

WATER PERMIT NO. 8437-3

Name of Applicant: **United Concrete Inc**

Address: **27291 Ironworks Rd, Harrisburg SD 57032** Phone: **605 321-4019**

Amount of Water Claimed: **0.24 cfs – 18.4 AF** Total Acres: **NA**

Source of Water Supply: **groundwater (one existing well)**

Water to be used for: **industrial use** County: **Lincoln**

Type of Waste Disposal System:

Location: **4 miles west of Harrisburg just off I-29**

PRIORITY Date Received: **8-19-20** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **Jan 1 – Dec 31**

Remarks:

Diversion Point: **SW 1/4 SE 1/4 Sec 31-T100N-
R50W**

Land to be Irrigated: **NA**

Depth of Well: **113 feet deep**

Well Driller: **Dave Putzke Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-19-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			31		
			⊗		

**SOUTH DAKOTA
WATER PERMIT NO. 8437-3**

Date of first receipt of application August 19, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8437-3 to United Concrete Inc., c/o Max J Barnett, 27291 Ironworks Rd, Harrisburg SD 57032 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. 8437-3 appropriates 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (450 feet deep) located in the SW 1/4 SE 1/4 Section 31-T100N-R50W. This site is located approximately 4 miles west of Harrisburg just off I-29.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8437-3 is November 9, 2020.
5. The date from which applicant may claim right is August 19, 2020.
6. One-fifth of the construction is to be completed on or before May 9, 2023.
7. All construction is to be completed on or before November 9, 2025.
8. Water is to be put to beneficial use on or before November 9, 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 Water Permit No. 8437-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
3. Water Permit No. 8437-3 authorizes a total annual diversion of 18.4 acre feet of water from the Sioux Quartzite aquifer.

WATER MANAGEMENT BOARD

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

NOV 24 2020
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8437-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Sioux Valley News</u>
	<u>Argus header</u>

PAID
AUG 19 2020
Ck# 39780

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☒ Industrial	☐ Other	

Type of Application: (check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit United Concrete, Inc.
Mailing Address 27291 Ironworks Rd Harrisburg SD 57032
(Address) (City) (State) (Zip Code)
Phone 605 368 9900 Mobile 605 321 4019 Email max@unitedconcrete56.com
- Amount of water claimed 0.24 *CFS or 110 **GPM and 18.4 ***AF or 6 Million 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 (SW 1/4 SE 1/4)
- Location of point of diversion 1 well SE 1/4 of Sec 31 T100N R50W of 58th County Lincoln
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) except lot 4-1
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 _____
- Annual period during which water is to be used Construction season, reduced in winter
- 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)

Our facility has rural water for office and uses this well for the production of concrete.

I, Max J Barnett owner, 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.

United Concrete Supplemental Information

(type or print)

Max @ united concrete s.d. com
Well

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

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

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

For either Existing or Proposed Wells:

c) Well Depth (required) 113' Granite = 337' Granite
Depth to Top of Water Bearing Material ____ Depth to Water from Surface 120'

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

2. Wastewater Disposal System Information

Pump Set 340' = 110 gpm

a) Type of System (i.e. septic tank, drain-field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System ____

3. Dugout Information

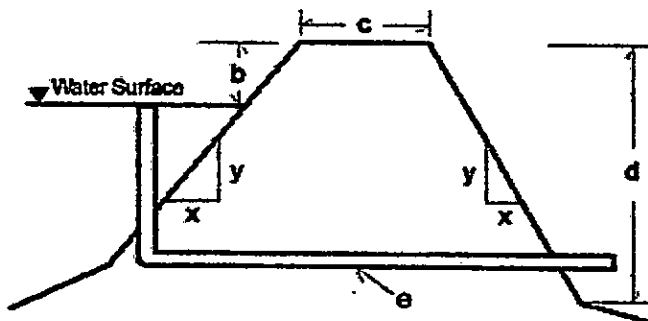
a) Surface Dimensions ____ Depth ____

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

W

Untitled Map

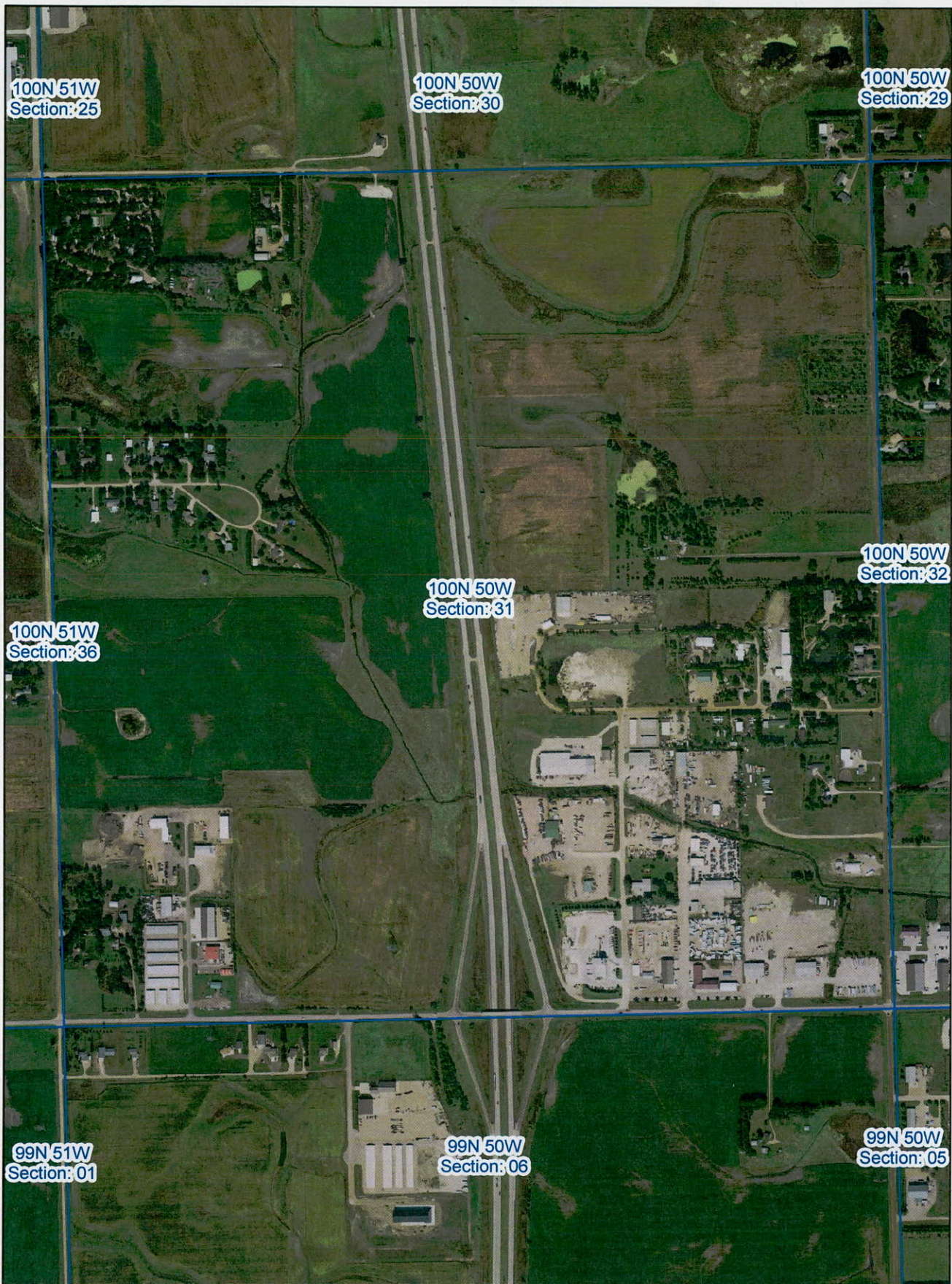
Write a description for your map.

Legend

📍 27291 Ironworks Ave

27291 Ironworks Ave



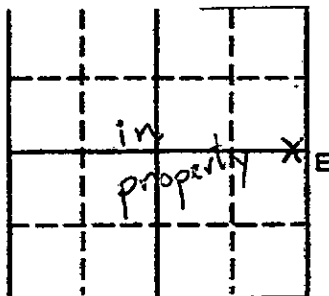


TRACT ONE (1) OF SMITH'S ADDITION IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP ONE HUNDRED (100) NORTH, RANGE FIFTY (50) WEST OF THE 5TH P.M., EXCEPT LOT H-1 THEREOF, LINCOLN COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF.

11-02

Lincoln

Please mark well location with an "X"



Well completion Date

7-14-2010

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from NONE (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
19.15 LB/FT	6 IN	0 FT	113 FT	10 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	2 1/2 yds	Lb/ft	0 R	113 R
		Lb/ft	R	R

Describe grouting procedure: Pump w/ Drilling Ris

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter _____ Inches Length _____ Feet
Material _____
Slot Size _____ Set From _____ Feet to _____ Feet
Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pumped 5 gallons

Lab sample sent to for water quality analysis

☐ No, Why Not? CE Chlorine / w/ Drilling Ris

Please return WHITE COPY to: DENR Water Rights

City, State, Zip: Aberdeen, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top. Soil	0	3
Yellow Clay	3	50
Blue Clay	50	113
Granite	113	450

STATIC WATER LEVEL 120 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: AIR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Set Pump
340' = 110 gpm

This well was drilled under license # 4139

And this report is true and accurate.

Drilling firm: Dave Putzke Well Drilling & Repair Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

523 E Capitol Ave. Pierre SD 57501



530850412

B0110-4784 09/03/2019 7:07AM Rec'd by SD SOS

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

2019
FILING YEAR

ANNUAL REPORT

Domestic Business Corporation
SDCL 59-11-24, 24.1

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DB044731
BUSINESS ID

UNITED CONCRETE, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

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

Actual Street Address

1408 EAST 39TH ST N
SIOUX FALLS, SD 57104

Mailing Address

1408 EAST 39TH ST N
SIOUX FALLS, SD 57104

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 **GREGORY B. BRANAUGH**

Actual Street Address in this State

1408 E 39TH ST N
SIOUX FALLS, SD 57104-0835

Mailing Address in this State

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

Title	Name	Address
President	GREGORY BRUCE BRANAUGH	1408 E. 39TH ST. N., SIOUX FALLS, SD, 57104
Vice President	MICHAEL LYNDE	27291 IRONWORKS ROAD, HARRISBURG, SD, 57032
Secretary	MAX BARNETT	27291 IRONWORKS ROAD, HARRISBURG, SD, 57032

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

Name	Address
GREGORY BRUCE BRANAUGH	1408 E. 39TH ST. N., SIOUX FALLS, SD, 57104
MICHAEL LYNDE	27291 IRONWORKS ROAD, HARRISBURG, SD, 57032
MAX BARNETT	27291 IRONWORKS ROAD, HARRISBURG, SD, 57032

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).

09/03/2019

Dated

Email (Optional)

Gregory Bruce Branaugh

Signature of an Authorized Person

Gregory Bruce Branaugh

Printed Name

B0110-4785 09/03/2019 7:07AM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 19, 2020

RECEIVED OF United Concrete Inc. 27291 Ironworks Rd Harrisburg SD 57032

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

Fee for Application for Permit No. <u>8437-3</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>8437-3</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

um



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. 8437-3, United Concrete Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8437-3, United Concrete Inc., 27291 Ironworks Rd, Harrisburg SD 57032.

The Chief Engineer is recommending APPROVAL of Application No. 8437-3 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 Water Permit No. 8437-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite aquifer.
3. Water Permit No. 8437-3 authorizes a total annual diversion of 18.4 acre feet of water from the Sioux Quartzite aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 22, 2020

REPORT ON PERMIT APPLICATION NO. 8437-3

United Concrete Inc.

OCT 20, 2020

Water Permit Application No. 8437-3 requests the appropriation of 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet per second (cfs) from one well completed into the Sioux Quartzite aquifer (450 feet deep) located in the SW ¼ SE ¼ Section 31-T100N-R50W in Lincoln County for industrial use. The site is located approximately 4 miles west of Harrisburg, SD.

Aquifer: Sioux Quartzite (SOUX)

Hydrogeology

The Sioux Quartzite consists of pink and reddish to tan, siliceous, fine- to coarse-grained, iron-stained orthoquartzite with minor metamorphosed conglomerate and mudstone layers (Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004). The Sioux Quartzite underlies portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa with an estimated thickness greater than 1,000 ft (Southwick, 1984; Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004).

The Sioux Quartzite aquifer occurs in areas of the Sioux Quartzite, where extensive fractures and weathering zones allow for the transmission of water. The Sioux Quartzite aquifer has very low primary porosity, so water movement in the aquifer is through secondary porosity (fractures, joints, and faults). Secondary porosity for the Sioux Quartzite aquifer is highly variable and uneven and therefore is site-specific.

The well completion report included with the application indicates topsoil from ground surface to 3 feet below grade, yellow clay from 3 to 50 feet below grade, blue clay from 50 to 113 feet below grade, and granite (Sioux Quartzite) from 113 to 450 feet below grade with a static water level of 120 feet below grade indicating the well was unconfined at the time of completion (Water Rights, 2020b).

South Dakota Codified Law 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 the availability of unappropriated water and potential impacts to existing rights within the Sioux Quartzite aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states, "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn

annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Sioux Quartzite aquifer is older and lower than the Greenhorn Formation; however, there is no water distribution system involved.

Hydrologic Budget

Recharge

The Sioux Quartzite aquifer receives recharge from the infiltration of precipitation and streamflow on the outcrop area (Niehus, 1997). There are no average annual recharge estimates available for the Sioux Quartzite aquifer. Therefore, data is not available to quantitatively compare the estimated average annual recharge to the estimated average annual withdrawal in the Sioux Quartzite aquifer.

Withdrawals

Withdrawals from the Sioux Quartzite aquifer occur through evapotranspiration in areas where the aquifer is near land surface and through well withdrawals. Currently, there are 65 water rights/permits appropriating water from the Sioux Quartzite aquifer with one pending application (Water Permit Application No. 8426-3 for Dakota Line Dairy) for 300 ac-ft/yr at a maximum instantaneous diversion rate of 0.67 cfs (Water Rights, 2020a).

All current non-irrigation water rights/permits not required to report usage and appropriating water from the Sioux Quartzite aquifer are summarized in Table 1. The amount of water that can be expected to be withdrawn by non-irrigation water rights/permits not required to report usage can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time and those limited by an annual volume will use the entire permitted volume annually.

There are some municipalities that are served by rural water systems as such, the wells for these municipal water rights/permits are maintained for standby use only (DENR, 2020). Therefore, the water use for these rights/permits is estimated to be zero in Table 1 as the usage for them is reflected in the rural water systems rights/permits they are served by.

Table 1: Summary of expected use of non-irrigation water rights/permits not required to report usage from the Sioux Quartzite aquifer (Water Rights, 2020a)

Use Type	No. of Water Rights/Permits	Permitted Diversion Rate (cfs)	Permitted Volume (ac-ft)	Expected Annual Use (ac-ft)
REC	2	0.156	N/A	68
MUN	17	0.47	N/A	204
IND	3	2.121	N/A	922
INS	1	0.070	N/A	30
DOM	1	0.180	N/A	78
COM	18	2.544	371	1,477
SHD	2	0.253	N/A	110
GEO	7	1.850	39	843
Total	51	7.644	410	3,732
REC = Recreation, MUN = Municipal, IND = Industrial, INS = Institutional, DOM = Domestic, COM = Commercial, SHD = Suburban Housing Development, GEO = Geothermal				

Non-irrigation water rights/permits that are required to report their annual usage are summarized in Table 2, and their usage is calculated using the average of the reported pumpage for the years 2003 to 2019 (Water Rights, 2020f).

Table 2: Non-irrigation water rights/permits that are required to report their annual usage from the Sioux Quartzite and their reported usage for the year 2003 to 2019 (Water Rights, 2020f).

Year	5400-3 (IND)	5784-3 (COM) 8345-3 (IND)	6070-3 (COM)	6552A-3 (SHD)	8344-3 (IND)
2003	1,984	3	2,240		
2004	1,801	640	2,190		
2005	1,790	28	2,240		
2006	2,101	0	2,190		
2007	2,100	66	1,680		
2008	2,115	70	1,680		
2009	2,355	63	1,680		
2010	2,752	132	1,690		
2011	2,692	113	1,680		
2012	2,309	10	1,111		
2013	2,027	10	1,120		
2014	2,222	0	1,120	9	
2015	2,114	0	1,248	13	
2016	2,557	1	1,120	10	
2017	2,664	0	1,120	8.5	
2018	2,767	513	1,120	7.7	1.1
2019	3,463	423	1,135	6.1	1.04
average (ac-ft/yr)	2,342	122	1,551	9.05	1.07
IND = Industrial, COM = Commercial, SHD = Suburban Housing Development					

There are 8 water rights/permits for irrigation currently authorized to appropriate water from the Sioux Quartzite aquifer. Of these irrigation water rights/permits, 6 are required to report their annual usage, as shown in Table 3. The average annual usage for irrigation water rights/permits required to report are calculated using the average of the reported usage over the period of record (Water Rights, 2020d).

Table 3: Irrigation water rights/permits authorized to withdraw water from the Sioux Quartzite and required to report their annual usage (Water Rights, 2020d).

Permit No.	Status	Years Reporting Usage	Authorized Acres	Average Reported Usage (acre-feet)
5365-3	LC	9	1.5	0.75
6195-3	LC	20	61	89.45
6618-3	LC	14	71	76.71
6910-3	LC	10	80	5.79
7415-3	PE	7	34	94.66
7805-3	LC	7	8	4.10
Total			255.5	271.46
LC = Water Right, PE = Water Permit				

Water Right Nos. 6451-3 (Bluffs Townhomes Association, 3 acres) and 6553-3 (Prairie Hills Covenant Church, 4 acres) are authorized for irrigation use and are not required to report their annual usage. The estimated average annual usage for these rights can be calculated assuming full appropriation for both (14 ac-ft/yr).

There are a number of well completion reports on file with the DENR-Water Rights Program for domestic wells that appear to be completed into the Sioux Quartzite aquifer in the area of the proposed diversion point (Water Rights, 2020b). It is also likely there are other domestic wells completed into the Sioux Quartzite aquifer in this area that are not on file with the Water Rights Program. In general, the volume of water pumped by domestic users is not a significant amount of the hydrologic budget due to limited diversion rate (less than 18 gpm) and the availability of rural water systems in the area.

Hydrologic budget summary

Without recharge rate, there is no way to compare the average annual recharge and average annual withdrawal rates directly. The estimated average annual withdrawals from the Sioux Quartzite aquifer are 300 ac-ft/yr from pending applications assuming full appropriation, 7,757 ac-ft/yr from non-irrigation users, and 286 ac-ft/yr from irrigation. Therefore the total estimated average annual withdrawal from the Sioux Quartzite aquifer is 8,343 ac-ft/yr.

Aquifer Water Levels

The DENR-Water Rights Program maintains no observation wells completed into the Sioux Quartzite aquifer in South Dakota (Water Rights, 2020c). By evaluating the static water levels of well logs in the area of the proposed diversion point at the time of completion (Table 4), an estimation of aquifer water levels from the Sioux Quartzite aquifer in the area of the application can be made (Water Rights, 2020b).

Table 4: Well logs completed into the Sioux Quartzite aquifer within approximately 5 miles of the proposed diversion point (Water Rights, 2020a; Water Rights, 2020b).

Name	Date Drilled	Direction from proposed diversion point	Approximate Distance from proposed diversion point (mi)	Approximate Ground Elevation (ft)	Approximate Static Water Level Elevation (ft)	Approximate Elevation to top of Sioux Quartzite (ft)
	08/14/1872	SW	4.73	1387	1287	1177
Lakeland Nursery	10/25/1977	NE	4.73	1514	1398	1234
Arnold Hachstotter	4/3/1978	NE	3.40	1453	1324	1301
Casa Del Rosa Water Inc	11/30/1982	NW	0.78	1462	1332	1276
Robert Johnson	11/30/1985	N	4.49	1452	1398	1344
Don Williams	8/1/1988	E	1.14	1441	1351	1291
Evangelical Lutheran Good Samaritan Society	5/1/1990	N	4.82	1442	1419	1340
Thomas Pearson	7/30/1990	SW	4.71	1399	1318	1244
Prairie Green, Inc	8/26/1998	NE	4.99	1493	1378	1293
The Lakes At Prairie Green Homeowners Association	8/26/1998	NE	4.85	1494	1379	1294
Good Samaritan Society	5/1/1999	N	4.80	1443	1420	1341
Jo Ann Hemphill	3/24/2000	NE	1.40	1471	1336	1253
Jo Ann Hemphill	4/7/2000	NE	1.62	1483	1351	1308
Upper Plains Construction (Proposed Diversion Point)	7/14/2000	N/A	0.00	1458	1338	1345
Landscape Gardens	6/17/2004	NE	4.46	1512	1375	1282
Donald Hoffman	11/4/2004	E	2.73	1443	1348	1235
Midland National Life Insurance Co.	4/20/2007	N	4.38	1468	1415	1351
Midland National Life	4/20/2007	N	4.44	1473	1420	1356
Midland National Life Ins. Co.	6/25/2007	N	4.63	1457	1408	1344
Harrisburg School	5/26/2009	E	3.73	1432	1359	1179
Good Samaritan National Campus	8/1/2015	N	4.80	1442	1437	1365
AAA Painting	11/12/2015	NE	1.02	1465	1347	1321

The well logs show water levels change in response to climatic conditions declining during drier periods and rising during wetter periods with recharge exceeding discharge. The majority of wells in this area are confined with hydraulic head ranging from unconfined (-7) to 180 feet and averaging 76 feet at time of completion. Given the estimated thickness of the Sioux Quartzite (1,000 feet), and the lowest recorded static water level indicated in well logs around the proposed diversion point being 7 feet below the top of the Sioux Quartzite aquifer there is a reasonable probability that unappropriated water is available for this proposed diversion.

Potential For Unlawful Impairment Of Existing Water Rights

Currently, there are 65 water rights/permits appropriating water from the Sioux Quartzite (Water Rights, 2020a). There are 5 water rights/permits completed into the Sioux Quartzite within approximately 3 miles, with the nearest one being Water Right 4936-3 located approximately 0.78 miles to the northwest of the proposed diversion point (Figure 1 and Table 5). The nearest well completion report on file with SD DENR-Water Rights Program is approximately 0.73 miles to the east of the proposed diversion point for this application (Water Rights, 2020b). The majority of wells on file with SD DENR -Water Rights Program in this area (approximately 5 miles of proposed diversion point) are for geothermal use. There are likely other wells completed into the Sioux Quartzite aquifer within 3 miles of the proposed diversion point for this application that are not on file with the SD DENR-Water Rights Program.

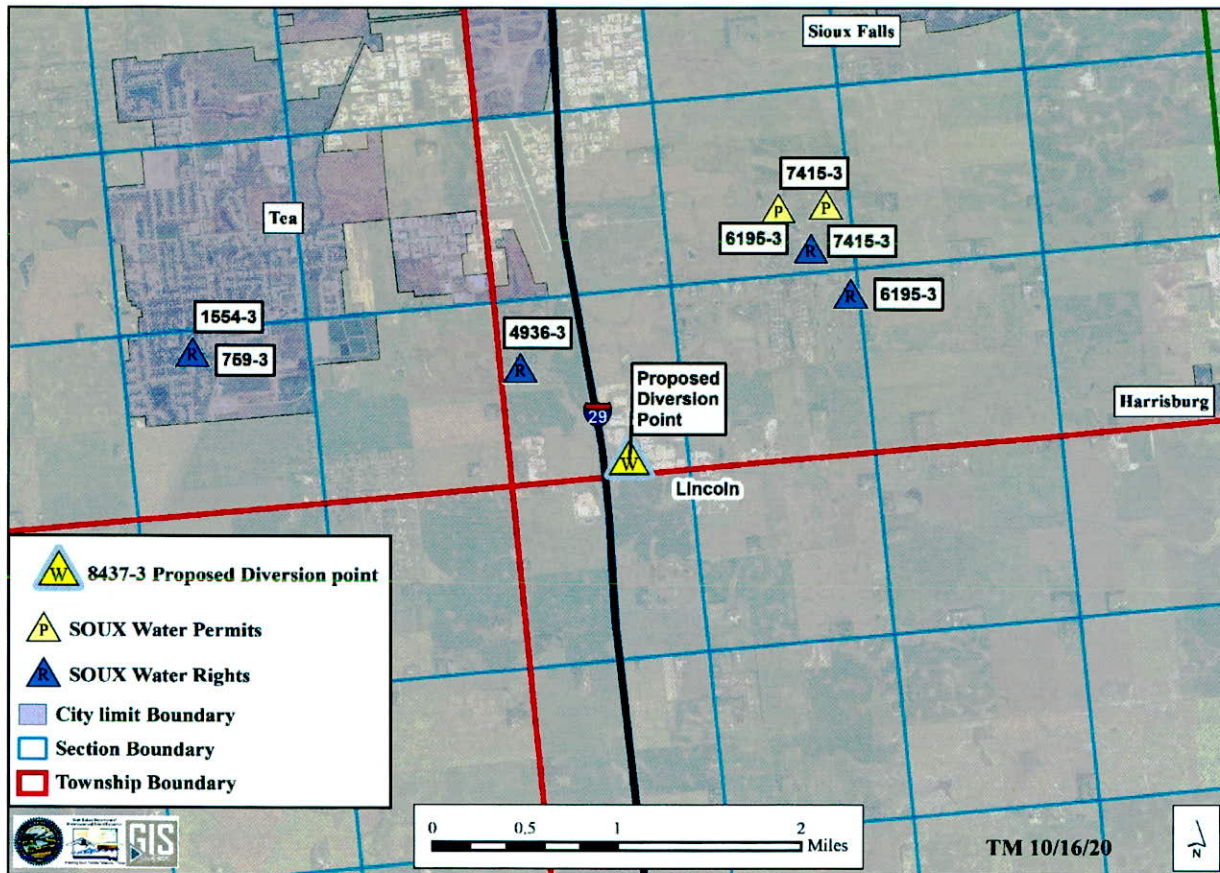


Figure 1: Map showing the proposed diversion point and nearby water rights/permits completed into the Sioux Quartzite aquifer (SOUX) (Water Rights, 2020a; Water Rights, 2020c).

Table 5: Nearby Water Rights/Permits authorized to withdraw from the Sioux Quartzite aquifer within approximately 3 miles of the proposed diversion point shown in Figure 1 (Water Rights, 2020a).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
759-3	Town Of Tea	LC	MUN	0.070	N/A
1554-3	Town Of Tea	LC	MUN	0.090	N/A
4936-3	Casa Del Rosa Water Inc	LC	SHD	0.033	N/A
6195-3	Bakker Crossing Golf Course	LC	IRR	0.440	61
7415-3	Bakker Crossing Golf Course	PE	IRR	0.890	34
LC = Water Right, PE = Water Permit, IRR = Irrigation, MUN = Municipal, SHD = Suburban Housing Development					

The Sioux Quartzite aquifer in this area switches between confined and unconfined, so drawdown from pumping the aquifer can vary over a fairly large area when confined and a smaller area when unconfined. The Sioux Quartzite has an estimated thickness greater than 1000 feet, and the well completion report submitted with the application indicated the Sioux Quartzite from 113 to 450 feet (did not drill through the entire Sioux Quartzite) with a static water level at 120 feet. This would allow sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer (Water Rights, 2020a; Water Rights, 2020c; Martin, Sawyer, Fahrenbach, Tomhave, &

Schulz, 2004). The drawdown created from the proposed diversion should not unlawfully impair nearby adequate wells.

An adequate well as defined in ARSD 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

Due to the very low primary porosity of the Sioux Quartzite aquifer and the highly variable and uneven nature of secondary porosity, 20 feet of saturated thickness may not be sufficient for a dependable water supply. Without conducting an aquifer pumping test, the precise drawdown effects caused by pumping a well cannot be determined. The lowest recorded static water level indicated in well logs around the proposed diversion point was 7 feet below the top of the Sioux Quartzite aquifer. Pump depth requirements are detailed in ARSD 74:02:04:60(2), which states, “The depth of the pump setting shall be determined by dividing the specific capacity into the required yield and adding at least 10 additional feet to maintain pump inlet submergence below the maximum anticipated drawdown, where possible.”

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery. In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). Given the estimated thickness of the Sioux Quartzite (1,000 feet), the nearest water right being approximately 0.78 miles to the northwest, the lowest recorded water level of wells in the area being 7 feet below the top of the Sioux Quartzite aquifer at the time of completion, and the lack of well interference complaints in the area, well interference from this proposed diversion is not expected to unlawfully impair nearby adequate wells. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be unlawful.

Conclusions

1. Water Permit Application No. 8437-3 requests the appropriation of 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet per second (cfs) from one well completed into the Sioux Quartzite (450 feet deep) located in the SW ¼ SE ¼ Section 31-T100N-R50W in Lincoln County for industrial use. The site is located approximately 4 miles west of Harrisburg, SD.
2. There is a reasonable probability that the diversion proposed by this application will not unlawfully impair adequate wells for existing water rights and domestic use.
3. There is a reasonable probability unappropriated water is available for this proposed appropriation.

Timothy Magstadt

Timothy Magstadt
Natural Resources Engineer II
SD DENR – Water Rights Program

References

- DENR. (2020, February 3). *Drinking Water System Information*. Retrieved from South Dakota DENR: <https://denr.sd.gov/des/dw/sysinfo.aspx#C>
- Martin, J. E., Sawyer, J. F., Fahrenbach, M. D., Tomhave, D. W., & Schulz, L. D. (2004). *Geologic Map of South Dakota, G-10*. South Dakota Geological Survey.
- Niehus, C. A. (1997). *Major aquifers in Lincoln and Union Counties, South Dakota: information Pamphlet 49*. Vermillion, South Dakota: United States Geological Survey.
- Southwick, D. L. (1984). *Shorter Contributions to the Sioux Quartzite (Early Proterozoic), Southwestern Minnesota: Report of Investigations 32*. Saint Paul: University of Minnesota.
- Water Rights. (1995). *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. (2020a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020d). *Irrigation Questionnaire database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2020f). *2003-2019 Non-Irrigation Water Use Data*. SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

UNITED CONCRETE INC
27291 IRONWORKS RD
HARRISBURG, SD 57032

Account No.: 6053689900UNIT

Ad No.: 0004435191

PO #: 8437-3

Lines : 101

Ad Total: \$67.21

This is not an invoice

of Affidavits: 1

Account No.: 6053689900UNIT
Ad No.: 0004435191

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCI, 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

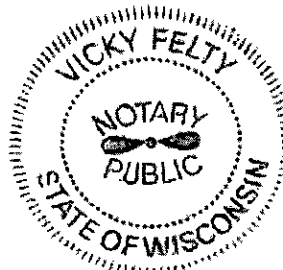
Thursday, October 29, 2020

Sworn to and subscribed before me this 9 day of November, 2020.

Kathleen Allen
Legal Clerk

Vicky Felty
Notary Public, State of Wisconsin, County of Brown

9-19-21
My Commission expires



NOTICE OF APPLICATION NO. 8437-3 to Appropriate Water

Notice is given that United Concrete Inc., c/o Max J. Barnett, 27291 Ironworks Rd, Harrisburg SD 57032 has filed an application for a water permit to appropriate 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (450 feet deep) located in the SW 1/4 SE 1/4 Section 31-T100N-R50W for industrial use. This site is located approximately 4 miles west of Harrisburg just off I-29.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8437-3 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 November 9, 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: 10/29/2020

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

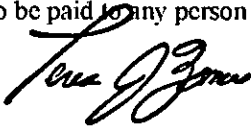
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit: that the advertisement headed:

**United Concrete Inc.
Notice of Application**

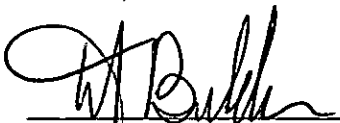
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

October 29, 2020

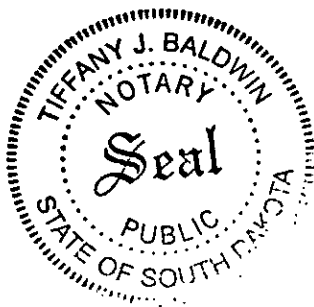
that the full amount of the fees charged for publishing the same to-wit: the sum of \$25.99 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 29th day of
October, 2020


Notary Public, South Dakota

(Seal)



**My Commission Expires
January 12, 2024**

RECEIVED

NOV 02 2020

**WATER RIGHTS
PROGRAM**

**NOTICE OF APPLICATION NO.
8437-3 to Appropriate Water**

Notice is given that United Concrete Inc., c/o Max J Barnett, 27291 Ironworks Rd, Harrisburg SD 57032 has filed an application for a water permit to appropriate 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (450 feet deep) located in the SW 1/4 SE 1/4 Section 31-T100N-R50W for industrial use. This site is located approximately 4 miles west of Harrisburg just off I-29.

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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 in the Sioux Valley News on October 29, 2020 at the total approximate cost of \$25.99.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 8:21 AM
To: 'legals@argusleader.com'
Subject: 8437-3, United Concrete Inc
Attachments: 8437-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

United Concrete Inc., c/o Max J Barnett, 27291 Ironworks Rd, Harrisburg SD 57032 (605 368-9900) 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



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 8:20 AM
To: svn@siouxvalleynewsonline.com
Subject: 8437-3, United Concrete Inc
Attachments: 8437-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

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

Karen Schlaak

Water Rights Program
(605) 773-3352





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.**

October 22, 2020

United Concrete Inc
c/o Max J Barnett
27291 Ironworks Rd
Harrisburg SD 57032

Dear Mr. Barnett:

Water Permit Application No. 8437-3 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 Sioux Valley News printed at Canton SD (Ph # 605 764-2000) and the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). 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. 8437-3 to Appropriate Water

Notice is given that United Concrete Inc., c/o Max J Barnett, 27291 Ironworks Rd, Harrisburg SD 57032 has filed an application for a water permit to appropriate 18.4 acre-feet of water annually at a maximum pump rate of 0.24 cubic feet of water per second from one existing well completed into the Sioux Quartzite Aquifer (450 feet deep) located in the SW 1/4 SE 1/4 Section 31-T100N-R50W for industrial use. This site is located approximately 4 miles west of Harrisburg just off I-29.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8437-3 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 November 9, 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, October 22, 2020 8:25 AM
To: max@unitedconcretesd.com
Subject: Water Permit Application No. 8437-3
Attachments: 0098.pdf

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 two 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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 2020

United Concrete Inc.
c/o Max J Barnett
27291 Ironworks Rd
Harrisburg SD 57032

Dear Mr. Barnett:

Enclosed is Water Permit No. 8437-3 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

DEC 14 2020

Ck# 238537

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

DEC 14 2020

WATER RIGHTS
PROGRAM

Water Right/Permit No. 8437-3

Date: 11/30/2020

I/We request that Water Right/Permit No. 8437-3 formerly owned by:

United Concrete, Inc.

be transferred to:

New Owner Name: Ace Ready Mix, Inc.

Address: 350 S Main Ave, Suite 400

City, State, Zip Sioux Falls SD 57104 Telephone No. 605-334-5000

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

United Concrete was acquired by L. G. Everist, Inc. on 11/02/2020 and is being merged with it's subsidiary Ace Ready Mix, Inc.

☒ I understand that the validity of Water Right/Permit No. 8437-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Chris Klein, the new owner, certify that the above information is true and correct.



(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 Environment and Natural Resources

Date December 14, 2020

RECEIVED OF Ace Ready Mix, Inc. 350 S main Ave, Suite 400 Sioux Falls SD 57104

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

Fee for Application for Permit No. _____ 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>8437-3</u>	\$50.00
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	\$50.00

By Eric Bronlund
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

December 15, 2020

8437-3

Chris Klein
Ace Ready Mix Inc
350 S Main Ave, Ste 400
Sioux Falls SD 57104

Dear Mr. Klein:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Permit No. 8437-3.

The ownership change has been completed. The water permit formerly listed under United Concrete, Inc is now listed under Ace Ready Mix, Inc.

Enclosed for your records is a receipt for the filing fee that was paid. If you have any questions, please let me know.

Sincerely,

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

Enclosure

RECEIVED

AUG 12 2021

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 08/10/2021

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Ace Ready Mix, Inc. c/o Chris Klein
(name)
350 S Main Ave, Suite 400
(address)
Sioux Falls, SD 57104 (605) 330-6570
(city, state, zip) (phone)

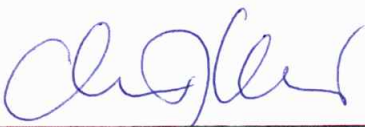
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

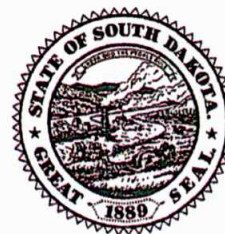
Water Permit No. 8437-3 states that the water use system is to be constructed by
11/09/2025, and water is to be put to beneficial use by 11/09/2029.
(date) (date)

The water use system was completed on 12/31/2020.
(date)

Applying the water to beneficial use was completed on 12/31/2020.
(date)

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


(signature)



8437-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8437-3

I have this day, July 19, 2023, made a thorough examination of the water use system constructed by United Concrete Inc, 27291 Ironworks Rd, Harrisburg, SD 57032 of Permit No. 8437-3, bearing the priority of August 19, 2020 authorizing the diversion of 0.24 cu. ft. per second of the waters of Sioux Quartzite Aquifer for industrial use (concrete) purposes, in Lincoln County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Putzke Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 450 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 6 inches
- 2) Length 113 feet
- 3) Type steel

Screen:

- 1) Type None – drilled 337 feet into Quartzite
- 2) Length NA feet
- 3) Static water level 120 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 110 GPM

Motor:

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

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

- 1) Type Unknown
- 2) Size Unknown inches
- 3) Length 150 feet

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the SE corner Sec 31 T100N R50W, 380 ft N & 1655 ft W, Lat 43.43278 Long -96.79350 (SW ¼
SE ¼)
2. The works are capable of diverting and conveying to the place of use 0.24 cu. ft. per second of water which is to be used for industrial use (concrete). The license should be issued for 0.24 cfs
3. All structures, wells and lands on map Y

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

The new owners are Ace Ready Mix, c/o Chris Klein, (605/330-6570), 350 S. Main Ave, Sioux Falls, SD 57104 as noted in the latest correspondence with the DANR.

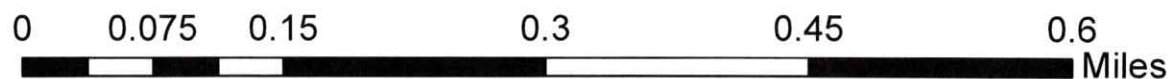
The concrete plant contact person is Jimmy Waddell (605/359-6000).

The pump capacity was noted on the well drillers "Well Completion" report.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 21, 2023





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

JUL 24 2023

Ace Ready Mix Inc
c/o Chris Klein
350 S Main Ave Suite 400
Sioux Falls SD 57104

8437-3

Dear Mr. Klein:

Enclosed is Water License No. 8437-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8437-3**

(1) United Concrete Inc; 27291 Ironworks Rd, Harrisburg SD 57032, made Application No. 8437-3, August 19, 2020, for a water permit to divert 18.4 acre feet (ac-ft) of water annually at a maximum pump rate of 0.24 cubic feet of water per second (cfs) from groundwater, one well (Sioux Quartzite Aquifer), Lincoln County, South Dakota for industrial use. Permit No. 8437-3, with a priority date of August 19, 2020, was approved November 9, 2020, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 9, 2025, and for the application to beneficial use of water on or before November 9, 2029.

Ownership of Water Permit No. 8437-3 was transferred to Ace Ready Mix Inc; 350 S Main Ave. Suite 400, Sioux Falls SD 57104 in December 2020.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.24 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 380 ft N & 1,655 ft W of the SE corner of Section 31, T100N, R50W (SW ¼ SE ¼)
(Latitude 43.43278 Longitude -96.79350)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in an industrial concrete setting, located in the SE ¼ of Section 31, T100N, R50W, approximately 4 miles west of Harrisburg, just off I-29.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ace Ready Mix Inc, the holder and/or owner of Water Right No. 8437-3 is issued a license to appropriate water, the right to use 0.24 cubic feet of water per second from groundwater, one well (Sioux Quartzite Aquifer), with a priority date of August 19, 2020, from the location specified in (2) of this license for industrial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8437-3 and subject to the following qualifications:

1. The well under Permit No. 8437-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Right, shall control their 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 Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Sioux Quartzite Aquifer.
3. Water Right No. 8437-3 authorizes a total annual diversion of 18.4 acre feet of water from the Sioux Quartzite Aquifer


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 24 2023
date

