

WATER PERMIT NO. 8435-3

Name of Applicant: Sioux City Insulation

Address: 1210 Steuben St, Sioux City IA 51105

Phone: 712 252-0268

Amount of Water Claimed: 0.33 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Union

Type of Waste Disposal System:

Location: along Interstate 29 near the west edge of North Sioux City

PRIORITY

Date Received: 5-1-20

Application/License Fee: \$ 700

Corrected Application Received: 7-15-20

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 22-T89N-R48W

Land to be Irrigated: NA

Depth of Well: 100 feet deep

Well Driller: Siouxland Well Co

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-15-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			⊗		
			22		

RECEIVED

MAY 01 2020

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8435-3</u> (office use only) Hydrologic Unit <u>101 70101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Southern Union Co. Leader-Courier</u> <u>356-2632 (4thurs)</u>
	Press: <u>Dakotan, Yankton 665-7811</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.)

NEW CONSTRUCTION 1230/1220 S Derby LN N. Sioux City SD

- Name to Appear on Water Permit Sioux City INSULATION
Mailing Address 1210 Steuben St Sioux City IA 51105
(Address) (City) (State) (Zip Code)
Phone 712-252-0268 Mobile 712-212-1029 Email baakhuss@siouxcityinsulation.com
- Amount of water claimed 0.33 *CFS or 150 **GPM and < 1 AF ***AF or 150,000 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 Well NW 1/4 NE 1/4 Sec 22-T89N-R98W
- Location of point of diversion See State Map County Union
(example - 3 wells in SW 1/4 NE 1/4 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 - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Union County
- Annual period during which water is to be used Year round Jan 1-Dec 31
- 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)

I, Chris Adamus, President, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Siouxland Well Co
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 100' 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) Septic

b) System Capacity (gallons) Year Constructed 2019

c) Connected to the City of N. Sioux City, IA Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

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

**SOUTH DAKOTA
WATER PERMIT NO. 8435-3**

Date of first receipt of application May 1, 2020.

Date of return to applicant for corrections, amendments or changes May 4, 2020.

Date of receipt of corrected application July 15, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8435-3 to Sioux City Insulation, c/o Chris Aakhus, 1210 Steuben St, Sioux City IA 51105 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. 8435-3 appropriates up to 1.0 acre-foot of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22-T89N-R48W for commercial use. This site is located along I-29 near the south edge of North Sioux City SD.
2. The water appropriated shall be used for the purpose of commercial 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. 8435-3 is October 12, 2020.
5. The date from which applicant may claim right is July 15, 2020.
6. One-fifth of the construction is to be completed on or before April 12, 2030.
7. All construction is to be completed on or before October 12, 2025.
8. Water is to be put to beneficial use on or before October 12, 2029.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit 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 his 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 well authorized by this Permit shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8435-3 authorizes a total annual diversion up to 1.0 acre feet of water.

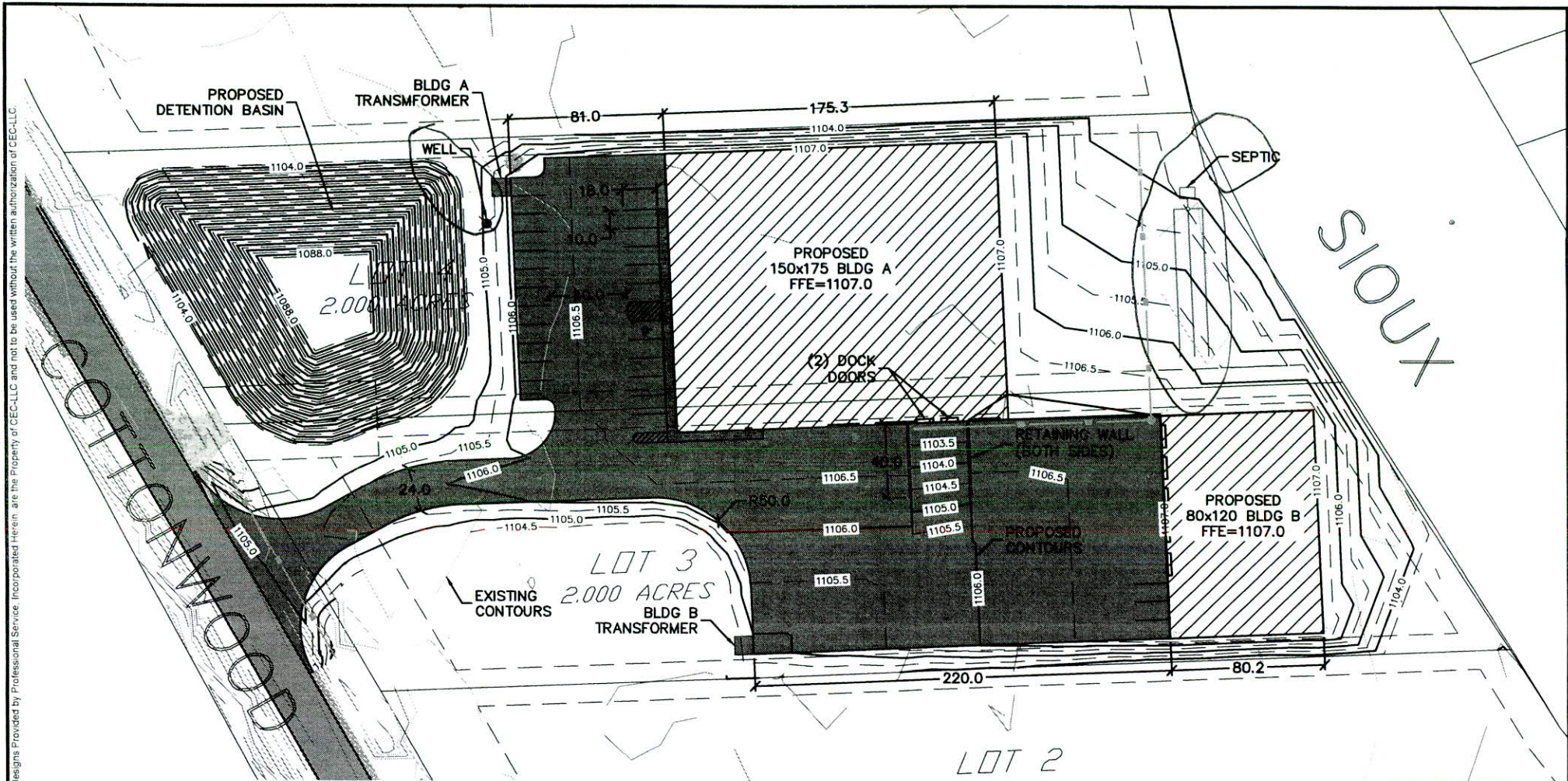
WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 21 2020

date





GRADING QUANTITIES

STRIPPED TO FINISH GRADE = 13,011 CY (FILL)
 DETENTION BASIN VOL. = 3,432 CY (CUT, INCLUDES 40% SHRINK)
 - ASSUMES TOP 1-FT IS NOT SUITABLE
 PAVEMENT/SLAB VOL. = 1,850 CY (CUT)
 EXIST. BLDG PAD VOL. = 1,251 CY (CUT)
 FILL FACTOR, 1.4 (40% SHRINK) = 2,591 CY (FILL)

TOTAL SUITABLE IMPORT REQUIRED = 9,069 CY (FILL)

Use of Documents: These Documents/Designs Provided by Professional Service, Incorporated herein, are the Property of CEC-LLC and not to be used without the written authorization of CEC-LLC.

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 CIVIL ENGINEERS & CONSTRUCTORS, LLC 2400 S. 10TH AVE. SUITE 100 DES MOINES, IOWA 50319 WWW.CECENGINEERS.COM			
PROJECT		CHRIS AAKHUS SIOUX CITY INSULATION	
TITLE		LOT 3 & 4 SITE PLAN	
DESIGN	JR/RC	05.09.19	FILE No. -----
CADD	JR/BL	05.09.19	SCALE AS SHOWN
REVIEW			REV. 0
PROJECT No.		18520	
DRAWING: C100			

PLAT OF OAK TREE LANE ADDITION BEING PART OF LOT A OF GOVERNMENT LOT 1, IN THE NW 1/4 OF THE NE 1/4 OF SECTION 22, TOWNSHIP 89 NORTH, RANGE 48 WEST, 5TH P.M. UNION COUNTY SOUTH DAKOTA



LEGEND

- INDICATES FOUND 5/8" DIA. REBAR UNLESS OTHERWISE INDICATED
- FOUND NAIL
- SET 'MAG' NAIL IN CONCRETE
- SET 1/2" x 30" REBAR W/ YELLOW CAP #13261
- M MEASURED DIMENSION
- R RECORD DIMENSION

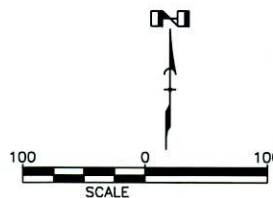
TOTAL AREA IN ADDITION:
15.376 ACRES

PREPARED BY:

Civil Engineers & Constructors, LLC
PO Box 195, NSC, SD 57049

Phone 712.222.1452 Fax 855.492.9920

Website
ceconstructors.com



Civil Engineers & Constructors, LLC www.ceconstructors.com			
PROJECT OAK TREE LANE			
TITLE SUBDIVISION PLAT			
DESIGN	TL	06/24/2017	FILE No. #17416
CADD	TL	06/24/2017	SCALE AS SHOWN
REVIEW			REV. 0
PROJECT No.	#17416		
SUBDIVISION PLAT			
SHEET 1 OF 2			

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 21, 2020 12:46 PM
To: 'Bailey Aakhus'
Subject: Water Permit Application No. 8435-3
Attachments: 0007.pdf

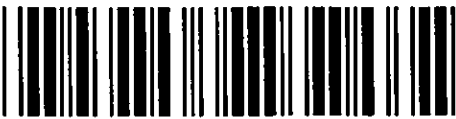
Bailey,

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA



530983541

B0134-7071 04/03/2020 1:50PM Rec'd by SD SOS

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Foreign Business Corporation
SDCL 59-11-24, 24.1

Filing Fee: \$50

2020
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Total Fee: \$50

1. Business ID and Name:

FB149214
BUSINESS ID

SIOUX CITY INSULATION, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed IOWA

3. The address of the principal executive office (business address):

Actual Street Address

1210 STEUBEN STREET
SIOUX CITY, IA 51105

Mailing Address

1210 STEUBEN STREET
SIOUX CITY, IA 51105

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **BRENT FODNESS**

Actual Street Address in this State

1425 A AVE
SIOUX FALLS, SD 57104-0305

Mailing Address in this State

5. The names and business addresses of its principal officers.

Title	Name	Address
President	CHRIS AAKHUS	1210 STEUBEN STREET

6. The names and business addresses of its directors (governors).

Name	Address
------	---------

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 4, 2020

Sioux City Insulation
Chris Aakhus, President
1210 Steuben St
Sioux City IA 51105

Dear Mr. Aakhus:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Union County. In order to complete the application, the following is required.

- Enclosed is the map submitted with your application. The map needs to reference a government section corner or quarter corner including section, township and range.
- Please complete Item No. 4, Location of Point of Diversion. This would be same legal description as identified on the map.
- The application requests an appropriation of 150 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume in either gallons/year or acre feet/year. In calculating the annual volume, be reasonable but also plan for the maximum annual volume of use from the well at full development. It is unrealistic that 150 gpm will be pumped continuously during an entire year. Therefore, DENR requests an annual volume to be used.
- Please submit a copy of the Well Completion Report from Siouxland Well Company if available.
- The application/license filing fee for 150 gpm will be \$950.00.

If you want more information regarding the permitting process, please go to our web site at <http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, June 26, 2020 9:13 AM
To: Bailey Aakhus
Subject: RE: [EXT] Sioux City Insulation Well permit

Bailey,

I was reviewing the Application for Permit to Appropriate Water and note that we have not received the application/license fee.

In my original letter dated May 4th, I indicated the fee, based on 150 gpm, would be \$900. You have since indicated the total volume of use yearly would be less than 150,000 gallons. Based on that information the application/license fee will be \$700.00.

Upon receipt of the fee, further processing of the application will proceed.

Karen

From: Bailey Aakhus <baakhus@siouxcityinsulation.com>
Sent: Friday, May 8, 2020 11:14 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] Sioux City Insulation Well permit

We are estimating 100-150,000 gallons per year

Bailey Aakhus
Sioux City Insulation
712.212.1029

From: Bailey Aakhus <baakhus@siouxcityinsulation.com>
Sent: Friday, May 8, 2020 11:05:20 AM
To: karen.schlaak@state.sd.us <karen.schlaak@state.sd.us>
Subject: Sioux City Insulation Well permit

He is the requested map for reference. I have placed the check in the mail for the \$950.00. We don't have the well completion paper work from Siouxland Well Company.

Bailey Aakhus
Sioux City Insulation
712.212.1029

From: Chris Aakhus <caakhus@siouxcityinsulation.com>
Sent: Friday, May 8, 2020 11:01:32 AM
To: Bailey Aakhus <baakhus@siouxcityinsulation.com>
Subject: FW: FW: Scans From Copier



Chris Aakhus
caakhus@siouxcityinsulation.com
mobile 605.212.3050
office 712.252.0268
fax 712.252.0281

From: Tim Lamprecht <timl@ceconstructors.com>
Sent: Friday, May 08, 2020 9:37 AM
To: Chris Aakhus <caakhus@siouxcityinsulation.com>
Cc: Josh Reis <joshre@ceconstructors.com>
Subject: Re: FW: Scans From Copier

Will this work for you?

Timothy J. Lamprecht, PLS

Civil Engineers & Constructors, LLC

310 N Derby Ln #195

PO Box 195

Dakota Dunes, SD 57049

Office: 712.222.1452

Mobile: 712.253.5085

Fax: 855.492.9920

www.ceconstructors.com

timl@ceconstructors.com



CIVIL ENGINEERS &
CONSTRUCTORS, LLC
DAKOTA DUNES SOUTH DAKOTA

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On Fri, May 8, 2020 at 8:45 AM Chris Aakhus <caakhus@siouxcityinsulation.com> wrote:

This is what they sent us back.



Chris Aakhus
caakhus@siouxcityinsulation.com
mobile 605.212.3050
office 712.252.0268
fax 712.252.0281

From: Bailey Aakhus <baakhus@siouxcityinsulation.com>
Sent: Friday, May 08, 2020 8:43 AM
To: Chris Aakhus <caakhus@siouxcityinsulation.com>
Subject: Fwd: Scans From Copier

Bailey Aakhus
Sioux City Insulation
712.212.1029

From: scinsulation@accesssystemscopier.com <scinsulation@accesssystemscopier.com>
Sent: Friday, May 8, 2020 8:39:59 AM
To: Bailey Aakhus <baakhus@siouxcityinsulation.com>
Subject: Scans From Copier

SEE ATTACHED FILE

TASKalfa 3051ci
[00:17:c8:24:b0:7f]

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 15, 2020

RECEIVED OF Sioux City Insulation 1210 Steuben St Sioux City IA 51105

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

Fee for Application for Permit No. <u>8435-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8435-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$700.00

By Eric Gronlund
Chief Engineer

vm



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8435-3, Sioux City Insulation**

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. 8435-3, Sioux City Insulation, 1210 Steuben St, Sioux City IA 51105.

The Chief Engineer is recommending APPROVAL of Application No. 8435-3 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 well approved under this Permit 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 his 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 well authorized by this Permit shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8415-3 authorizes a total annual diversion up to 1.0 acre feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
September 21, 2020

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8435-3
SIOUX CITY INSULATION
AUGUST 18, 2020

Water Permit Application No. 8435-3 proposes to appropriate 1.0 acre-foot of water annually at a maximum pump rate of 0.33 cubic feet per second (cfs) from the Missouri: Elk Point aquifer. The applicant intends to divert water from a single, 100feet deep, well to be completed in the NW ¼ NE ¼ Section 22 T89N-R48W. The water is for commercial use located along I-29, near the southern edge of North Sioux City.

AQUIFER: Missouri: Elk Point (M: EP)

Aquifer Characteristics

The Missouri: Elk Point aquifer is a deposit of as glacial outwash composed of fine sand to very coarse gravel (Niehus, 1994). It underlies approximately 219,100 acres of Yankton, Clay, and Union counties (Figure 1) with an estimated 3,287,100 million acre-feet of recoverable water in storage (Hedges et al., 1982). It is hydraulically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers, and the Missouri, Vermillion, and Big Sioux Rivers (Niehus, 1994; Stephens, 1967). Both confined and unconfined groundwater conditions are present in the aquifer (Niehus, 1994; Stephens, 1967). The movement of groundwater within the aquifer is generally from the northwest to the southeast, and towards the Missouri River (Stephens, 1967). The well hole completion reports in the immediate vicinity of the proposed application show an average of 6 feet of topsoil overlying coarse sand and gravel with an average thickness of 52.5 feet (Water Rights, 2020a and 2020b). The reported static water level at the time of drilling, was an average of 19.5 feet below ground surface. This indicates that the proposed site is under unconfined conditions (Water Rights, 2020a and 2020b).

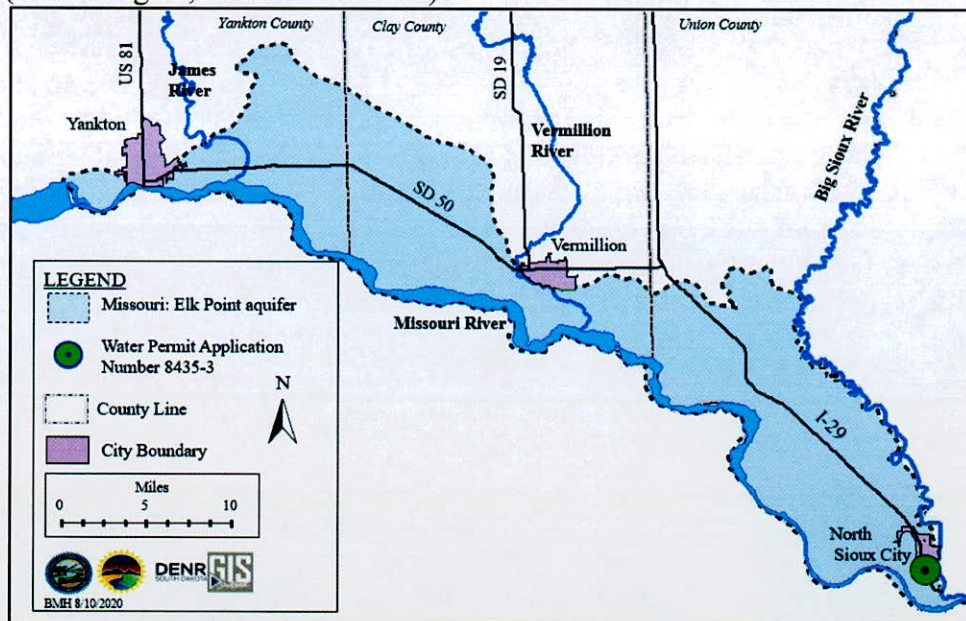


Figure 1. Water Permit Application No. 8435-3 shown within the Missouri: Elk Point aquifer boundary (modified from: Hedges et al., 1982).

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 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 address water availability and potential for unlawful impairment of existing water rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY

Water Permit Application No. 8435-3 proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water being available from an 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..." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

The Missouri: Elk Point aquifer is recharged by infiltration of precipitation where the aquifer is at or near the land surface, inflow from the Lower Vermillion-Missouri and Dakota aquifers, and seepage from the Missouri, Vermillion, James, and Big Sioux Rivers (Bugliosi, 1983; Niehus, 1994). Recharge to the aquifer was estimated by Hedges et al. (1985) to be approximately 3.8 inches per year. With the aforementioned areal extent of the aquifer estimated at 219,100 acres, the annual recharge rate can be estimated at 69,382 acre-feet/year (ac-ft/yr). Stephens (1967) noted that pumping of the aquifer will induce recharge from the Missouri River. Stonesifer (2013) estimated that the Missouri River contributed 22,582 ac-ft/yr of recharge due to the pumping operation of the Lewis and Clark Rural Water System. This estimate is based off inducing at least 50% recharge of the water pumped currently and at full development of the existing and future use permits held by Lewis & Clark RWS. Depending on location and diversion rate, this percentage of induced recharge is likely to be much greater than 50% (Mathiowetz, 2020). This results in a total estimated annual recharge of approximately 92,000 ac-ft/yr for the Missouri: Elk Point aquifer with the recognition that as Lewis & Clark RWS further develops, they will likely induce more recharge. There are other wells, both domestic and appropriative, in close vicinity of the Missouri River that can induce recharge from the river, but that amount of induced recharge has yet to be estimated.

Discharge:

Discharge from the Missouri: Elk Point aquifer occurs through evapotranspiration in areas where the aquifer is near land surface, well withdrawals, leakage to the underlying Dakota aquifer and outflow to the Missouri and Big Sioux Rivers (Bugliosi, 1983; Niehus, 1994). Currently, there are a total of 622 water rights/permits, consisting of 39 non-irrigation, 578 irrigation, and 5 future use, appropriating water from the Missouri: Elk point aquifer (Water Rights, 2020a). A summary of

non-irrigation water rights/permits with estimated water use is listed in Table 1. The total estimated volume of water withdrawn can be estimated by assuming that water rights/permits limited by an annual volume will pump the entire volume appropriated annually or that water rights/permits limited by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

Table 1. Non-irrigation water rights/permits from the Missouri: Elk Point aquifer with permitted appropriation and estimated water use volume (Water Rights, 2020a).

Use ^a	Number of Water Rights/Permits	Appropriation limited by Annual Volume (ac-ft/yr)	Appropriation limited by Diversion Rate (cfs)	Total Estimated Volume (ac-ft/yr)
COM	11	226.0	1.54	930.75
DOM	2		2.78	1,208.40
FWP	4		7.65	3,325.27
IND	5		0.878	381.65
MUN	11	10,686.0	8.33	16,207.72
REC	1	393.0		1,351.84
RWS	2	32,165.00		32,165.00
SHD	2		0.199	86.50
Total:	38	43,470.3	21.377	52,763.24
a - COM: Commercial; DOM: Domestic; FWP: Fish and Wildlife Propagation; IND: Industrial; MUN: Municipal; REC: Recreational; SHD: Suburban Housing Development				

There are twelve non-irrigation permits that are required to report their annual use from the Missouri: Elk Point aquifer. Four of these are under development so their systems are not currently using water. Their full authorized appropriation, a total of 1026 ac-ft/yr, will be included in the total annual volume estimate. Water Right No. 8147-3, a commercial use permit limited by an annual volume of 160 ac-ft/yr, has reported numbers at or above its authorized appropriation. Therefore, its full authorized annual appropriation will be included in the total annual volume estimate. The reported annual usage of the remaining seven permits, from 2006 to present, are shown in Table 2.

The Clay Rural Water System has two permits, 5998A-3 (2.22 cfs) and 7388-3 (2.0 cfs), which are authorized to withdraw an estimated total of 1,834 ac-ft/yr, assuming a 60 percent pumping rate. The reported average pumping is 261 ac-ft/yr. However, beginning in 2012, a significant increase in pumping has been reported from these permits. The average for the reported pumping between 2012-2019 is considered more reflective of the infrastructure currently in place. Therefore, a value of 314 ac-ft/yr will be included in the total annual volume estimate. Lewis and Clark Rural Water System combine to appropriate 32,165 ac-ft/yr from permits 6736-3 (20,165 ac-ft/yr) and 7207-3 (12,000 ac-ft/yr). Even though the average reported pumping rate is 12,678 ac-ft/yr, this system is continually undergoing development, as a result, their full authorized appropriation of 32,165 ac-ft/yr will be the value included in the total annual volume estimate. The City of Vermillion has reported consistent pumping acreage and is not undergoing development, therefore the value of 1,192 ac-ft/yr will be included in total annual volume estimate. The City of Yankton is authorized 6,050 ac-ft/yr of water under Water License 8212-3. Its reported usage is increasing so the full authorized value will be included in the total annual volume estimate. Summing all the non-irrigation permits yields a value of 40,907 ac-ft/yr for a total annual volume estimate. This refines the total volume estimate from Table 1 to 50,200 ac-ft/yr as the value included in the water balance for non-irrigation permits.

Table 2. Non-irrigation pumpage, 2006 – 2019, from the Missouri: Elk Point aquifer (Water Rights, 1979-2019a).

Permit holder	Clay RWS ^a	Lewis & Clark RWS	City of Vermillion ^b	City of Yankton ^b
Permit Number	5998A-3, 7388-3	6736-3, 7207-3	147-3, 6236-3	8212-3
2006	170		1,252	
2007	217		1,344	
2008	213		1,199	
2009	215		1,140	
2010	183		1,071	
2011	137	92	1,127	
2012	525	3,836	1,317	
2013	301	9,368	1,183	
2014	307	11,532	1,121	
2015	278	15,591	1,161	
2016	231	17,091	1,175	66
2017	276	18,051	1,215	531
2018	305	18,143	1,168	504
2019	292	20,397	1,215	1,370
Reported Average (ac-ft/yr):	261	12,678	1,192	618
Total Average (ac-ft/yr):	12,939		1,810	
a - RWS: Rural Water System				
b - These are Municipal use permits				

Well withdrawals from the Missouri: Elk Point are primarily for irrigation use. Table 3 shows the historic irrigation water use from the aquifer as reported to the DENR-Water Rights Program through annual irrigation questionnaires. The average annual reported pumping is 18,857.8 ac-ft/yr (Water Rights, 1979-2019b). However, this is not reflective of the increased pumpage from recent development. Stonesifer (2013) and Farmer (2018a) developed a method to estimate the average annual use from irrigation that accounts for an increasing issuance of water rights/permits and applies the correct allowance for appropriation per permitted acre when it was reduced, in 1978, from 3 ac-ft to 2 ac-ft. Farmer (2018a) determined that an average application rate of 0.35 feet per acre can be utilized to estimate annual use for irrigation.

Currently, there are 579 water rights/permits for irrigation with 75,640.49 total permitted acres for irrigation (Water Rights, 2020a). Farmer (2018b) further refined estimating average annual use by considering the different application rates between turf and crop irrigation. Turf irrigation should be determined separately because they utilize their full authorized allowance for appropriation. Table 4 shows the permits that are considered turf irrigation with the appropriation amount determined from the permitted acres, multiplied by either 2 or 3 ac-ft as specifically allowed for each permit. A value of 1,928.7 ac-ft/yr will be included in the total volume estimate for turf irrigation. Subsequently, the calculation for estimated annual use requires adjustment because the acres for turf irrigation need to be removed from the total permitted acres. Subtracting the turf irrigation (Table 4) from the total permitted acres yields a value of 74,885.89 acres for crop irrigation. Applying the 0.35 application rate to the acres for crop irrigation yields approximately 26,210 ac-ft/yr. Summing turf and crop irrigation estimates yields a value of 28,139 ac-ft/yr to be included in the water balance section for irrigation permits.

Table 3. Historic irrigation pumpage from the Missouri: Elk Point aquifer (Water Rights, 1979-2019b).

Year	Number of Permits Reporting	Appropriation (acre-feet/year)	Pumpage (acre-feet/year)
1979	265	124,828.0	10,377.00
1980	267	126,362.0	15,205.00
1981	302	136,318.0	14,233.00
1982	272	123,559.3	18,822.35
1983	274	121,895.7	10,834.04
1984	283	126,743.4	9,194.30
1985	284	125,068.5	13,983.50
1986	288	125,842.5	6,451.60
1987	282	124,104.3	13,439.70
1988	283	124,014.1	28,756.35
1989	294	126,847.3	25,941.90
1990	297	127,965.7	19,425.00
1991	300	126,471.7	18,798.60
1992	295	125,265.7	1,881.95
1993	298	125,576.3	1,475.20
1994	295	122,975.1	10,221.43
1995	292	121,644.3	18,320.24
1996	296	124,606.2	9,412.78
1997	305	126,518.2	17,182.00
1998	313	127,862.6	11,127.24
1999	308	125,225.6	14,748.02
2000	309	124,852.2	26,640.12
2001	313	125,537.4	19,071.88
2002	315	125,555.8	23,547.22
2003	314	125,379.8	26,734.67
2004	322	126,955.8	23,862.25
2005	335	130,046.6	23,964.50
2006	353	136,491.6	27,974.54
2007	366	139,826.6	30,482.84
2008	445	161,640.0	56,538.19
2009	410	155,245.4	6,120.97
2010	419	155,905.4	2,723.87
2011	431	159,700.8	12,107.55
2012	445	161,640.0	56,538.19
2013	543	185,637.7	34,838.46
2014	557	189,492.7	12,084.23
2015	563	191,387.7	17,751.93
2016	564	190,428.8	27,638.64
2017	567	191,366.2	37,013.46
2018	570	191,113.7	8,855.66
2019	575	191,797.2	8,847.29
Maximum:	575	191,797.2	56,528.19
Minimum:	265	121,644.3	1,475.20
Average:	361.2	141,456.0	18,857.75

Table 4. Water rights/permits for irrigation on turf (Water Rights, 2020b).

Permit Number	Name	Acres	Appropriation (ac-ft)
1294-3	Recreation Development Association, Inc.	102.0	306.0
1961C-3	Yankton Missouri River KOA	17.0	51.0
2011-3	Two Rivers Golf Club	95.0	285.0
5786-3	Dakota Dunes Golf Course	173.0	519.0
5935-3	Ted Waitt	1.0	2.0
5936-3	Applied Engineering, Inc.	1.8	3.6
5998-3	Clay Rural Water System, Inc.	300.0	600.0
7225-3	National Field Archery Association	2.0	4.0
8010-3	Ryan Rusher	2.5	7.5
8029-3	Dakota Dunes Community Improvement District	17.8	35.6
8040-3	Heine Electric & Irrigation, Inc.	1.0	2.0
8354-3	Two Rivers, Inc.	30.0	90.0
8380-3	National Field Archery Association	7.0	14.0
8407-3	Gayville-Volin School District 63-1	4.5	9.0
Total:		754.6	1928.7

There are five Future Use permits appropriating water from the Missouri: Elk Point aquifer. The full permitted volume authorized from the permits is utilized when estimating the annual volume usage. The future use areas are all in Clay County and composed of 13,000 ac-ft reserved by Lewis and Clark Rural Water System and 1,900 ac-ft reserved by the City of Vermillion. This is a total of 14,900 ac-ft/yr of water reserved for these permits and will be included in the water balance section for future use. Domestic users are not required to report their annual water usage and their low diversion rates are not considered a significant portion of the hydrologic budget.

Water Balance:

The Missouri: Elk Point aquifer estimated average annual withdrawal rate is 93,239 ac-ft/yr (non-irrigation: 50,200 ac-ft/yr; irrigation: 28,139 ac-ft/yr; future use: 14,900 ac-ft/yr). Estimated average annual recharge is 92,000 ac-ft/yr. The request for an appropriation of 1.0 ac-ft/yr for this application does result in an exceedance of the estimated average annual recharge of this aquifer. However, the amount of induced recharge is likely much greater than currently estimated because the amount of recharge induced by users other than Lewis & Clark RWS wells has not been estimated (Mathiowetz, 2020). Due to the small requested appropriation, and the ability to induce recharge from nearby surface water bodies, there is a reasonable probability unappropriated water is available for this application.

Observation Well Data

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

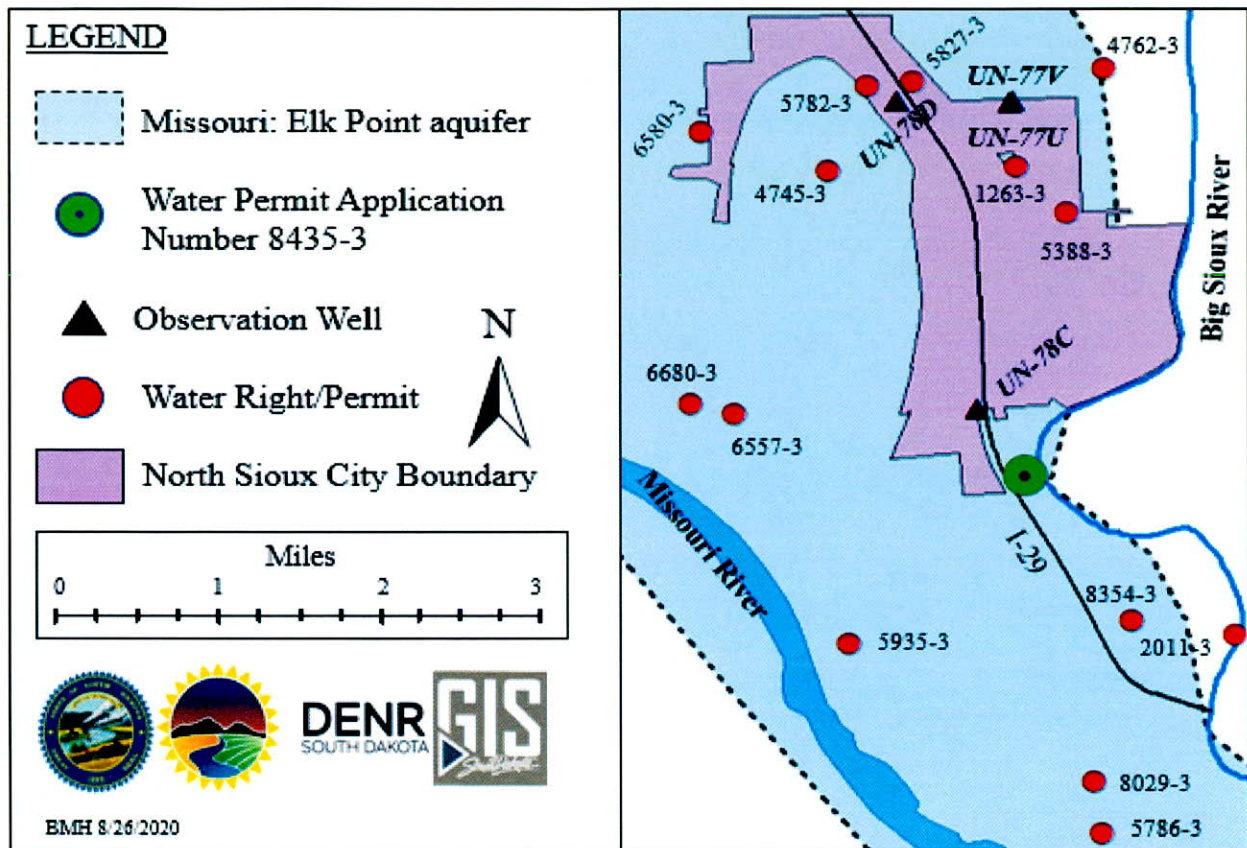


Figure 2. Existing Missouri: Elk Point aquifer observation wells and water rights/permits in the vicinity of Water Permit Application No. 8435-3 (modified from Hedges, et al., 1982; Water Rights 2020a; Water Rights 2020c).

The DENR-Water Rights Program monitors 33 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2020c). Figure 2 contains observation wells within three miles of Water Permit Application No. 8435-3. The four wells shown in Figures 3 through 6 are representative of the hydrographs for the other observation wells completed in the vicinity of the proposed application. The hydrographs show the water level of the aquifer is relatively stable over the period of record. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. They also demonstrate that the drawdown from pumping are temporary because the water typically recovers to pre-pumping levels after the irrigation season. The observation well hydrographs show a gradual downward trend due to the construction of the Gavin's Point Dam in Yankton, SD; the Missouri River is entrenching below the dam, lowering the water surface elevation of the river (Goodman, 2007). This downward trend is likely caused by the entrenchment of the Missouri River and not from over-appropriation of the Missouri: Elk Point aquifer.

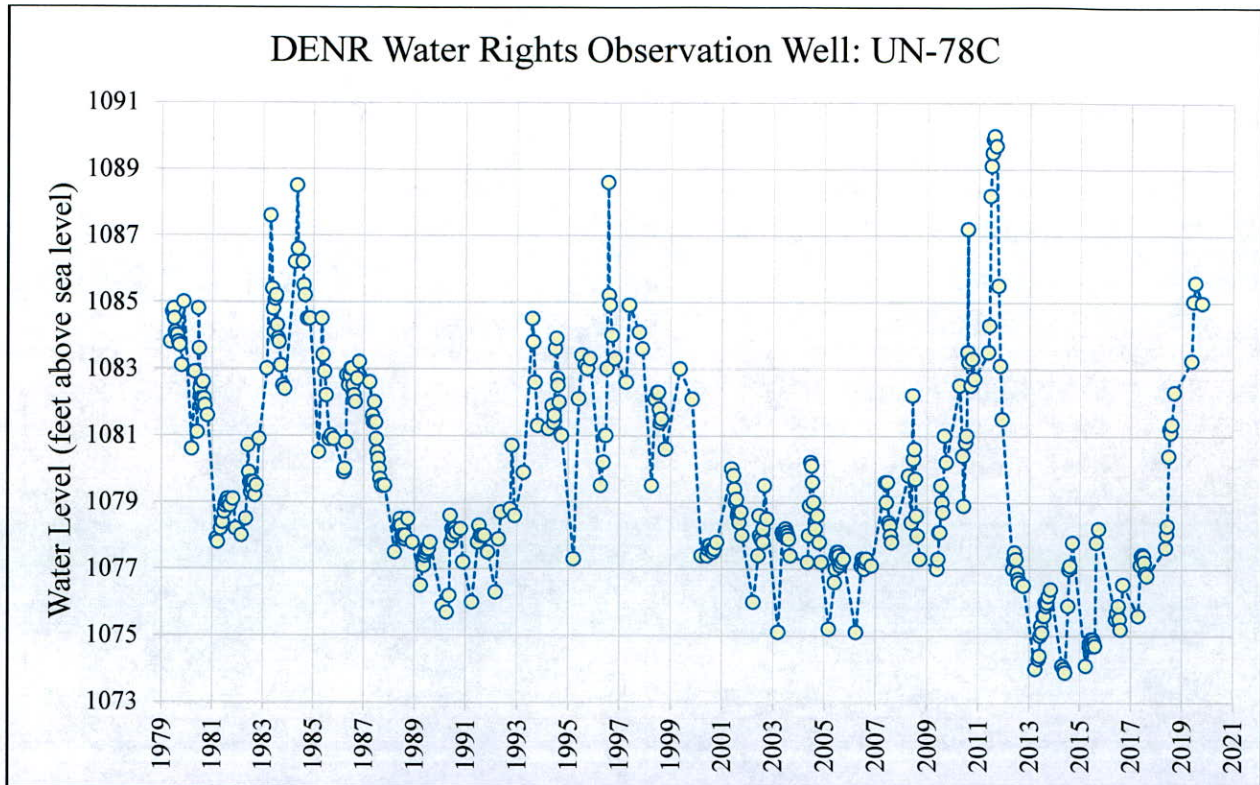


Figure 3. Hydrograph for observation well UN-78C. It is approximately 0.5 miles northwest of the proposed well location for Water Permit Application No. 8435-3 (Water Rights, 2020c).

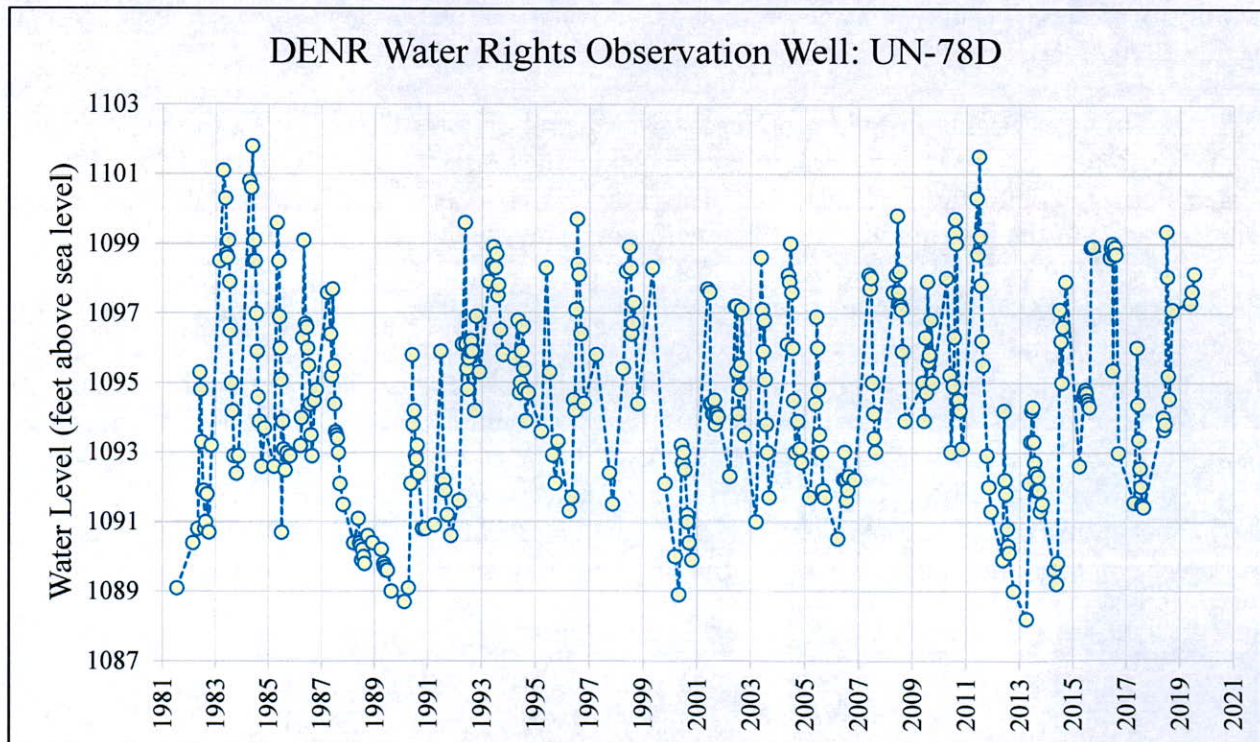


Figure 4. Hydrograph for observation well UN-78D. It is approximately 2.2 miles northwest of the proposed well location for Water Permit Application No. 8435-3 (Water Rights, 2020c).

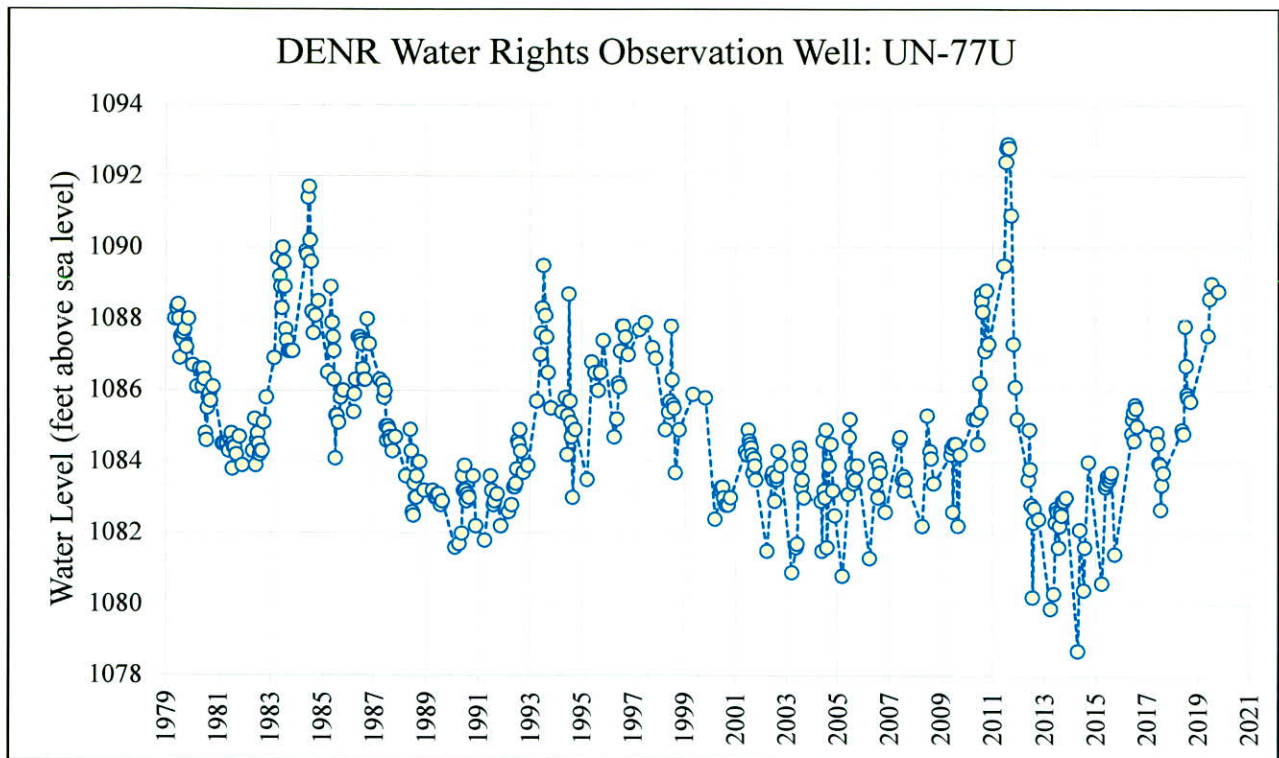


Figure 5. Hydrograph for observation well UN-77U. It is approximately 2.1 miles north of the proposed well location for Water Permit Application No. 8435-3 (Water Rights, 2020c).

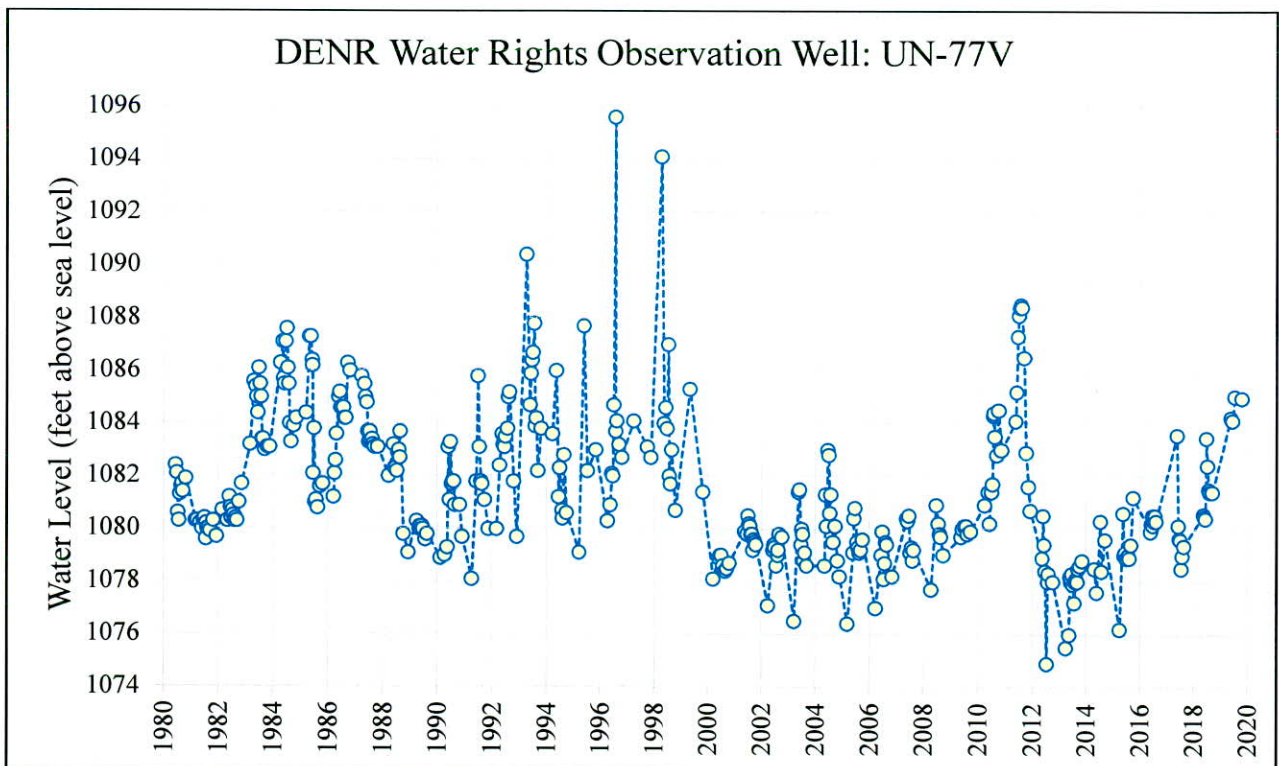


Figure 6. Hydrograph for observation well UN-77V. It is approximately 2.1 miles north of the proposed well location for Water Permit Application No. 8435-3 (Water Rights, 2020c).

The hydrograph of the Missouri River (Figure 7) shows similar trends, rising and declining periods, as the observation well hydrographs of the Missouri: Elk Point aquifer (Figures 3 – 6), indicating that the aquifer is hydraulically connected to the Missouri River. Considering the above information, recharge to and natural discharge from the Missouri: Elk Point aquifer greatly exceeding withdrawals. Recognizing that natural discharge can be captured for pumping, there is a reasonable probability unappropriated water is available for this proposed appropriation.

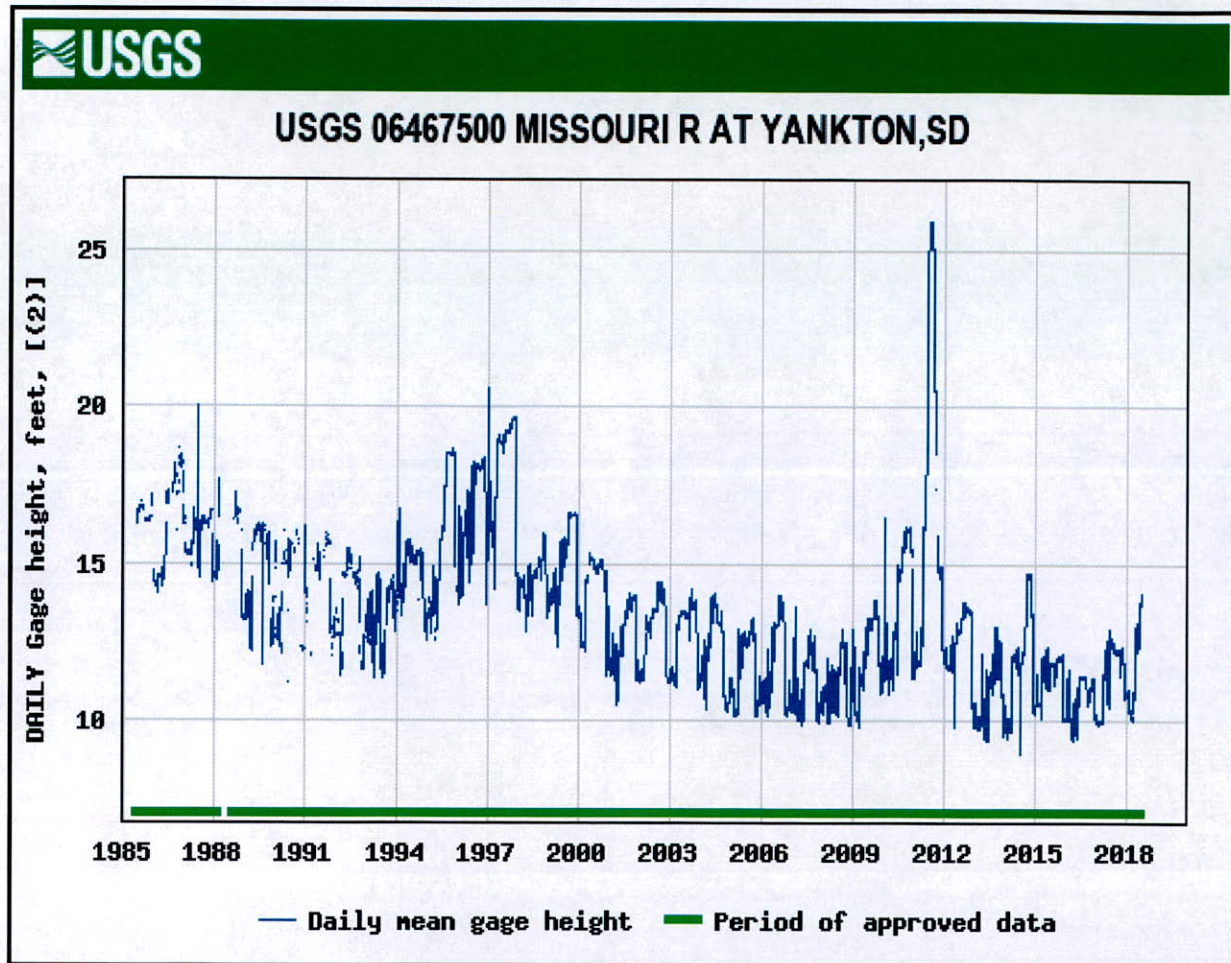


Figure 7. Hydrograph for USGS Stream Gage 06467500 Missouri River at Yankton, SD (USGS, 2020).

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

Currently, there are a total of 622 water rights/permits appropriating or reserving water from the Missouri: Elk point aquifer (Water Rights, 2020a). Table 3 lists the water rights/permits shown in Figure 2 within 3 miles of the proposed site location. The aquifer is under unconfined conditions in the vicinity of the proposed application site so interference from pumping is not expected to be a concern with existing appropriative users.

Table 3- Water rights/permits shown in Figure 2 (Water Rights, 2020a)

Permit Number	Name	Status ^a	Use ^a	Rate (cfs)	Acres
1263-3	Eugene Flynn	LC	IRR	2.16	152
2011-3	Two Rivers Golf, LLC	LC	IRR	1.31	95
4745-3	McCook Lake Izaak Walton League	LC	IRR	4.00	211
4762-3	Mike or Matt Schmitz	LC	IRR	1.89	160
5388-3	Everist Inc.	LC	IND	0.450	0
5782-3	City of North Sioux City	LC	MUN	1.140	0
5786-3	Dakota Dunes Golf Course	LC	IRR	1.53	173
5827-3	Don Lantis	LC	COM	0.022	0
5935-3	Ted Waitt	LC	IRR	0.044	1
6557-3	Mike Chicoine	PE	IRR	1.550	60
6580-3	West Shore Acres Inc.	LC	COM	0.100	0
6680-3	SD Parks & Wildlife Foundation	LC	IRR	2.44	310
8029-3	Dakota Dunes Community Improvement District	PE	IRR	0.78	17.8
8354-3	Two Rivers Golf, LLC	PE	IRR	1.11	30
a - LC: Licensed Water Right; PE: Water Permit; IRR: Irrigation; IND: Industrial; MUN: Municipal; COM: Commercial					

There is only 1 domestic well on file with the Water Rights Program within a mile of the proposed application site (Water Rights 2020b). Users in the vicinity of the proposed application are likely using water provided by the North Sioux City water system. Even though there are high capacity wells in the Missouri: Elk Point aquifer, there has not been a history of well interference complaints (Water Rights, 2020d).

To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) 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”.

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). Nevertheless, if this application is approved, the water permit should include a qualification that the well owner should control their withdrawals so there is not a reduction of water for adequate domestic wells or for adequate wells having prior water rights.

When considering that drawdown from pumping is not significant at distance with unconfined aquifers, the hydrographs of nearby observation wells do not show detrimental impact of pumping and, the lack of well interference complaints due to pumping, there is reasonable probability that the proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8435-3 proposes to appropriate 1.0 acre-foot of water, from a single, 100-foot deep well, annually at a maximum pump rate of 0.33 cubic feet per sec (cfs) from the Missouri: Elk Point aquifer.
2. Based on the hydrologic budget and observation well data, there is reasonable probability unappropriated water is available for this proposed application.
3. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Blaise Hansen
SD DENR – Water Rights Program



Adam Mathiowetz
SD DENR-Water Rights Program

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

OCT 05 2020

WATER RIGHTS
PROGRAM

SIOUX CITY INSULATION
C/O CHRIS AAKHUS
1210 STUDEN ST
SIOUX CITY IA 51105

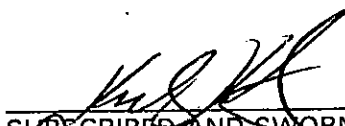
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

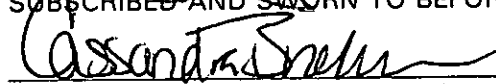
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND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

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF October, 2020
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$24.30 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: 10/01/2020

FILED ON: 10/01/2020


SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF October, 2020


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

Ad text : 10 + 1

NOTICE OF APPLICATION NO. 8435-3 to Appropriate Water

RECEIVED

OCT 05 2020

WATER RIGHTS
PROGRAM

Notice is given that Sioux City Insulation, c/o Chris Aakhus, 1210 Steuben St, Sioux City IA 51105 has filed an application for a water permit to appropriate up to 1.0 acre-foot of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22-T89N-R48W for commercial use. This site is located along I-29 near the south edge of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8435-3 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 Ron Duvall 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 October 12, 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 \$24.30

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:SS
County of Union)

Bruce Odson,
the publisher of the Dakota Dunes / North Sioux City Times,
deposes and says that

The Dakota Dunes / North Sioux City Times

is a legal weekly newspaper of a general circulation, printed and published in North Sioux City, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 8435-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of North Sioux City, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 1 day of October, 2020

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 25.86, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.



Subscribed and sworn to before me

this 1 day of October, 2020

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public

NOTICE OF APPLICATION NO. 8435-3 TO APPROPRIATE WATER

Notice is given that Sioux City Insulation, c/o Chris Aakhus, 1210 Steuben St, Sioux City IA 51105 has filed an application for a water permit to appropriate up to 1.0 acre-foot of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22-T89N-R48W for commercial use. This site is located along I-29 near the south edge of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8435-3 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 Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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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 October 12, 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.

Publish Oct. 1, 2020
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OCT 05 2020

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 21, 2020 12:40 PM
To: Jackie Lammers (jackie.lammers@yankton.net)
Subject: 8435-3, Sioux City Insulation
Attachments: 8435-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 1, 2020.

Sioux City Insulation, c/o Chris Aakhus, 1210 Studen St, Sioux City IA 51105 (712 252-0268) 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
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 21, 2020 12:40 PM
To: G5 (leader1@iw.net)
Subject: 8435-3, Sioux City Insulation
Attachments: 8435-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak

Water Rights Program
(605) 773-3352



Notice was published in
- Dakota Dunes / N Sioux City Times.
which is a legal paper in Union Co.
Called Leader-Courier spoke with
Dustin Olson. (they publish both papers)
she said she assumed it should
go in Dakota Dunes because it was
located nearest that area.
Publication is okay because it is a
legal paper.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

September 21, 2020

Sioux City Insulation
c/o Chris Aakhus
1210 Steuben St
Sioux City IA 51105

Dear Mr. Aakhus:

Water Permit Application No. 8435-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Southern Union County Leader-Courier printed at Elk Point SD (Ph # 605 356-2632) and the Argus Leader printed at Sioux Falls SD (Ph # 605 665-7811). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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 NO. 8435-3 to Appropriate Water

Notice is given that Sioux City Insulation, c/o Chris Aakhus, 1210 Steuben St, Sioux City IA 51105 has filed an application for a water permit to appropriate up to 1.0 acre-foot of water annually at a maximum pump rate of 0.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW 1/4 NE 1/4 Section 22-T89N-R48W for commercial use. This site is located along I-29 near the south edge of North Sioux City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8435-3 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 Ron Duvall 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 October 12, 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.

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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

OCT 21 2020

Sioux City Insulation
c/o Chris Aakhus
1210 Steuben St
Sioux City IA 51105

Dear Mr. Aakhus:

Enclosed is Water Permit No. 8435-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures