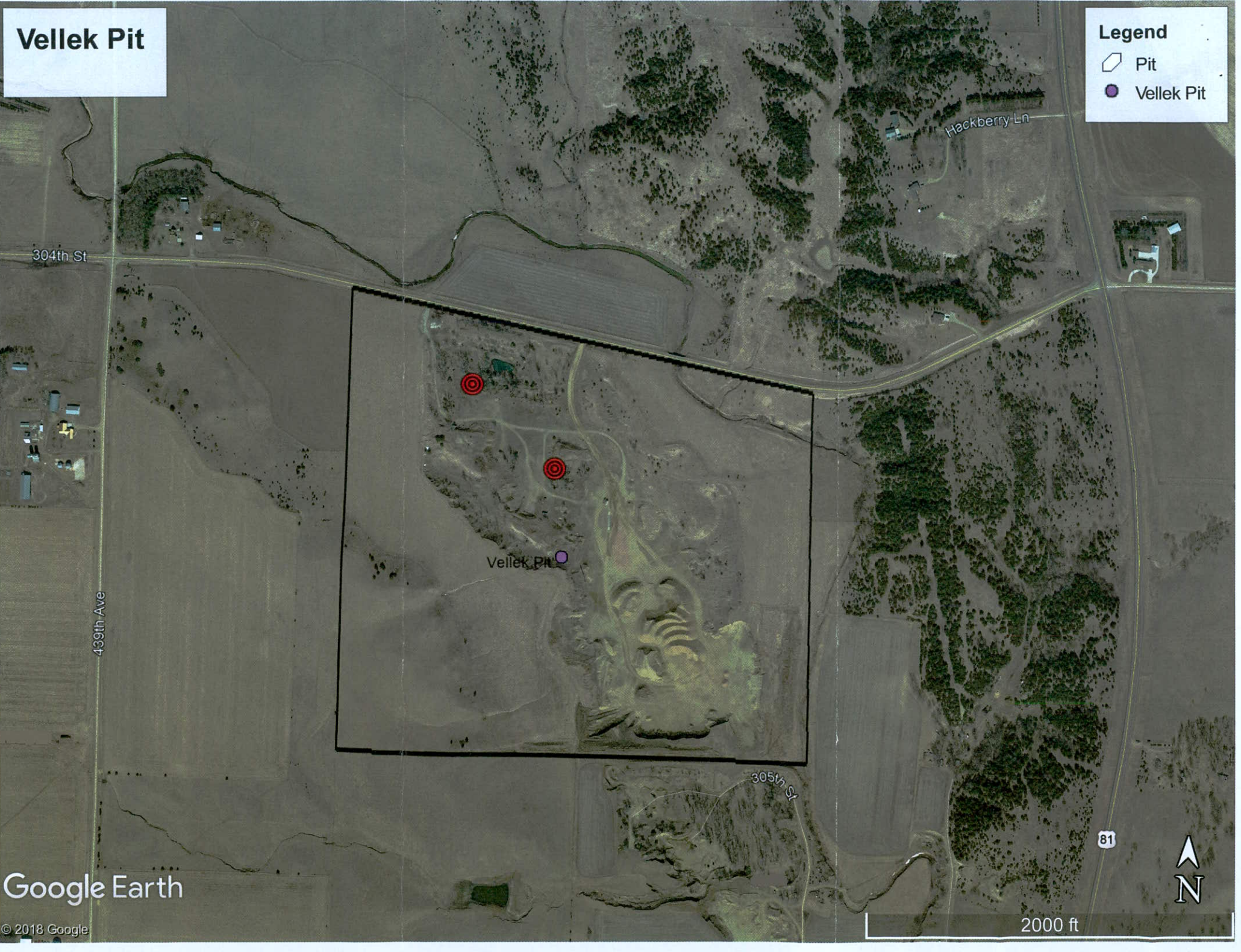


Vellek Pit

Legend

 Pit

 Vellek Pit





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 7, 2019

Concrete Materials Company
Attn: Andy Haas
P.O. Box 84140
Sioux Falls, SD 57118

Dear Mr. Haas:

Concrete Materials holds Water Permit No. 8283-3, which authorizes a maximum instantaneous diversion rate of 4.0 cubic feet of water per second (cfs) from two wells with an annual volume limit of 400 acre-feet per year (ac-ft/yr). Following an inspection this summer, Staff Engineer Keith DeJong found your systems capable of withdrawing 3.8 cfs more than authorized by that permit. In order to use that additional pump rate, an additional water use permit is required to reflect the system in place.

I have attached a partially completed application form to represent the additional pump rate. If you intend to use more water annually than the current volume limit of 400 ac-ft/yr, then the additional volume should be included under Item No. 2 in the application. Fees will be based on the additional volume of water withdrawn per year. The fee for the additional diversion rate authority is \$500. There is no licensing inspection fee for this application. Concrete Materials Company will also be responsible for the cost of the public notice once the application is reviewed. Enclosed is a self-addressed stamped envelope for your convenience or you may stop by our office.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund
Engineering Manager
DENR Water Rights Program
Eric.Gronlund@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 21, 20 19

RECEIVED OF Concrete Materials Company PO Box 84140 Sioux Falls Sd 57118-4140

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

Fee for Application for Permit No. <u>8412-3</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. _____		
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	500	00

No. **09222**

By Jeanne Goodman
Chief Engineer
JGm

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JAN 13 2020

WATER RIGHTS
PROGRAM

CONCRETE MATERIALS
C/O ANDY HAAS
PO BOX 84140
SIOUX FALLS SD 57118-4140

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

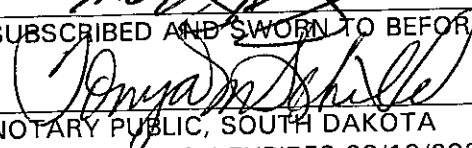
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1 + 10 NOTICE OF APPLICATION

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 10th DAY OF January, 2020
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$30.55 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/10/2020

FILED ON: 01/10/2020


SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF January, 2020


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

NOTICE OF APPLICATION NO. 8412-3 to
Appropriate Water

Notice is given that Concrete Materials Company, c/o Andy Haas, PO Box 84140, Sioux Falls SD 57118 has filed an application for a water permit to increase the diversion rate authority authorized by Water Permit No. 8283-3. Water Permit No. 8283-3 authorizes 400 acre-feet of water annually at a maximum pump rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James Missouri Aquifer located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use and dust suppression at a sand and gravel operation located in the area described above. An investigation of the permit found the system capable of diverting an additional 3.8 cfs from the two wells that have been developed. This application, if approved and Water Permit No. 8283-3 will authorize 400 acre-feet of water annually at a total diversion rate of 7.8 cfs for industrial use. This site is located approximately 5 miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8412-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 20, 2020.

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

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

Published once at the total approximate cost of \$30.55



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.**

January 2, 2020

Concrete Materials Company
c/o Billy Pollema
PO Box 84140
Sioux Falls SD 57118

Dear Mr. Pollema:

Water Permit Application No. 8412-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Press & Dakotan printed at Yankton SD (Ph # 605 665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

1-8-20

Brooke w/ Concrete Materials

called

Billy Poltema no longer
works there

Change name to
Andy Huas.

Recent notice to
Frankton paper.

NOTICE OF APPLICATION NO. 8412-3 to Appropriate Water

Notice is given that Concrete Materials Company, c/o Andy Haas, PO Box 84140, Sioux Falls SD 57118 has filed an application for a water permit to increase the diversion rate authority authorized by Water Permit No. 8283-3. Water Permit No. 8283-3 authorizes 400 acre-feet of water annually at a maximum pump rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James Missouri Aquifer located in the E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 12-T94N-R56W for industrial use and dust suppression at a sand and gravel operation located in the area described above. An investigation of the permit found the system capable of diverting an additional 3.8 cfs from the two wells that have been developed. This application, if approved and Water Permit No. 8283-3 will authorize 400 acre-feet of water annually at a total diversion rate of 7.8 cfs for industrial use. This site is located approximately 5 miles north of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8412-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 20, 2020.

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

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

Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 2, 2020 1:37 PM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8412-3, Concrete Materials Company
Attachments: 8412-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 10, 2020.

Concrete Materials Inc., c/o Billy Pollema, PO Box 84140, Sioux Falls SD 57118 (605 336-5784) 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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

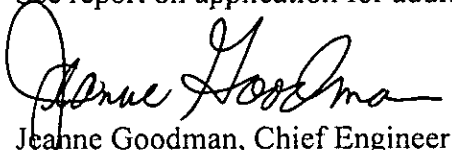
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8412-3, Concrete Materials Company**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8412-3, Concrete Materials Company, c/o Billy Pollema, PO Box 84140 Sioux Falls SD 57118.

The Chief Engineer is recommending APPROVAL of Application No. 8412-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under Water Permit Nos. 8283-3 and 8412-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control 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 Lower James Missouri Aquifer.
3. Water Permit Nos. 8283-3 and 8412-3, combined, appropriates and places to beneficial use up to 400 acre feet of water annually with an annual consumptive use volume of 127 acre feet of water.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
January 2, 2020

NOTE: The gravel pit 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. 8412-3**

Concrete Materials Company
15 November 2019

Water Permit No. 8412-3 proposes to increase the diversion rate authorized by Water Permit No. 8283-3. Water Permit No. 8283-3 authorizes withdrawal of 400 acre-feet of water annually (ac-ft/yr) at a maximum pump rate of 4.0 cubic feet of water per second (cfs) from a gravel pit and three wells completed into the Lower James-Missouri aquifer located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12-T94N-R56W for industrial use and dust suppression at a sand and gravel operation located in the above area. An investigation of the permit found the system capable of diverting an additional 3.8 cfs from a gravel pit and two wells. This application, if approved, and Water Permit No. 8283-3 will authorize a total withdrawal of 400 ac-ft/yr at a total diversion rate of 7.8 cfs for industrial use. This site is located approximately 5 miles north of Yankton, South Dakota.

Aquifer: Lower James-Missouri (LJM)

Hydrogeologic characteristics

The Lower James-Missouri aquifer is composed of Quaternary Period glacial outwash and alluvium (sand and gravel) in the James River valley south of the Choteau: East aquifer management unit and the Niobrara aquifer (Lindgren, et al., 1993; Hedges, et al., 1982). A portion of the aquifer is designated as the Scotland management unit, but it is not part of the area of interest for this application. Excluding the Scotland management unit, the Lower James-Missouri aquifer extends over 191,700 acres in Clay, Hutchinson, and Yankton Counties and is estimated to store 2,795,400 acre-feet of water (Hedges, et al., 1982). The Lower James-Missouri aquifer is hydrologically connected to the Choteau: East aquifer management unit, the Lower James-Missouri: Scotland aquifer management unit, the Missouri: Elk Point aquifer management unit, surface water features, and bedrock aquifers that are adjacent to it (Hedges, et al., 1982). The Lower James-Missouri aquifer tends to be highly permeable (Bugliosi, 1983).

The applicant submitted two well completion reports for the application for Water Permit No. 8283-3, which are the same wells for this application (SD Water Rights, 2019a). The first well was completed on May 24, 2017. The driller reported top soil from 0 to 2 feet below grade, sand and gravel from 2 to 92 feet, and gray chalk from 92 to 100 feet. The driller reported screening that well from 42 to 92 feet below grade, so the well is completed into the sand and gravel and not the gray chalk below it. The static water level at the time of drilling was 31.8 feet below grade. The second well was completed on May 26, 2017. The driller reported top soil from 0 to 2 feet and sand and gravel from 2 to 92 feet below grade. The static water level at the time of drilling was 28.2 feet below grade. The applicant is also pumping water from a gravel pit. Since aquifer materials were encountered two feet below grade, the gravel pit is also likely to be hydrologically connected to the Lower James-Missouri aquifer. Based on the well completion reports provided, the aquifer is under unconfined conditions at the location of this application.

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. Concrete Materials Company is not a water distribution system as defined in SDCL 46-1-6(17), and the Lower James-Missouri aquifer is stratigraphically higher and younger than the Greenhorn Formation. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of water

Hydrologic budget

Recharge

Recharge to the Lower James-Missouri aquifer is likely by infiltration from precipitation and surface water features and inflow from adjacent aquifers when the hydraulic head of those aquifers is higher than the hydraulic head of the Lower James-Missouri aquifer. Hedges et al. (1985) used a regional flow-net analysis to estimate that recharge to the Lower James-Missouri aquifer is 1.50 inches per year. Applied over the 191,700-acre areal extent of the aquifer estimated by Hedges et al. (1982), the average annual recharge rate to the Lower James-Missouri aquifer, excluding the Scotland management unit, is estimated to be 24,000 ac-ft/yr.

Discharge

Discharge from the Lower James-Missouri aquifer is likely to occur by outflow to surface water features and adjacent aquifers when the hydraulic head of the aquifer is higher than the hydraulic head of adjacent aquifers or stage of adjacent surface water features, evapotranspiration when the water level in the aquifer is near ground surface, and withdrawals from domestic and appropriative wells. Due to the prevalence of rural water systems and low pump rate of domestic wells, domestic wells are assumed to withdraw a negligible amount for this hydrologic budget.

There are 137 water rights/permits authorized to withdraw water from the Lower James-Missouri aquifer excluding the Scotland management unit (SD Water Rights, 2019a). Of those, 128 water rights/permits are for irrigation, 6 are for commercial purposes, 2 are for industrial purposes, and 1 is for geothermal heating. There are no future use permits reserving water from the Lower James-Missouri aquifer. Irrigation use is reported annually by water right/permit holders with irrigation water rights/permits and shown in Figure 1 (SD Water Rights, 2019b). The average annual reported irrigation over the period of record (1979-2018) from the Lower James-Missouri aquifer excluding the Scotland management unit is 3,090 ac-ft/yr. However, the number of active

permits in the management area has increased from 85 to 128 irrigation water rights/permits in the last 9 years, so average reported use may not accurately reflect average annual withdrawal with the current level of appropriation (SD Water Rights, 2019a). The average reported irrigation per developed acre is 4.24 acre-inches of water per acre, although the maximum irrigation rate per acre was reported in 2012, when 10.22 acre-inches of water per developed acre was applied. Conservatively assuming an average annual withdrawal rate of 10 inches per developed acre applied over the 18,091.84 acres currently licensed/permitted to irrigate from the Lower James-Missouri aquifer excluding the Scotland management unit, the estimated annual withdrawal rate for irrigation water rights/permits is 15,077 ac-ft/yr.

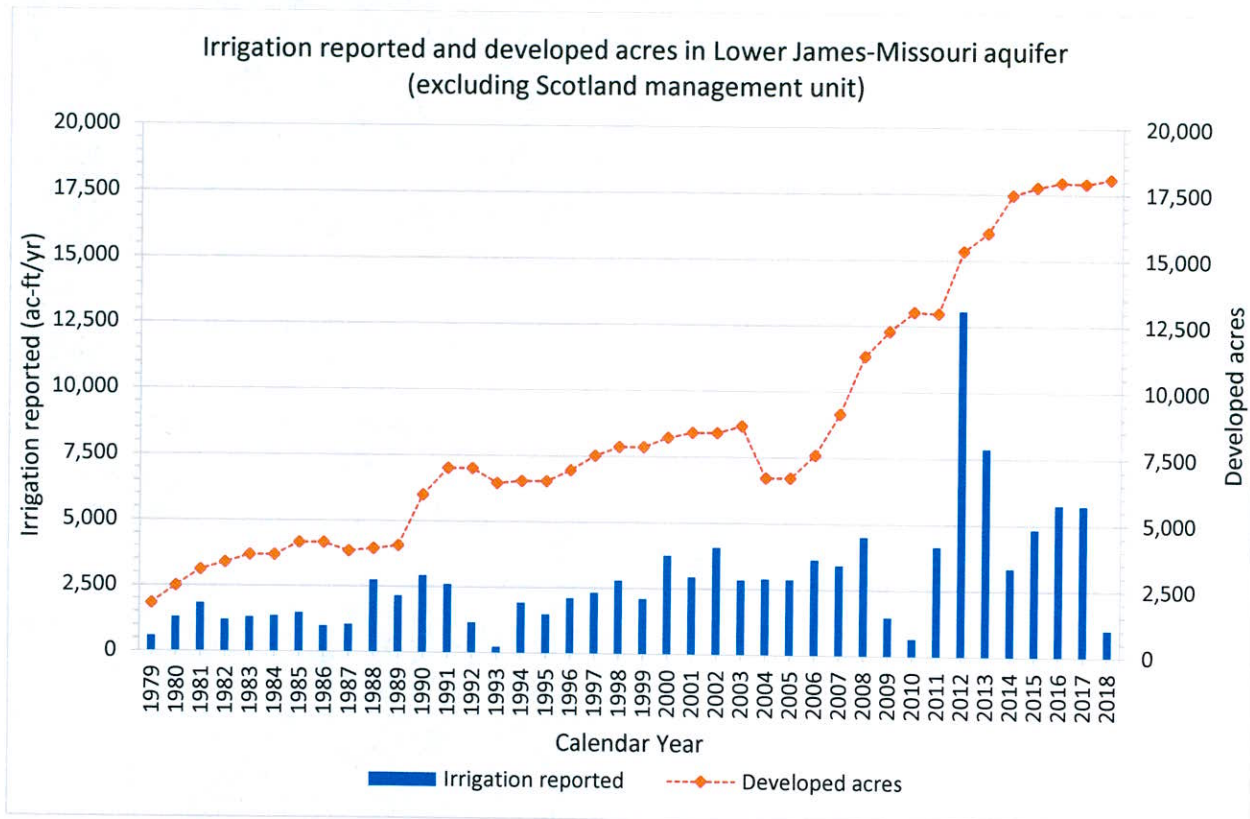


Figure 1: Irrigation reported (SD Water Rights, 2019b) and developed acres in the Lower James-Missouri aquifer, excluding the Scotland management unit (SD Water Rights, 2019a).

Table 1 shows the non-irrigation water rights/permits withdrawing from the Lower James-Missouri aquifer, excluding the Scotland management unit (SD Water Rights, 2019a). Of the nine non-irrigation water rights/permits, only Water Permit No. 8283-3, held by the applicant, is required to report its annual withdrawal rate and/or is permitted with an annual volume limit. Concrete Materials Company reported withdrawing 235 ac-ft in 2017 and 222.34 ac-ft in 2018 (SD Water Rights, 2019c). For the hydrologic budget, Water Permit No. 8283-3 is conservatively assumed to withdraw its entire permitted volume annually. The remaining permits/rights are permitted with a limit on the maximum pump rate allowed. Water Permit No. 7047-3 was found to withdraw no water upon inspection and is scheduled for cancellation (SD Water Rights, 2019a). The other seven non-irrigation water rights/permits are conservatively estimated to pump at their maximum licensed/permitted pump rate 60% of the time. The total estimated withdrawal for non-irrigation use is 1,452 ac-ft/yr.

Report on Water Permit Application No. 8412-3

Table 1: Non-irrigation water rights/permits authorized to withdraw from the Lower James-Missouri aquifer, excluding the Scotland management unit (SD Water Rights, 2019a).

Permit No:	Status:	Name/Business:	Use type:	Priority Date:	Pump Rate (cfs)	Estimation Method	Est. Ann. Use (ac-ft/yr)
4556-3	LICENSE	Concrete Materials	COM	09/15/1980	0.440	Estimate	191
8283-3	PERMIT	Concrete Materials Co.	IND	04/24/2017	4.000	Volume	400
7827-3	PERMIT	Maxwell Colony	COM	04/12/2013	0.330	Estimate	143
1288-3	LICENSE	National Food Stores Inc	IND	06/23/1966	0.160	Estimate	70
7047-3	PERMIT	Services Center FCU	GEO	06/25/2008	0.111	***	0
840-3	LICENSE	Stuelpnagels Inc	COM	10/04/1961	1.110	Estimate	483
6925-3	LICENSE	Tschetter Colony	COM	12/14/2007	0.070	Estimate	30
6320-3	LICENSE	Wolf Creek Httrn Brth	COM, DOM	04/11/2002	0.080	Estimate	35
6264-3	LICENSE	Yankton Land & Cattle Co.	COM	05/25/2001	0.560	Estimate	243
Total estimated withdrawal							1,452
COM – Commercial, DOM – Domestic, GEO – Geothermal, IND – Industrial							
*** - likely to be cancelled							

Balance of hydrologic budget

The total estimated recharge to the Lower James-Missouri aquifer, excluding the Scotland management unit, is 24,000 ac-ft/yr. The estimated annual withdrawal by irrigation users is 15,077 ac-ft/yr and the estimated withdrawal by non-irrigation users is 1,452 ac-ft/yr. Thus, the total estimated withdrawal is 16,529 ac-ft/yr. The applicant is not seeking to increase the annual volume limit held by Water Permit No. 8283-3, so the estimated withdrawal will not change if this application is approved. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements, in addition to other data, to determine that estimated average annual withdrawals from the aquifer do not exceed the estimated average annual recharge to the aquifer. The SD DENR Water Rights Program maintains 33 observation wells completed into the Lower James-Missouri aquifer (SD Water Rights, 2019d). The nearest observation well to this application is Observation Well YA-80K, located approximately 0.4 miles to the northwest of Well #2 and 0.6 miles to the northwest of Well #1 (SD Water Rights, 2019d). The next nearest DENR observation well is YA-80N, located approximately 1.0 miles to the southeast of Well #2 and 0.8 miles to the southeast of Well #1 (SD Water Rights, 2019e). Figure 2 shows a map of the area of interest, wells for this application, nearby DENR observation wells completed into the Lower James-Missouri aquifer, and active water rights/permits in the aquifer. Table 2 shows the Lower James-Missouri water rights/permits in Figure 2. Figure 3 shows water level elevations for Observation Wells YA-80K and YA-80N. The two observation well water levels are generally representative of the aquifer's behavior, although each well occasionally shows seasonal declines likely due to nearby pumping. In general, water levels of the aquifer rise and decline following climate trends in the area (NOAA, 2019). This means that appropriative use of the aquifer is not dominating the aquifer's behavior and natural discharge from the aquifer is available for capture. The two observation well water levels also show a slight decline over time.

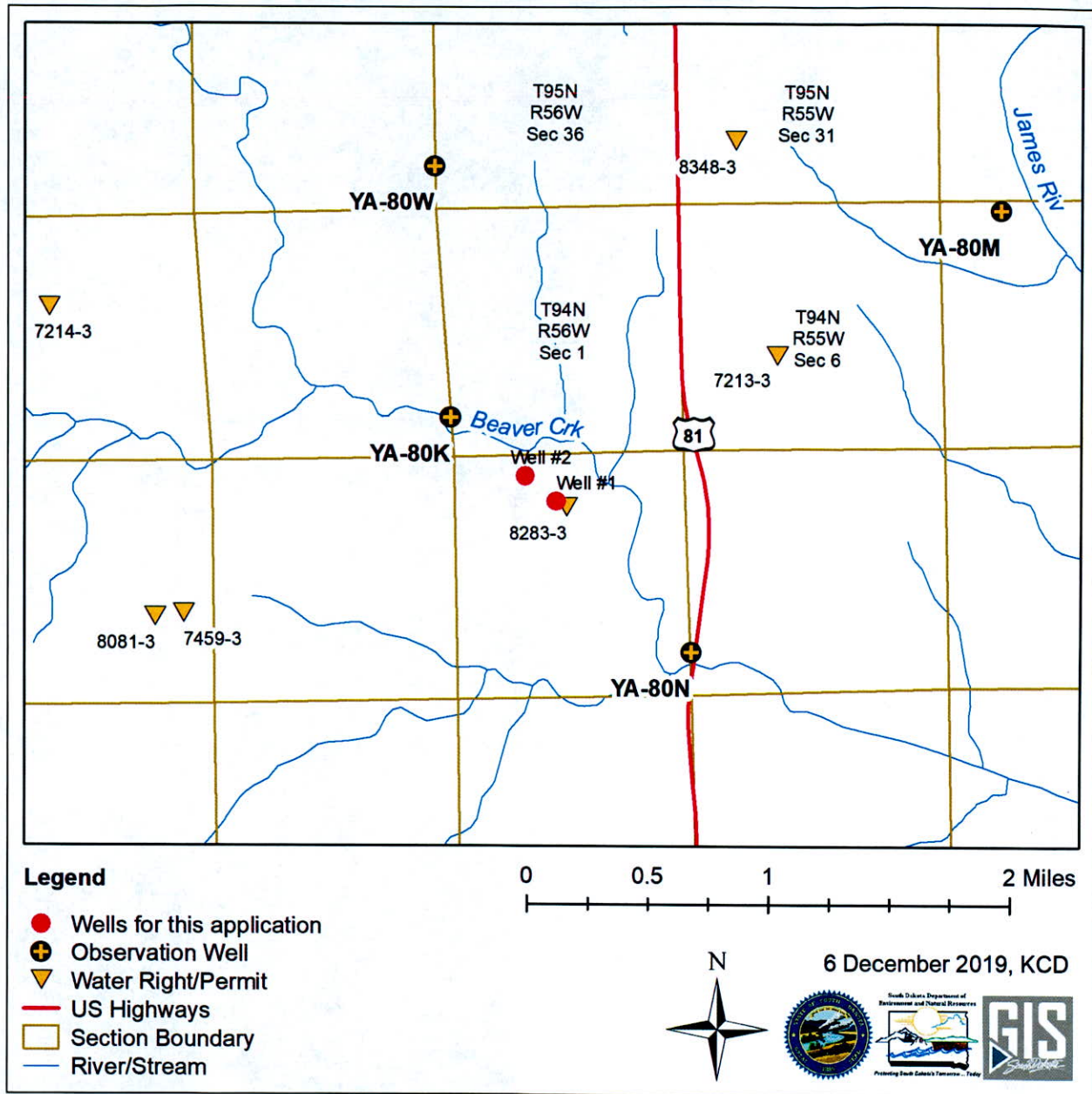


Figure 2: Map of area of this application, DENR observation wells in the Lower James-Missouri (SD Water Rights, 2019d), and water rights/permits in the same aquifer (SD Water Rights, 2019a)

Table 2: Lower James-Missouri water rights/permits within the extent of Figure 2

Permit	Name/Business	Priority	Status	Use Type	Pump Rate (cfs)	Irrigated Acres
7213-3	Marquardt Farms	09/30/2010	Permit	Irrigation	2.440	360
7214-3	Marquardt Farms	09/30/2010	Permit	Irrigation	2.000	350
7459-3	David G Sternhagen	10/12/2012	Permit	Irrigation	1.780	113
8081-3	David G Sternhagen	01/23/2015	Permit	Irrigation	0.000	58
8283-3	Concrete Materials Co.	04/24/2017	Permit	Industrial	4.000	0
8348-3	LCM Partnership	04/11/2018	Permit	Irrigation	2.430	170

At this location, the Lower James-Missouri aquifer is hydrologically connected to the Missouri: Elk Point aquifer management unit, which is heavily influenced by the stage of the Missouri River (Bugliosi, 1983; Christensen et al., 1967). Below Gavin's Point Dam, the Missouri River is becoming entrenched into the stream channel as soil erosion below the dam exceeds deposition from the river (US Army Corps of Engineers, 2017). Nevertheless, given the dominance of climate effects on the water level in the Lower James-Missouri aquifer, there is reasonable probability unappropriated water is available for this application.

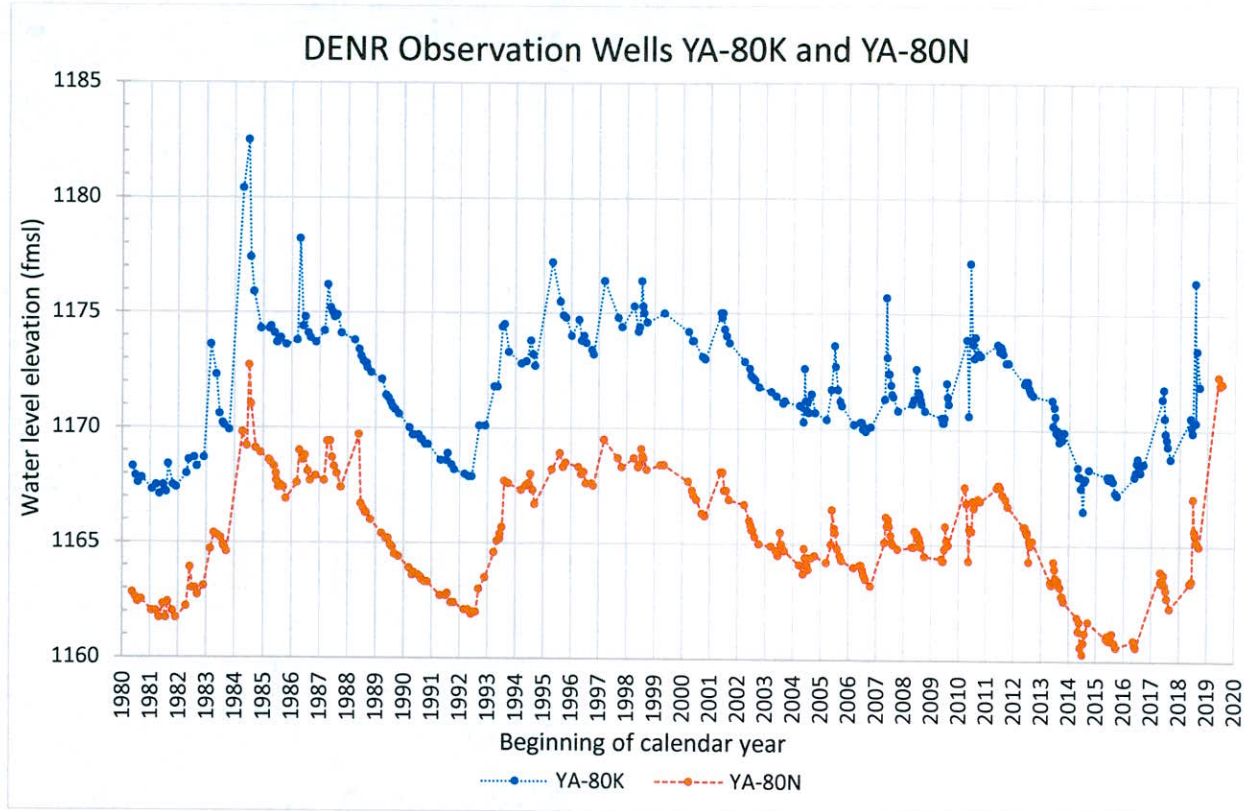


Figure 3: Water levels for DENR Observation Wells YA-80K and YA-80N (SD Water Rights, 2019d)

Existing users

The nearest appropriative user withdrawing from the Lower James-Missouri aquifer other than the applicant is Water Permit No. 7213-3, located approximately 1.1 miles to the northeast of the wells and gravel pit for this application (SD Water Rights, 2019a). The nearest non-appropriative domestic/stock well to the wells for this application is approximately 0.2 miles northwest of Well #2 and approximately 0.4 miles northwest of Well #1 for this application (SD Water Rights, 2019e). Precise drawdown behavior cannot be known without performing an aquifer pumping test. However, since the Lower James-Missouri aquifer is under unconfined conditions near the wells and gravel pit for this application, drawdown from the diversion points is not likely to extend as far as if the aquifer was under confined conditions and withdrawing at the same maximum pump rate. To protect domestic well users, ARSD 74:02:04:20(7) defines an adversely impacted adequate 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;

There are no well interference complaints in Yankton County on file with the DENR Water Rights Program (SD Water Rights, 2019f). Given the lack of complaints despite the fact that the diversion points for this application have already been in use, there is reasonable probability this application can be developed without unlawful impairment of existing rights.

Conclusions

1. Water Permit Application No. 8412-3 proposes to increase the diversion rate authorized by Water Permit No. 8283-3.
2. Water Permit No. 8283-3 authorizes withdrawal of 400 ac-ft/yr at a maximum instantaneous pump rate of 4.0 cfs from a gravel pit and three wells completed into the Lower James-Missouri aquifer located in the E ½ NW ¼ and W ½ NE ¼ Section 12-T94N-R56W for industrial use and dust suppression in the location described above.
3. An inspection of Water Permit No. 8283-3 found it capable of withdrawing 7.8 cfs from the Lower James-Missouri aquifer from a gravel pit and two wells.
4. If approved, this application and Water Permit No. 8283-3 would authorize a maximum diversion rate of 7.8 cfs and an annual withdrawal volume of 400 ac-ft/yr.
5. Based on a hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
6. There is reasonable probability this application can be developed without unlawful impairment of senior water rights/permits and existing domestic well users.



Kimberly C. Drennon
Natural Resources Engineer

References

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- Christensen, Cleo M. and Stephens, Jerry C. 1967.** *Geology and Hydrology of Clay County, South Dakota Part 2.* Vermillion, South Dakota : SD DENR Geological Survey Program, 1967. Bulletin 19.
- Hedges, Lynn S., Allen, Johnette and Holly, Dean E. 1985.** *Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge.* Omaha, Nebraska : U.S. Army Corps of Engineers, 1985.
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Lindgren, Richard J. and Hansen, Donald S. 1993. *Major aquifers in Hutchinson and Turner counties, South Dakota.* Vermillion, South Dakota : SD DENR Geological Survey Program, 1993. Information Pamphlet 45.

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—. **2019b.** *Irrigation report summaries.* Joe Foss Bldg., Pierre, South Dakota : SD DENR Water Rights Program, 2019b.

—. **2019c.** *Non-irrigation yearly reports.* Joe Foss Bldg., Pierre, South Dakota : SD DENR Water Rights Program, 2019c.

—. **2019d.** *Observation wells.* [Electronic database] Joe Foss Bldg., Pierre, South Dakota : SD DENR Water Rights Program, 2019d.

—. **2019a.** *Water rights/permits.* [Electronic database] Joe Foss Bldg., Pierre, South Dakota : SD DENR Water Rights Program, 2019a.

—. **2019e.** *Well completion reports.* [Electronic database] Joe Foss Bldg., Pierre, South Dakota : SD DENR Water Rights Program, 2019e.

US Army Corps of Engineers. 2017. *Missouri River Stage Trends Technical Report.* Omaha, Nebraska : US Army Corps of Engineers - Missouri River Basin Water Management Division, 2017.

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8283-3 (No. 8412-3)**

I have this day, August 29, 2019, made a thorough examination of the water use system constructed by Concrete Materials Company, PO Box 84140, Sioux Falls, SD 57118, holder of Permit No. 8283-3, bearing the priority of April 24, 2017 authorizing the diversion of 4.0 cu. ft. per second of the waters of groundwater (Lower James Missouri Aquifer) for industrial use in Yankton County.

Inspection contact: Andy Haas

A. Works used to divert the water:

Well #1: Pumps water to the wash station.

- 1) Well Drilling Firm: Heine Elec. & Irrig.
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 42 feet
- 3) Type PVC

Screen:

- 1) Type PVC and SS
- 2) Diameter 16 inches
- 3) Length 40 feet of PVC and 10 feet of SS
- 4) Static water level 31.8 feet

Pump:

- 1) Make American Marsh
- 2) Model 10YC-2
- 3) Capacity 1,800 GPM

Motor:

- 1) Make Hitachi
- 2) Model No. Unknown
- 3) Horsepower rating 150 hp

Well #2: Pumps water to the west sed basin.

- 1) Well Drilling Firm: Heine Elec. & Irrig.
- 2) No. of Wells 1
- 3) Depth(s) 92 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Diameter 16 inches
- 3) Length 52 feet
- 4) Static water level 28.2 feet

Pump:

- 1) Make Wilo
- 2) Serial 77170301314
- 3) Capacity 1,700 GPM

Motor:

- 1) Make Wilo
- 2) Model No. Unknown
- 3) Horsepower rating 75 hp

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

Well #1 to Wash Station

- 1) Type Unknown
- 2) Size Unknown
- 3) Length Unknown

Well #2 to West Sedimentation Basin

- 1) Type Unknown
- 2) Size Unknown
- 3) Length Unknown

C. Works used to apply water to beneficial use:

- 1) Sand and Gravel Washing Equipment
- 2) Sedimentation Basin

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, total usage data was submitted in January, 2019.
- 3) Exceptions to compliance are: The pump for Well #1 is rated for 4.0 cfs (1,800 gpm) and the pump for Well #2 is rated for 3.8 cfs (1,700 gpm). Both pumps can be operated at the same time and the total flow is greater than the 4.0 cfs (1,800 gpm) authorized by the permit.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
Well No. 1 is 2,250 feet east and 1,060 feet south of the northwest corner of Section 12-T94N-R56W (Latitude 42.978310, Longitude -97.40904 – NE1/4 of the NW1/4).
Well No. 2 is 1,580 feet east and 490 feet south of the northwest corner of Section 12-T94N-R56W (Latitude 42.97987, Longitude -97.41150 – NE1/4 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use 7.8 cu. ft. per second of water which is to be used for industrial use. Water has been put to beneficial use to the maximum extent in the E1/2 of the NW1/4 and the W1/2 of the NE1/4 of Section 12-T94N-R56W at the sand and gravel pit and the license should be issued for 7.8 cfs. **
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: Well #1 is used to pump directly to the product washing site (sand and gravel). Well #2 is used to pump into the west sedimentation basin when necessary to maintain the water level in the basin. The water from this basin is pumped to the product washing site when the water from Well #1 can not keep up with the product washing demand. Some water is also used for dust control at the site when necessary. The wash-water from the product washing site is pumped to the east sedimentation basin where it gravity flows into each basin west of it to eventually be reused again for wash water. The pump, motor and flow information was received from Heine Electric & Irrigation.

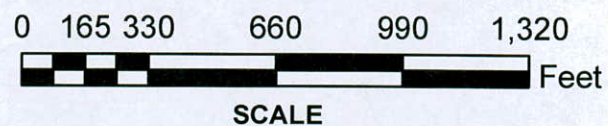
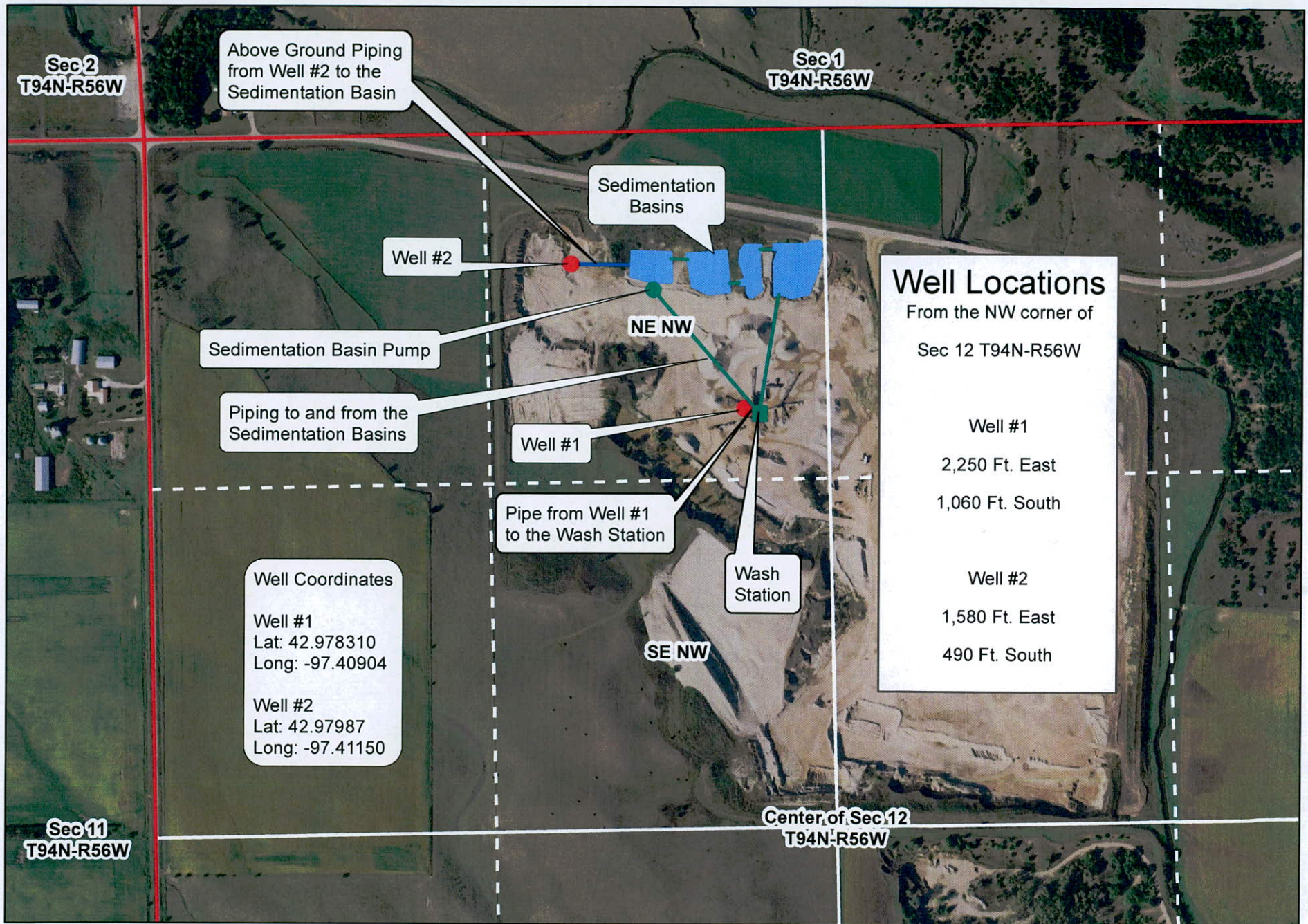
Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 25, 2019

****Water Permit No. 8412-3 was obtained to authorize the additional 3.8 cfs not covered under Water Permit No. 8283-3. The two permits will be incorporated and licensed under No. 8412-3 for 7.8 cfs. (This note was added by Genny McMath after Permit No. 8412-3 was approved)**

Water Right No. 8283-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
September 25, 2010

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8412-3

(1) Concrete Materials Company, PO Box 84140, Sioux Falls SD 57118 made Application No. 8412-3, October 21, 2019 for a water permit to divert an additional 3.8 cubic feet of water per second (cfs) from Lower James Missouri Aquifer, Yankton County, South Dakota to what is currently authorized under Water Permit No. 8283-3. Permit No. 8412-3, with a priority date of October 21, 2019 was approved January 20, 2020 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 Permit No. 8283-3, with a priority date of April 24, 2017 authorized 400 acre-feet of water annually at a maximum pump rate of 4.0 cfs from a gravel pit and 3 wells for industrial use. The applicable portions of No. 8283-3 are incorporated into this water license.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 8412-3 is issued a license, bearing priority dates of April 24, 2017 (4.0 cfs) and October 21, 2019 (3.8 cfs) to appropriate a total of 7.8 cfs (400 acre-feet annually) from two wells (Lower James Missouri Aquifer) for industrial use and dust suppression at the sand and gravel operation.

The diversion points are located:

- Well #1 - 2,250 ft E and 1,060 ft S of the NW corner Sec 12-T94N-R56W (NE 1/4 NW 1/4)
Latitude 42.978310 Longitude -97.40904
- Well #2 - 1,580 ft E and 490 ft S of the NW corner Sec 12-T94N-R56W (NE 1/4 NW 1/4)
Latitude 42.97987 Longitude -97.41150

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 8412-3 including the following qualifications:

- The wells approved under Water Permit Nos. 8283-3 and 8412-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Lower James Missouri Aquifer.
- Water Permit Nos. 8283-3 and 8412-3, combined, appropriate and place to beneficial use up to 400 acre feet of water annually with an annual consumptive use volume of 127 acre feet of water.


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

FEB 06 2020

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 06 2020

8412-3
8283-3

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

Dear Mr. Haas:

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

For your information SDCL 46-6-27 requires that if in the future the owner drills a replacement well and has no plan to use the old existing well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

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

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



1500 N. Sweetman Place
Sioux Falls, SD 57107

RECEIVED

APR 04 2022

WATER RIGHTS
PROGRAM

8412-3

RECEIVED

APR 04 2022

DRINKING WATER PROGRAM

March 29, 2022

South Dakota Dept of Agriculture and Natural Resources
Joe Foss Building
ATTN: Water Rights, Eric Gronlund
523 E Capitol
Pierre, SD 57501

Dear Mr. Gronlund,

As of April 1, 2022, Concrete Materials Company will be doing business as Knife River. This name change reflects the purchase of Sweetman Const. Co. by Knife River Corporation in October 2018. The purpose of this letter is to inform you that the following permits issued by SDDANR will be subject to this change.

Facility	Permit Type	Permit#
Rice Street Operations	Water Diversion System and Beneficial Use of Water Permit	1618-3
Rice Street Operations	Water Diversion System and Beneficial Use of Water Permit	5133-3
Brandon/Corson Operations	Water Diversion System and Beneficial Use of Water Permit	6388-3
Brandon/Corson Operations	Water Diversion System and Beneficial Use of Water Permit	6387-3
Yankton Ready Mix	Water Diversion System and Beneficial Use of Water Permit	6170-3
Yankton Gravel-Vellek Pit	Water Diversion System and Beneficial Use of Water Permit	8283-3

If there is further information or notification required, please let me know. If you should have any questions, please contact me at (712)279-7570.

Sincerely,

Brooke Muhlack
Environmental Manager

STATE OF SOUTH DAKOTA
Doing Business As (DBA)
Fictitious Business Name Registration

Knife River
ID: UB223693

The address where the main office of the above listed business is to be maintained:

Physical Address:
1500 N. SWEETMAN PLACE
SIOUX FALLS, SD 57107

Mailing Address:
ATTN: LEGAL DEPARTMENT
1200 WEST CENTURY AVENUE
BISMARCK, ND 58503

The owner of the above listed business is:

Name	Address
SWEETMAN CONST. CO.	Physical: 1500 N. SWEETMAN PLACE, SIOUX FALLS, SD 57107, USA
	Mailing: 1150 West Century Ave, Bismarck, ND 58503, USA

The DBA/Fictitious Business Name registered above has a filing date of March 29, 2022, and is effective for a term of 5 years and will expire on March 29, 2027.

Steve Barnett
SD Secretary of State





8412-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 7, 2022

Brooke Muhlack, Env Mgr
Knife River Corporation
1500 N Sweetman Pl
Sioux Falls SD 57107

RE: Water Permit or Right Nos. 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3,
4556-3 and 1618-3

Dear Ms. Muhlack:

In follow-up to your letter and our phone conversation, enclosed are nine partially completed "Notice of Transfer of Ownership" forms for all permits and licenses listed under Concrete Materials.

Please review to ensure accuracy and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$450). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you or if I have missed anything on the forms, please let me know.

Sincerely,

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

enclosures

PAID

MAY 12 2022

Ck# 42009089

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 12 2022

WATER RIGHTS
PROGRAM

No. 8412-3

Date: _____

I/We request that Water Right No. 8412-3

formerly owned by: Concrete Materials Company

be transferred to: (name & address) Knife River

1500 N Sweetman Pl

Sioux Falls, SD 57107 Telephone No. 605 336 5776

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

2 wells & sedimentation ponds, NE ¼ NW ¼ and W ½ NE ¼ Section 12, T94N, R56W

I/We understand that the validity of Water Right No. 8412-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Knife River, the new owner, certify that the above information is true and correct.

Andy Haas

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 12, 2022

RECEIVED OF Knife River 1500 N Sweetman Pl., Sioux Falls SD 57107

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>8412-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By

Eric Gronlund

Chief Engineer

um



8412-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2022

Brooke Muhlack
Knife River
1500 N Sweetman Pl
Sioux Falls SD 57107

RE: 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3, 4556-3, 1618-3

Dear Ms. Muhlack:

Thank you for following up on the ownership changes for the above listed water permits and water rights.

The ownership changes have been completed. Nos. 8479-3, 8458-3, 8412-3, 6388-3, 6387-3, 6170-3, 5133-3, 4556-3, 1618-3 formerly held by Concrete Materials are now listed under Knife River.

Enclosed are receipts for the filing fees paid. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures