

**Do Not License
This Is A
Temporary
Water Permit**

WATER PERMIT NO. 8853-3

Name of Applicant: **Darby Parson – Prairie States Pit**

Address: **3900 N National Ave, Sioux Falls SD 57104**

Phone: **605-777-9473**

Amount of Water Claimed: **3 AF**

Total Acres: **N/A**

Source of Water Supply: **Surface**

Water to be used for: **Industrial**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **Approx. 2 1/2 miles west of Sioux Falls SD**

PRIORITY Date Received: **04-05-24**

Application/License Fee: **\$700.00**

Corrected Application Received: **04-16-24**

Period of Annual Use: **May 1 – September 30**

Remarks: **Dewatering of surface water runoff accumulation in a gravel pit, water will be discharged into Skunk Creek**

Diversion Point: **SW 1/4 NW 1/4 Sec 9-T101N-**

R50W

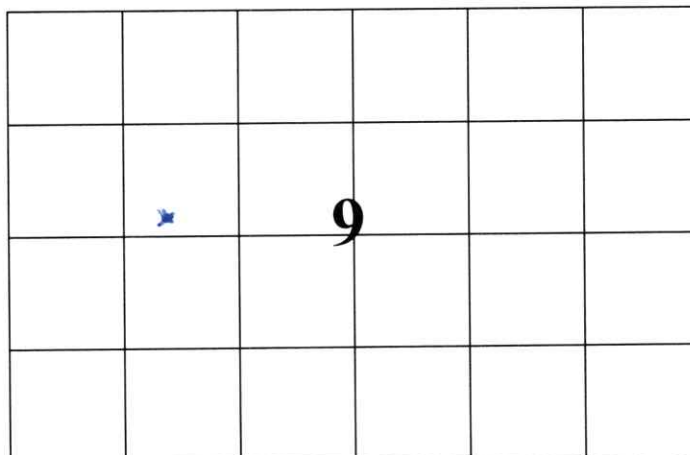
Land to be Irrigated: **N/A**

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **04-16-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 8853-3

Date of first receipt of application April 5, 2024.

Date of return to applicant for corrections, amendments or changes April 12, 2024.

Date of receipt of corrected application April 16, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Temporary Use Water Permit No. 8853-3 to Darby Parson – Prairie States Pit, c/o Jordan Wensing, 3900 N. National Avenue, Sioux Falls SD 57104, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8853-3 appropriates up to 6 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second for dewatering of a gravel pit for industrial use purposes. The source of water is incidental surface runoff and ground water from the Big Sioux: Southern Skunk Creek Aquifer accumulating in the gravel pit located in the SW 1/4 NW 1/4 Section 9-T101N-R50W. Dewatering will allow pit operations and water will be discharged into Skunk Creek. This site is located approximately two and one-half miles west of Sioux Falls SD.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: May 1 – September 30.
4. The date of approval of Permit No. 8853-3 is July 1, 2024.
5. The date from which applicant may claim right is April 5, 2024.
6. One-fifth of the construction is to be completed on or before January 1, 2027.
7. All construction is to be completed on or before July 1, 2029.
8. Water is to be put to beneficial use on or before July 1, 2033.
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 city of Sioux Falls has priority right to this water under future use withdrawal permit. Permit No. 8853-3 is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to this prior right if or when the city of Sioux Falls develops their reserve water supply. Permit No. 8853-3 may be subject to cancellation when the water reserved under the future use permit is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. Dewatering approved under Permit No. 8853-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner under this Permit must control withdrawals from the excavation so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Southern Skunk Creek Aquifer.
4. Water Permit No. 8853-3 authorizes a total annual diversion of up to 6.0 acre feet of water from the Big Sioux: Southern Skunk Creek Aquifer.

(continued)

WATER MANAGEMENT BOARD

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

JUL 25 2024
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8853-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>
	Newspaper <u>Sioux Falls Argus Leader</u>
	(office use only)

RECEIVED
APR 05 2024
OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal
☐ Rural Water System
☐ Domestic (over 18 gpm)

☐ Water Distribution System
☐ Commercial
☒ Industrial

☐ Recreational
☐ Fish & Wildlife
☐ Other

☐ Institutional
☐ Geothermal

Type of Application: (check one)

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

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

1. Name to Appear on Water Permit Darby Parson - Prairie States Pit c/o Jordan Wensing

Mailing Address 3900 N ~~Nation~~ Ave Sioux Falls SD 57104
(Address) (City) (State) (Zip Code)

Phone 605.777.9473 Mobile 605.799.5473 Email jwensing@prairiestatestrucking.com

2. Amount of water claimed 0.107 *CFS or 300 **GPM and 36 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply groundwater & runoff (SW 1/4 NW 1/4)

4. Location of point of diversion NW 1/4 - Sec 9 - T101N - R50W County Minnehaha
(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)

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used May 1 - Sept 30

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

dewatering of groundwater and runoff accumulation in gravel pit
expecting to dewater accumulation of water approx 1 acre in size & 2-3 ft deep each season

total area of the Prairie States Pit site is approx 8 acres

water to be discharged into Skunk Creek

I, [Signature] Operations manager, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

Supplemental Information

(type or print)

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

- a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

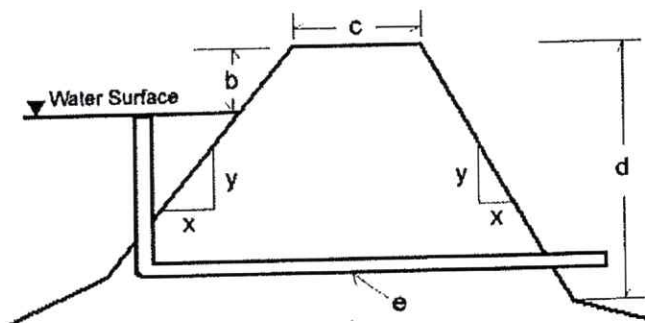
3. Dugout Information

- a) Surface Dimensions 0.5 acres $\pm$ 250' x 84' Depth 5 feet
- b) Depth to water (ground surface to water level) 4'6"

4. Water Storage Dams

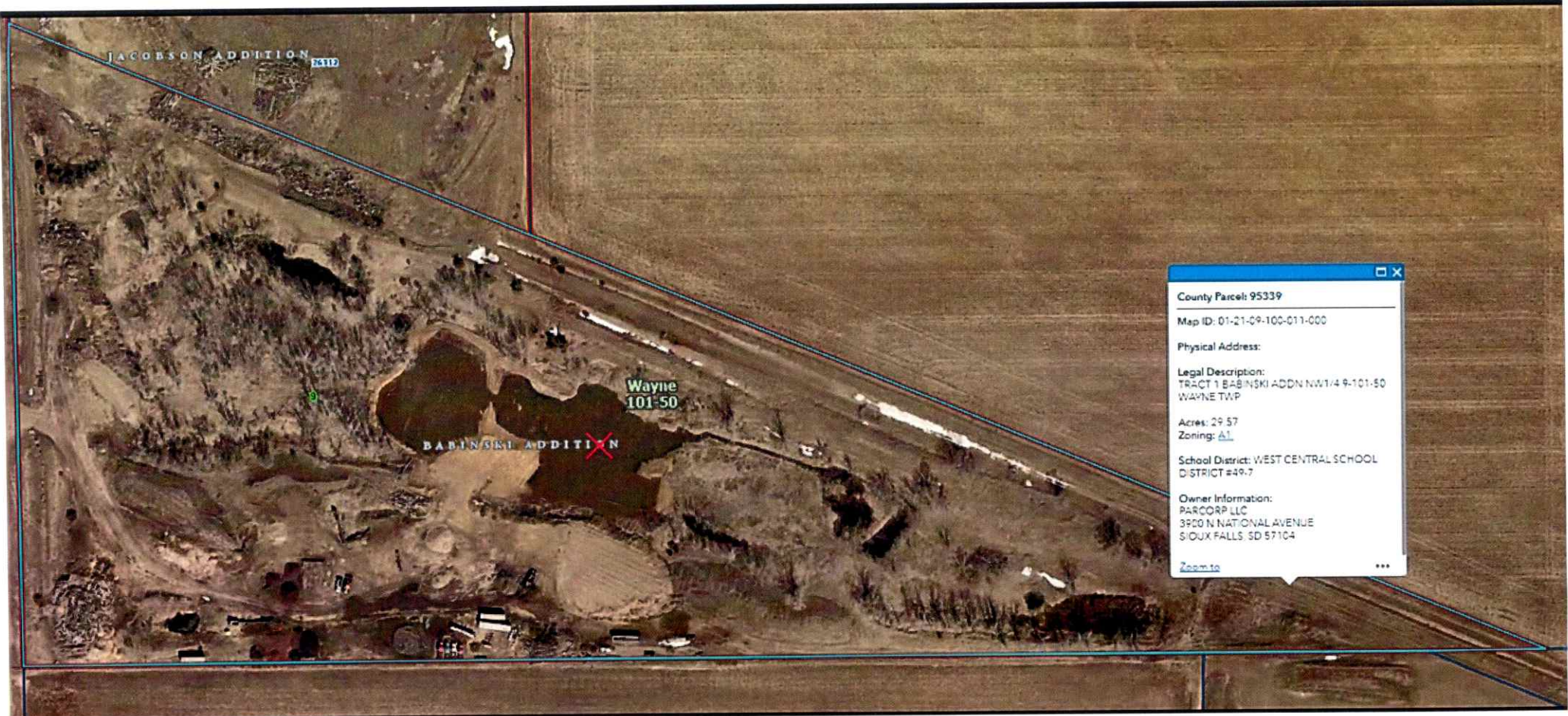
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres





County Parcel: 95339

Map ID: 01-21-09-100-011-000

Physical Address:

Legal Description:
TRACT 1 BABINSKI ADDN NW1/4 9-101-50
WAYNE TWP

Acres: 29.57
Zoning: [A1](#)

School District: WEST CENTRAL SCHOOL
DISTRICT #49-7

Owner Information:
PARCORP LLC
3920 N NATIONAL AVENUE
SIOUX FALLS SD 57104

[Zoom to](#) ***

O N
26312

Wayne
101-50

BABINSKI ADDITION

County Parcel: 95336

Map ID: 01-21-09-106

Physical Address:

Legal Description:
TRACT 1 BABINSKI ADDITION
WAYNE TWP

Acres: 29.57

Zoning: [A1](#)

School District: WEST
DISTRICT #49-7

Owner Information:
PARCORP LLC
3900 N NATIONAL AVE
SIOUX FALLS, SD 57105

[Zoom to](#)



DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Industrial Activities

Return to: SD Department of Agriculture and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

PLEASE PRINT OR TYPE

I. Applicant Information

Name Darby Parsons Phone 605-728-7723
Responsible Contact Person Darby Parsons
Street 3900 N National Ave
City Sioux Falls State SD Zip Code 57104

II. Facility/Site Information:

Name Prairie States Pit Phone 605-799-5473
Responsible Contact Person Jordan Wensing
Street _____
City _____ State _____ Zip Code _____

III. Type of Ownership: ☒ Private ☐ Federal
☐ State ☐ Public (Other than Federal or State)

III. Type of Permit Requested: Check (X) the appropriate response:

☐ Industrial Activity ☒ Sand/Gravel Mining Activity ☐ Construction Activity

IV. Pollution Prevention Plan

A. Has the Pollution Prevention Plan been developed as required? Yes ☒ No ☐

If No, when will it be developed? _____

Please note: The plan must be developed before permit coverage begins

B. Please include a brief description of best management practices (pollution control measures)
being used at the facility/site:

All crushing and stockpiling machines meet manufacturers specifications for
emissions.

FOR DANR USE ONLY

Postmark Date:

Permit Number:

Date Permitted:

V. Facility/Site Location:

- A. Quarter NW1/4 Section 9 Township 101N Range 50W
County Minnehaha [If available: Latitude _____ Longitude _____]
- B. Site/Project Name: Prairie States Pit
- C. What is the **total** area covered by the site (in acres) 8

VI. Receiving Waters:

Please list all possible receiving waters of the storm water discharge (if discharging to a Municipal Storm Sewer, indicate which municipality and the ultimate receiving water):

Skunk Creek

VII. Nature of Discharge

- A. **Standard Industrial Classification (SIC) codes of this facility** (Include at least one, and up to four, SIC or 6-digit North American Industry Classification (NAIC) codes which best describe the facility. For example, the SIC Code for a sand/gravel pit is **1442**. For construction activities, no codes are assigned; therefore, indicate **CO**):

1442

- B. Please include a brief description of the activities conducted at this facility or construction site:
Crushing and stockpiling sand and gravel.

VIII. Operational History (Industrial Only) Construction Project History (Construction or sand/gravel mining)

Date Constructed: 1/6/88 Project Start Date (MM/DD/YY): _____
Operational Start-up: 1/6/88 Estimated Area of Total Disturbance (in acres): 8
Estimated Completion Date (MM/DD/YY): 7/1/30

IX. Existing Environmental Permits

Please check (X) all other Environmental Permits which are held by this facility/activity. Include permit numbers in the space provided:

- ☐ SWD or NPDES (Discharges to Surface Water) _____
☐ UIC (Underground Injection of Fluids) _____
☐ RCRA (Hazardous Wastes) _____

- ☐ PSD (Air Emissions from Proposed Sources) _____
- ☐ Other (please specify) _____

X. Certification (Authorized representative should *initial* the box)

☐ DP I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Storm Water permit and I agree to comply with those requirements.

STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF

THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

IN THE MATTER OF THE)
 APPLICATION OF)

CERTIFICATION OF

STATE OF South Dakota)

APPLICANT

COUNTY OF Minnehaha)

I, Darby Parsons)

, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 14 day of March, 2024.

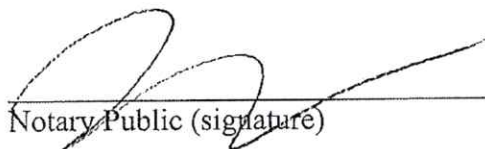
Darby Parsons

Applicant (print)



Applicant (signature)

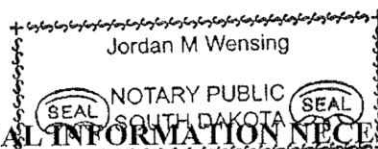
Subscribed and sworn before me this 14 day of March, 2023.



Notary Public (signature)

My commission expires: 1/15/26

(SEAL)



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE
ALL FACTS AND DOCUMENTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 16, 2024

RECEIVED OF Darby Parson-Prairie States Pit 3900 N National Ave., Sioux Falls SD 57104

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

Fee for Application for Permit No. <u>8853-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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>8853-3</u>	\$ <u>200.00</u>
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	\$ <u>700.00</u>

By Eric Gronlund
Chief Engineer vm

Dewell, Amanda

From: Jordan Wensing <jwensing@prariestatestrucking.com>
Sent: Thursday, May 2, 2024 2:16 PM
To: Dewell, Amanda
Subject: RE: [EXT] Dewatering Permit Applications

I am just fine with that. Thank you.

Respectfully,

Jordan Wensing
3900 N National Ave
Sioux Falls, SD 57104
O. 605-777-9473
C. 605-799-5473
F. 605-356-8076
jwensing@prariestatestrucking.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, May 2, 2024 1:26 PM
To: Jordan Wensing <jwensing@prariestatestrucking.com>
Subject: Dewatering Permit Applications

Jordan –

The Water Rights Program is reviewing the applications you had submitted for dewatering of the gravel pits and a question came up.

In your initial email you indicated that the pits would probably have to be dewatered in the spring and again in the last summer. However, when I put the applications together for you, I made the mistake of only calculating for 1 dewatering event.

Would you be agreeable to us changing the total volume of water to 6 acre-feet, rather than 3 acre-feet? If you think the dewatering would take place more than twice a year we could add even more if you believe it's necessary. There would be no change in the required fees, which have already been paid.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 12, 2024 11:14 AM
To: Jordan Wensing
Subject: RE: [EXT] Dewatering Permit

Good Morning Jordan,

Once I receive the fees for these applications, I can begin processing them. Again, \$500 + \$200 licensing fee, \$700 per permit total of \$2,100.

The fees may be submitted in the form of a check made payable to "SD Water Rights Program" mail to: DANR, Water Rights Program, 523 E Capitol Ave, Pierre SD 57501 or by calling our Fiscal Office at 605.773.4216 and paying over the phone with a credit card.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Jordan Wensing <jwensing@prairiestatestrucking.com>
Sent: Friday, April 5, 2024 9:35 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Dewatering Permit

Amanda,
Here are those completed permits as well as maps of the gravel pits. Let me know if we need anything else, otherwise I will have the permit fees sent in next week.

Respectfully,

Jordan Wensing
3900 N National Ave
Sioux Falls, SD 57104
O. 605-777-9473
C. 605-799-5473
F. 605-356-8076
jwensing@prairiestatestrucking.com

Rodriguez, Rachel

From: Jordan Wensing <jwensing@prairiestatestrucking.com>
Sent: Friday, April 5, 2024 9:35 AM
To: Dewell, Amanda
Cc: Rodriguez, Rachel
Subject: RE: [EXT] Dewatering Permit
Attachments: Abbas Pit.png; Chancellor Pit.png; PST Pit.png; Dewatering permits.pdf

Amanda,

Here are those completed permits as well as maps of the gravel pits. Let me know if we need anything else, otherwise I will have the permit fees sent in next week.

Respectfully,

Jordan Wensing
3900 N National Ave
Sioux Falls, SD 57104
O. 605-777-9473
C. 605-799-5473
F. 605-356-8076
jwensing@prairiestatestrucking.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, March 25, 2024 10:13 AM
To: Jordan Wensing <jwensing@prairiestatestrucking.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Dewatering Permit

Thank you for answering all of my questions as I put together permit applications for the appropriate coverage.

I've attached 3 permit applications for the dewatering of groundwater and runoff that accumulates in the gravel pits.

Please review all 3 applications for correctness. The "pond" in each being 1 acre X 2-3 ft deep equates to approx. 3 ac-ft, annually. This amount can be increased if you wish.

There are a few highlighted portions on each application that will need to be completed before submitting the application.

For "Dugout Information" please indicate the size of each gravel pit

Surface dimensions – the area covered by the pit

Depth – how deep is the pit

Depth to water – if there is 3 feet of water in the pit, it would be the depth of the pit minus the 3 feet. (100 ft deep – 3 ft of standing water = 97 ft to water)

The fee schedule for these applications is listed on Page 1 (4), and total \$500 (based on the volume of water being dewatered) + \$200 licensing fee, \$700 per permit . \$2,100 TOTAL.

Dewell, Amanda

From: Dewell, Amanda
Sent: Monday, March 25, 2024 10:13 AM
To: Jordan Wensing
Cc: Rodriguez, Rachel
Subject: RE: [EXT] Dewatering Permit
Attachments: Non-Irrigation PermitApplication_Prairie States Pit.pdf; Non-Irrigation Permit Application_Chancellor Pit.pdf; Non-Irrigation Permit Application_Abbas Pit.pdf

Thank you for answering all of my questions as I put together permit applications for the appropriate coverage.

I've attached 3 permit applications for the dewatering of groundwater and runoff that accumulates in the gravel pits.

Please review all 3 applications for correctness. The "pond" in each being 1 acre X 2-3 ft deep equates to approx. 3 ac-ft, annually. This amount can be increased if you wish.

There are a few highlighted portions on each application that will need to be completed before submitting the application.

For "Dugout Information" please indicate the size of each gravel pit

Surface dimensions – the area covered by the pit

Depth – how deep is the pit

Depth to water – if there is 3 feet of water in the pit, it would be the depth of the pit minus the 3 feet. (100 ft deep – 3 ft of standing water = 97 ft to water)

The fee schedule for these applications is listed on Page 1 (4), and total \$500 (based on the volume of water being dewatered) + \$200 licensing fee, \$700 per permit . \$2,100 TOTAL.

These are standard water permit applications that upon approval, would not need to be renewed. They would remain in effect until they are no longer needed.

Please complete the highlighted portions of each application and return them either via email or by standard mail to: DANR, Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

The fees may be submitted in the form of a check made payable to "SD Water Rights Program" or by calling our Fiscal Office at 605.773.4216 and paying over the phone with a card.

Once the applications and required fees have been received, Rachel Rodriguez (cc'd), will contact regarding any follow up questions and public notice.

Amanda Dewell
DANR - Water Rights Program
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Jordan Wensing <jwensing@prairiestatestrucking.com>
Sent: Monday, March 25, 2024 9:38 AM

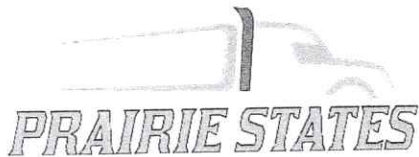
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: [EXT] Dewatering Permit

I would anticipate we will be doing a cycle similar to this yearly for each location.

Respectfully,

Jordan Wensing
3900 N National Ave
Sioux Falls, SD 57104
O. 605-777-9473
C. 605-799-5473
F. 605-356-8076
jwensing@prairiestatestrucking.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Monday, March 25, 2024 9:17 AM

To: Jordan Wensing <jwensing@prairiestatestrucking.com>

Subject: RE: Dewatering Permit

Ok, and that would be done repeatedly, each year, at each location?

Amanda Dewell
DANR - Water Rights Program
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Jordan Wensing <jwensing@prairiestatestrucking.com>

Sent: Monday, March 25, 2024 9:13 AM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: [EXT] Dewatering Permit

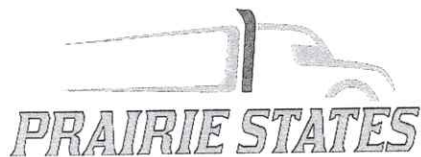
We aren't pumping currently and the amount will vary depending on groundwater. But we are expecting the "pond" in each pit to be about an acre in size and a couple feet deep. The pump should operate around 250 to 300 gallons per minute. We will probably pump the water out once in late May or early June for about a week, then likely again in August or September for about a week.

Respectfully,

Jordan Wensing
3900 N National Ave
Sioux Falls, SD 57104
O. 605-777-9473
C. 605-799-5473

F. 605-356-8076

jwensing@prairiestatestrucking.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Monday, March 25, 2024 9:00 AM

To: Jordan Wensing <jwensing@prairiestatestrucking.com>

Subject: FW: Dewatering Permit

Jordan –

I received your 3 permits this morning and am in the process of putting together the paperwork that the Water Rights Program will need from you.

Could you tell me though, what is the pump rate that will be used for dewatering each of these pits? How often and what time of year do you expect to dewater?

Amanda Dewell

DANR - Water Rights Program

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Graves, Bret <Bret.Graves@state.sd.us>

Sent: Monday, March 25, 2024 8:23 AM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: Fw: [EXT] Dewatering Permit

From: Jordan Wensing <jwensing@prairiestatestrucking.com>

Sent: Tuesday, March 19, 2024 11:26 AM

To: Graves, Bret <Bret.Graves@state.sd.us>

Subject: Re: [EXT] Dewatering Permit

Please see the attached permits. Hopefully this everything needed. I spoke with Amanda on the phone and she said she would get them from you once approved.

Respectfully,

Jordan Wensing



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8853-3, Darby Parson – Prairie States Pit**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8853-3, Darby Parson – Prairie States Pit, c/o Jordan Wensing, 3900 N National Avenue, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 8853-3 as a TEMPORARY USE PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary use permit until the city of Sioux Falls, holder of a future use permit from the Southern Skunk Creek management unit of the Big Sioux Aquifer fully develops water reserved from their future use permit, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The city of Sioux Falls has priority right to this water under future use withdrawal permit. Permit No. 8853-3 is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to this prior right if or when the city of Sioux Falls develops their reserve water supply. Permit No. 8853-3 may be subject to cancellation when the water reserved under the future use permit is put to beneficial use. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. Dewatering approved under Permit No. 8853-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The owner under this Permit must control withdrawals from the excavation so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Southern Skunk Creek aquifer.
4. Water Permit No. 8854-3 authorizes a total annual diversion of up to 6.0 acre feet of water from the Big Sioux:Southern Skunk Creek aquifer.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 12, 2024

Report to the Chief Engineer
On Water Permit Application No. 8853-3
Prairie State Pit
June 12, 2024

Water Permit Application No. 8853-3 proposes to appropriate up to six acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second (cfs) for dewatering of a gravel pit for industrial use. The water source is incidental surface runoff and groundwater from the Big Sioux: Southern Skunk Creek aquifer accumulating in the gravel pit located in the SW ¼ NW ¼ Section 9-T101N-R50W. Dewatering will allow for gravel pit operations. The site is located in Minnehaha County approximately two and a half miles west of Sioux Falls, SD.

Aquifer: Big Sioux: Southern Skunk Creek

Hydrogeology and Aquifer Characteristics

Lindgren and Niehus (1992) called the aquifer that this application proposes to appropriate water from the Skunk Creek aquifer. Prior to the publication of Lindgren and Niehus (1992), the Water Rights Program adopted the naming convention and water management units from Hedges et al. (1982) of Big Sioux: Northern Skunk Creek, Big Sioux: Middle Skunk Creek, and Big Sioux: Southern Skunk Creek. For consistency, the naming conventions from Hedges et al. (1982) will be used for this report on the Big Sioux: Southern Skunk Creek aquifer.

The Big Sioux: Southern Skunk Creek aquifer is a Quaternary age, surficial, glacial aquifer, that underlies the southern portion of the Skunk Creek flood plain (Lindgren and Niehus, 1992; Hedges et al., 1982). The aquifer underlies a total of 9,700 acres of Minnehaha County with the approximate boundary shown in Figure 1 (Hedges et al., 1982). The aquifer is made up of fine to coarse sand and fine to medium gravel which can locally contain thin silty clay layers (Lindgren and Niehus, 1992). This aquifer is primarily under unconfined (water table) conditions (Lindgren and Niehus, 1992). The direction of ground water movement is generally towards and along Skunk Creek (Lindgren and Niehus, 1992), which is generally the same direction as surface water movement.

Iles and Frykman (1991) extensively examined the hydrogeology of the Big Sioux: Southern Skunk Creek aquifer. Saturated thickness in the aquifer was noted as ranging from 4 to 74 feet (Iles and Frykman, 1991). Iles and Frykman (1991) indicates the Big Sioux: Southern Skunk Creek aquifer is in direct contact with the Wall Lake aquifer along its southern edge starting in Section 18, T101N-R50W to the southern boundary for the Big Sioux: Southern Skunk Creek aquifer. The dividing line between the aquifers is essentially the transition from where the aquifer material is essentially at land surface (Big Sioux: Southern Skunk Creek aquifer) to where the aquifer material is buried by till (Wall Lake aquifer), with groundwater generally flowing from the Wall Lake aquifer to the Big Sioux: Southern Skunk Creek aquifer (Iles and Frykman, 1991).

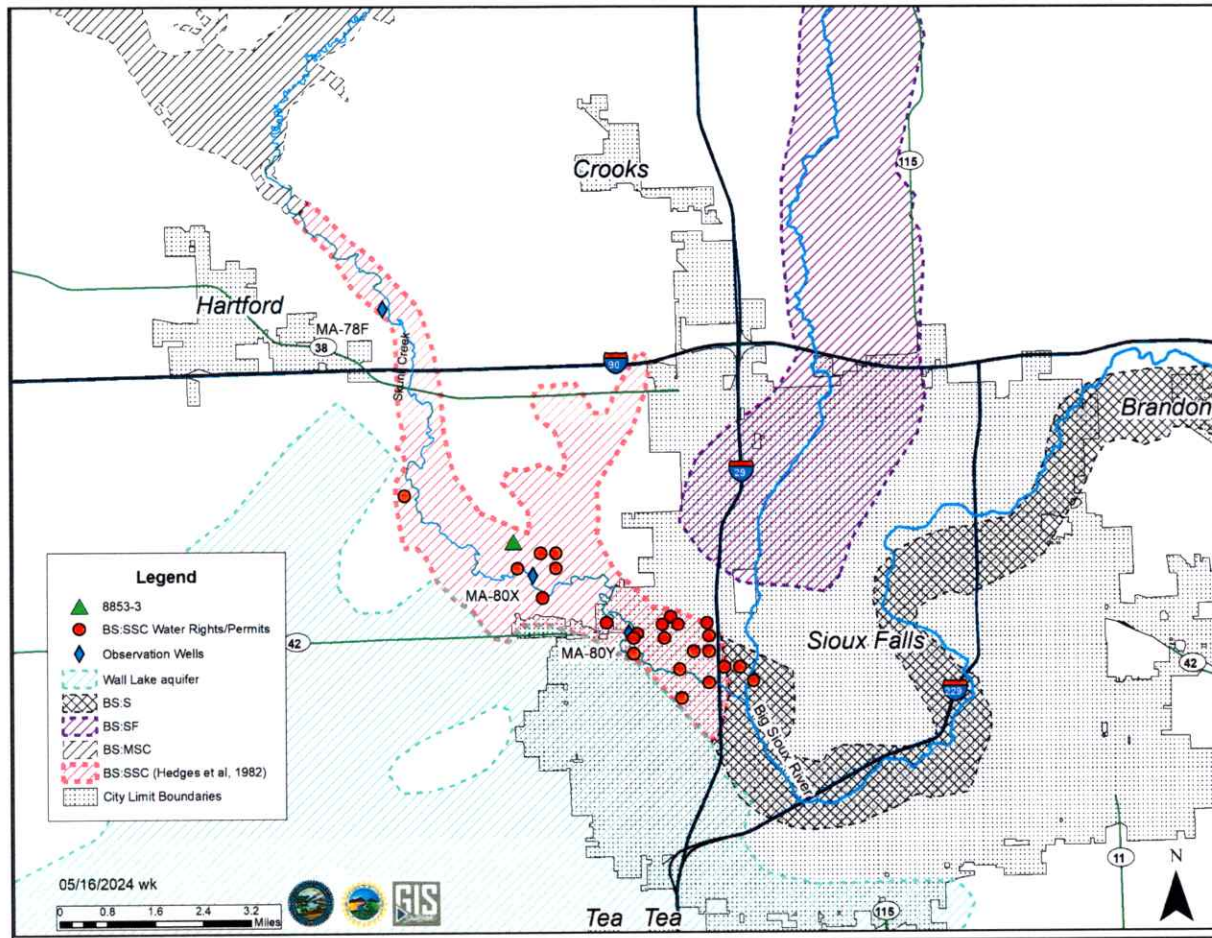


Figure 1: Approximate boundary of the Big Sioux: Southern Skunk Creek (BS:SSC), other Big Sioux aquifer management units nearby (Big Sioux: South (BS:S), Big Sioux: Sioux Falls (BS:SF)), and Big Sioux: Middle Skunk Creek (BS:MSC)), the location of the proposed diversion point, BS:SSC observation wells and water rights/permits (modified from Hedges et al., 1982; Water Rights, 2024b; and Water Rights, 2024c) and the approximate boundary of the Wall Lake aquifer (modified from Hedges et al., 1982; Iles and Frykman, 1991).

Since the diversion point for this application is a gravel pit into the aquifer materials of the Big Sioux: Southern Skunk Creek aquifer, no well completion report for this application is expected. The lithologic log for observation well MA-80X (located approximately 0.6 miles to the southeast) identifies sand and gravel from 0 to 14 ft below grade, a clay layer from 14 to 20 ft below grade, and sand and gravel from 20 to 31 ft below grade (SDGS, 2024). Water levels at observation well MA-80X fluctuate from 3.3 to 11.9 ft below grade over the period of record (hydrograph provided in Figure 2) (Water Rights, 2024c). The aquifer is expected to be under unconfined conditions at the location of the proposed diversion point for this application (Water Rights, 2024a; Water Rights, 2024c; SDGS, 2024).

South Dakota Codified Law (SDCL)

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: Southern Skunk Creek aquifer in South Dakota.

SDCL 46-5-39 and SDCL 46-5-40

Pursuant to SDCL 46-5-39, temporary appropriations may be authorized from undeveloped future use permits using the permitting procedure of SDCL Chapter 46-2A. A future use permit is a permit reserving water for contemplated future needs upon a showing of availability of unappropriated water and future need, which can be issued to entities identified in SDCL 46-5-38, such as municipalities or nonprofit rural water supply companies.

Pursuant to SDCL 46-5-40 the Chief Engineer must give at least six months notice prior to the cancellation of a temporary use permit. The temporary use permit may not be cancelled prior to the time at which facilities are constructed and water may be put to beneficial use by the entity holding the future use permit.

Water Availability

Water Permit Application No. 8853-3 proposes to appropriate water from the Big Sioux: Southern Skunk Creek aquifer for industrial use. 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 the application is for a water distribution system defined in SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. The Big Sioux: Southern Skunk Creek aquifer is not older or stratigraphically lower than the Greenhorn Formation and this application is not for a water distribution system, as defined in SDCL 46-1-6 (17). Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget

Recharge

Recharge to the Big Sioux: Southern Skunk Creek aquifer is primarily from infiltration of precipitation, seepage from surface water, and inflow from the Wall Lake aquifer (Lindgren and Niehus, 1992; Iles and Frykman, 1991) with limited groundwater inflow from the Big Sioux: Middle Skunk Creek aquifer (Hedges et al., 1982). Hedges et al. (1985) used observation well analysis to estimate recharge to the Big Sioux: Southern Skunk Creek aquifer at 2.7 inches per

year. This is the lowest recharge rate of the Big Sioux management unit in Hedges et al. (1985). The recharge rate to the adjacent Big Sioux: Middle Skunk Creek is 3.2 inches per year and the Big Sioux: South is 4.1 inches per year (Hedges et al., 1985). Applying 2.7 inches per year over the area of 9,700 acres results in an estimated average annual recharge of 2,182 acre-feet per year.

Ohland (1990), while working under the United States Geological Survey (USGS), modeled the approximate areas of the Big Sioux: Southern Skunk Creek and Big Sioux: Middle Skunk Creek aquifers. As part of modeling efforts, Ohland (1990) estimated recharge to the combined area of both aquifers using both an observation well analysis and stream flow analysis to estimate recharge to the aquifer from 1978 to 1985. This observation well analysis estimated average annual recharge to the aquifers at 5.9 inches and by stream flow analysis 11 inches (Ohland, 1990). Ohland (1990) was uncertain as to the reason for the large difference between the two methods but ultimately used the rate of 5.9 inches per year for modeling efforts. Hedges et al. (1985) does not provide the exact period of record for the observation wells used for their recharge analysis, but it is likely that water level measurements for 1984 and 1985 were not included given the publication date and time needed for the calculations and report review. In looking at the water level and precipitation data presented in Ohland (1990), 1983 through 1985 precipitation and water levels were generally higher compared to the late 1970's which could account for some of the difference in the recharge estimates between the two reports.

Barari, et al. (1989) consulted with the USGS on what the estimated sustainable yield for the aquifer was under normal conditions. Based on modeling work by the the USGS, the sustainable yield was estimated at 3.6 million gallons per day (4,032 acre-feet per year) (Barari, et al, 1989). Sustainable yield is a general estimate of the amount for groundwater that can be withdrawn from an aquifer without causing negative impacts. While sustainable yield is not a direct estimate of average annual recharge, when taking into consideration the recharge analysis work by Ohland (1990), the average annual recharge to the aquifer could be closer to 4,032 acre-feet per year.

Discharge

Discharge from the Big Sioux: Southern Skunk Creek aquifer is through evapotranspiration where the aquifer is at or near land surface, seepage to Skunk Creek, outflow to the Big Sioux: South aquifer, and by well withdrawals (Lindgren and Niehus, 1992; Water Rights, 2023a). There are 17 water rights/permits currently permitted to appropriate water from the aquifer and one future use permit. Of the 17 water rights/permits, three are for irrigation use and 14 are for non-irrigation use.

Future Use Permit No. 449-3 is held by the City of Sioux Falls and reserves 5,430 acre-feet per year. Future Use permits are assumed to be fully developable for the purpose of estimating withdrawals. While some parts of the future use area for Future Use Permit No. 449-3 fall outside of the currently mapped boundaries of the aquifer, it is assumed that the future use permit will be developed entirely from the Big Sioux: Southern Skunk Creek aquifer.

The three irrigation water rights from this aquifer authorize the irrigation of a total of 220 acres. All of which have historically reported they are primarily used for turf irrigation (Water Rights, 2024e). The historically reported pumping is shown in Table A1 in Appendix A. All three irrigation water rights have been active since 2004 and the average annual reported pumping for

the three water rights from 2004 to 2023 is 190.3 acre-feet (Water Rights, 2024e). Based on this, the average annual estimated irrigation usage from the aquifer approximately 190 acre-feet per year.

The 14 water rights/permits for non-irrigation use are summarized in Table 1. Historically, the Water Rights Program has estimated average water use by non-irrigation appropriations limited by an instantaneous diversion rate by assuming they pump at 60% of full time at the respective permitted diversion rate (Water Rights, 2023b). Table 1 shows annual water use at 60% pumping of the permitted diversion rate.

Permit No	Status	Name/Business	Type of use	Priority Date	Pump Rate (cfs)	60% Pumpage (acre-feet per year)	Estimated Use (acre-feet per year)
2304-3	LICENSE	WEEG TRAILER PARK	COMMERCIAL	06/02/1975	0.02	8.7	0
4159-3	LICENSE	DON WEEG	COMMERCIAL	08/26/1977	0.67	291.0	0
4463-3	LICENSE	PINE KNOLL INC	COMMERCIAL	01/01/1951	0.02	8.7	0
4913-3	LICENSE	TOWER TOURIST CAMP	COMMERCIAL, DOMESTIC	06/10/1982	0.07	30.4	30.4
5142-3	LICENSE	MAGELLAN PIPE LINE CO LLC	INDUSTRIAL	06/08/1987	0.13	56.5	0
5210-3	LICENSE	PINECREST INC	SUBURBAN HOUSING DEVELOPMENT	07/06/1988	0.22	95.6	0
5346-3	LICENSE	MAGELLAN PIPE LINE CO LLC	INDUSTRIAL	08/14/1989	0.223	96.9	0
5713-3	LICENSE	PINECREST INC	SUBURBAN HOUSING DEVELOPMENT	08/10/1992	0.83	360.6	0
5729-3	LICENSE	HOLIDAY MOBILE PARK	COMMERCIAL	11/25/1992	0.33	143.4	0
5916-3	LICENSE	GAY HIEBERT	COMMERCIAL	03/18/1996	0.46	199.8	199.8
6116-3	LICENSE	FALLS HOMES	COMMERCIAL	12/21/1998	0.011	4.8	4.8
6276-3	LICENSE	DAKOTA AGGREGATE RESOURCE	COMMERCIAL	07/30/2001	0.6	260.6	0
746A-3	LICENSE	CHS INC	INDUSTRIAL, DOMESTIC	10/22/1960	0.33	143.4	143.4
7201-3*	PERMIT	LG EVERIST	COMMERCIAL	05/26/2010	2.23	968.7	968.7
Total					6.14	2669.0	1347.1

*Permit indicates activities include a recycling and reuse component so actual use is likely less.

Water Permit No. 7201-3 identifies the water source as a dugout/pond (Water Rights, 2024b). Based on the location and depth of the dugout/pond, the dugout/pond likely encounters the sand and gravels of this aquifer and can receive water from this aquifer (SDGS, 2024; Water Rights, 2024b). The permit is for “commercial use in a rock and sand wash operation which implements recycling and reuse” and also uses water for dust control at the site (Water Rights, 2024b). Due to the recycling and reuse of water as part of operations, actual consumptive use of water is likely less than the estimated 60% pumping of the permitted diversion rate.

Water Right Nos. 5142-3 and 5346-3, held by Magellan Pipeline Company, are likely subject to partial or full cancellation due to nonuse. In 2008, it was determined that no additional remediation would be required for the spill these two water rights are associated with, so further pumping for groundwater remediation would not be required at the site by the regulatory agency overseeing spill cleanup (ICR, 2024). Additionally, the Water Rights Program has on file what appears to be plugging reports for several of the recovery wells for Water Right No. 5142-3 (Water Rights, 2024a). Therefore, average annual withdrawals for Water Right Nos. 5142-3 and 5346-3 are more likely at or near zero acre-feet rather than 60% pumping of permitted diversion rate. This is reflected in the estimated use column of Table 1.

Water Right No. 6276-3, held by Dakota Aggregate Resource, is likely subject to cancellation due to nonuse. Sometime after the license was issued for Water Right No. 6272-3, ownership of the gravel operation changed to Schenk Industries, LLC (MMS, 2024). The last annual report for the operation was filed with the DANR Minerals, Mining, and Superfund Program (MMS), the operator went bankrupt in 2016, was served a notice of violation in 2016, and the bond for the operation was released in 2022 (MMS, 2024; Cline, 2024). MMS (2024) lists

the sand and gravel operation as “inactive” and the last use of the site was likely in 2016. Therefore, the average annual withdrawal for Water Right No. 6276-3 is likely zero acre-feet rather than 60% pumping of permitted diversion rate. This is reflected in the estimated use column of Table 1.

Water Right Nos. 2304-3, 4159-3, 4463-3, 5210-3, and 5713-3, at the time of licensing, were all associated with supplying water to mobile home parks under the same ownership (Water Rights, 2024b). These mobile home parks were all inactivated as public water systems in the 1990’s, when they connected to city water (Friedeman, 2024; Water Rights, 2024b). If these wells are being maintained as a backup water, use from the wells likely limited. Therefore, average annual withdrawals for Water Right Nos. 2304-3, 4159-3, 4463-3, 5210-3, and 5713-3 are more likely at or near zero acre-feet rather than 60% pumping of permitted diversion rate. This is reflected in the estimated use column of Table 1.

Water Right No. 4913-3 is held by Tower Tourist Camp. The campground was inactivated as a public water system in the 1990’s, when they connected to city water (Friedeman, 2024; Water Rights, 2024b). The file for Water Right No. 4913-3 did note that in 2000 some lawn watering was still occurring at that time from the well for this right (Water Rights, 2024b). So, while likely an overestimate, average annual withdrawal for Water Right No. 4913-3 is estimated at 60% pumping of permitted diversion rate.

Water Right No. 5729-3 is held by Holiday Mobile Home Park. This mobile home park was inactivated as a public water system in the 1990’s, when they connected to city water (Friedeman, 2024; Water Rights, 2024b). If these wells are being maintained as a backup water, use from the wells likely limited. Therefore, average annual withdrawal for Water Right No. 5729-3 is more likely at or near zero acre-feet rather than 60% pumping of permitted diversion rate. This is reflected in the estimated use column of Table 1.

Due to the relatively low diversion rate of domestic wells and the development of rural water systems over a large portion of the area where the Big Sioux: Southern Skunk Creek aquifer is located, withdrawals from domestic wells are assumed to be a negligible portion of the hydrologic budget.

Temporary Use Permits per SDCL 46-5-39

SDCL 46-5-39 allows for the issuance of temporary use permits for the temporary use of water reserved by future use permits. There is currently one temporary use permit that has been issued out of future use. Temporary Use Water Permit No. 8427-3 appropriates up to 589 acre-feet of water annually from a pond/dugout for commercial use in a sand and gravel operation including an aggregate wash plant (Water Rights, 2024b). Water is to be recycled by discharge to a settling pond and then diverted back into the pond for reuse (Water Rights, 2024b). Due to recycling, consumptive use of water will likely be less than the permitted annual maximum volume. Reported use for 2021, 2022, and 2023, for Temporary Use Water Permit No. 8427-3 were all zero acre-feet however, the permit is still within the five-year construction period. Therefore, the permitted annual maximum volume of 589 acre-feet will be used to estimate average annual withdrawals by this temporary use permit, which is the typical practice of the Water Rights Program for permits limited by an annual volume with insufficient reporting data to estimate a more accurate average annual use (Water Rights, 2024b). Currently, there is not a method contained in South Dakota

codified law or administrative rule for turning a temporary use permit, issued out of water reserved by future use under SDCL 46-5-39, into a regular water right.

Balance

Estimated average annual recharge to the aquifer is in the range of approximately 2,182 to 4,032 acre-feet per year. Estimated average annual appropriative withdrawals is potentially 8,289 acre-feet per year (non-irrigation: 2,669 acre-feet per year, future use: 5,430 acre-feet per year, irrigation: 190 acre-feet per year), with 589 acre-feet per year of future use being temporarily used by Temporary Use Water Permit No. 8427-3.

Based on the currently available information on the water rights/permits, estimated average annual appropriative pumpage (excluding water reserved for future use) from the aquifer is 3,448 acre-feet (non-irrigation: 2,669 acre-feet per year, temporary use permit: 589 acre-feet per year, and irrigation: 190 acre-feet per year). A closer review of the information on older non-irrigation water rights for this aquifer suggests that several of them are likely not currently using as much water as when initially developed. Accounting for this average annual appropriative pumpage (excluding water reserved for future use) from the aquifer is currently likely closer to 2,126 acre-feet (non-irrigation: 1,347 acre-feet per year, temporary use permit: 589 acre-feet per year, and irrigation: 190 acre-feet per year). Given the best information currently available, there is a reasonable probability that water is available to issue this application as a temporary use permit out of future use pursuant to SDCL 46-5-39.

The priority date for Future Use Permit No. 449-3 is April 8, 1957. The reserved volume for future use exceeds all estimates of average annual recharge to the aquifer. The only water right in the aquifer with a senior priority date to the future use permit is Water Right No. 4463-3. If Future Use Permit No. 449-3 is developed, annual reporting of water use for all water rights/permits in the aquifer will be desirable to aid in putting the waters of the aquifer to maximum beneficial use while balancing average annual recharge and average annual discharge.

Observation Wells

In determining the availability of unappropriated water for a permit application, Administrative Rule 74:02:05:07 requires the Water Management Board to rely on 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 annual recharge.

The Water Rights Program currently monitors two observation wells completed into the Big Sioux: Southern Skunk Creek aquifer and one likely destroyed well that was monitoring the aquifer. The location of the observation wells is shown in Figure 1. The hydrographs for these observation wells are shown in Figures 2, 3, and 4. The closest observation well to the proposed pumping location for this application is observation well MA-80X located approximately 0.6 miles to the southeast (Water Rights, 2024c).

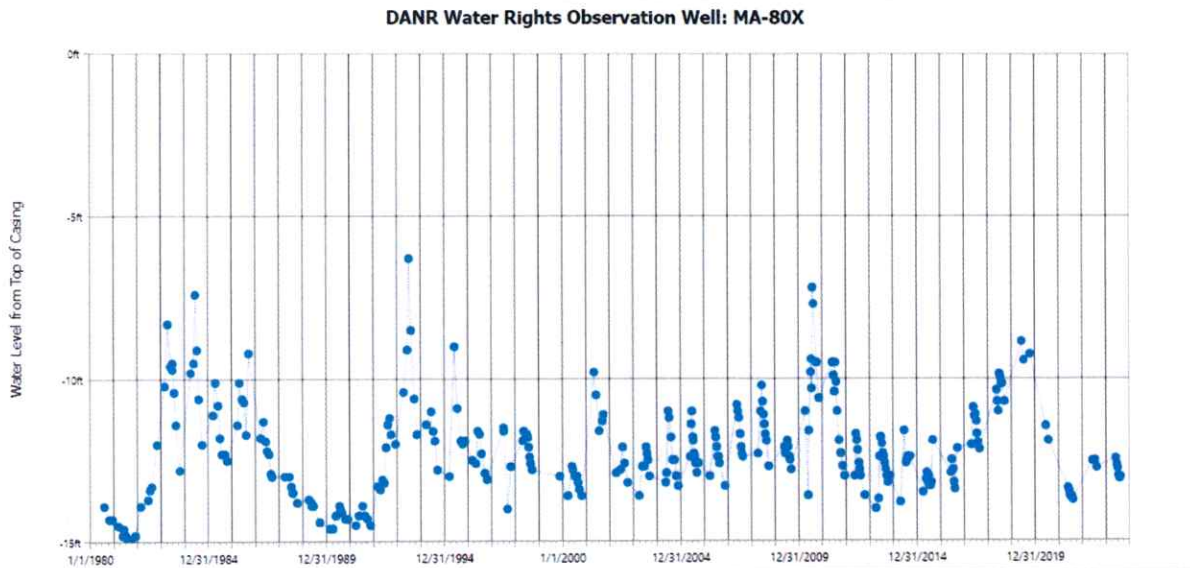


Figure 2: Hydrograph for observation well MA-80X (Water Rights, 2024c). Located approximately 0.6 miles to the southeast of the proposed diversion point for this application.

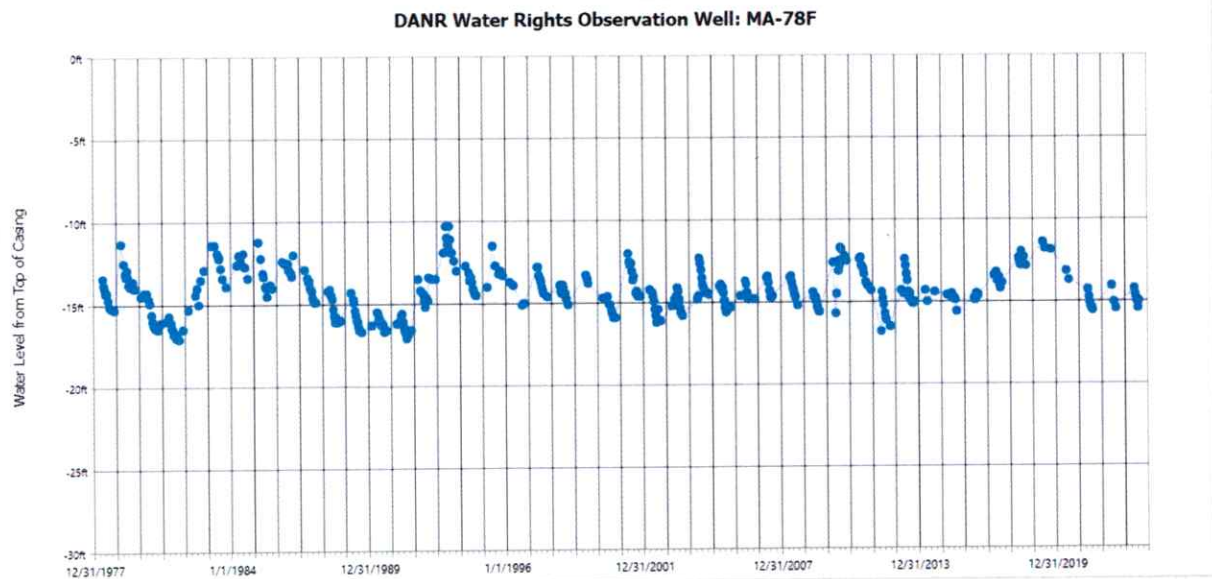


Figure 3: Hydrograph for observation well MA-78F (Water Rights, 2024c). Located approximately 4.5 miles to the north northwest of the proposed diversion point for this application.

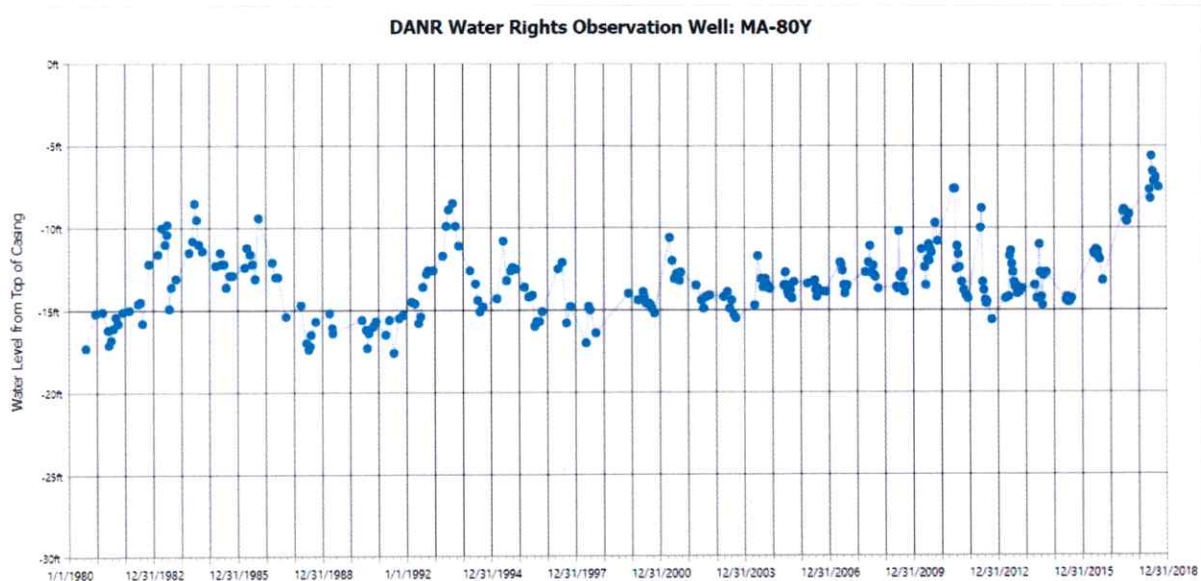


Figure 4: Hydrograph for observation well MA-80Y (Water Rights, 2024c). Located approximately 2.4 miles to the southeast of the proposed diversion point for this application. Note period of record for this well ends in 2018, since the well was likely destroyed in 2019.

The water levels in these observation wells are generally stable to slightly increasing over the period of record. This indicates that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. The water levels in these observation wells display that the amount of recharge to and natural discharge from the aquifer exceed pumping within the aquifer. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping. There is a significant (5,430 acre-feet per year) future use reservation from the aquifer that is not reflected in the observation well record. However, the observation well data indicates the current level of average annual pumping is likely not exceeding average annual recharge on an aquifer-wide scale. Therefore, is a reasonable probability that water is available to issue this application as a temporary use permit out of the water reserved for future use pursuant to SDCL 46-5-39.

Potential for Unlawful Impairment

Figure 5 shows the location of nearby water rights/permits completed into the Big Sioux: Southern Skunk Creek aquifer. The proposed diversion point for this application lies within the future use area of Future Use Permit No. 449-3 held by the City of Sioux Falls. The nearest diversion point for an existing water right/permit is for Water Right No. 5916-3 for commercial use in a plant nursery (Water Rights, 2024b). Based on the licensing inspection for Water Right No. 5916-3, the right has five wells (diversion points) to fill the storage tank for the nursery with the nearest well located approximately 0.40 miles south of the proposed diversion point for this application. The next nearest diversion is approximately 0.5 miles to the east southeast for Water Right No. 746A-3 for industrial use (Water Rights, 2024b). There are domestic wells on file with

the Water Rights Program within one mile of the well site for this application completed into the aquifer based on well locations identified on the report filed by the well driller.

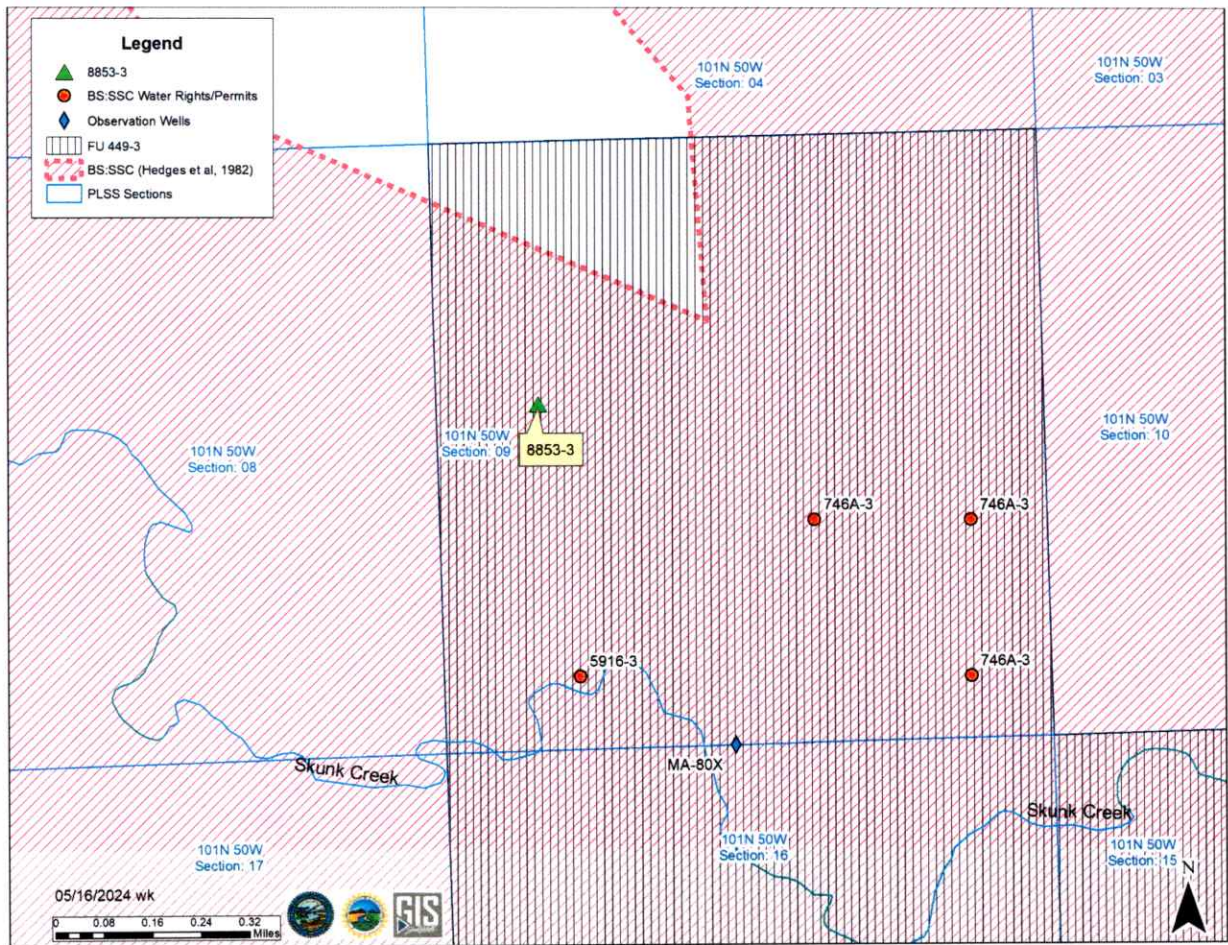


Figure 5: Aquifer water rights/permit in the vicinity of the proposed diversion point for this application (Hedges et al., 1982; Water Rights, 2024b and 2024c)

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use. 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.”

The aquifer is expected to be under unconfined conditions at the location for the proposed diversion point for this application. Drawdown as the result of pumping in an unconfined aquifer typically does not extend far from the pumping well. There are two complaints of well interference

on file with the Water Rights Program for this aquifer both from the late 1980's within the city limits of Sioux Falls (approximately 1.9 miles to the southeast), but neither complaint was substantiated as unlawful impairment (Water Rights, 2024d). This area of the aquifer also has a history of sand and gravel mining in the aquifer materials of this aquifer without a history of complaints of well interference (Water Rights, 2024b; Water Rights, 2024d; MMS, 2024).

In the area of the proposed diversion point for this application, the Big Sioux: Southern Skunk Creek aquifer can be relatively thin, with a limited amount of saturated thickness. While long term average annual withdrawals would not exceed average annual recharge to the aquifer, short term conditions may occur when withdrawals exceed recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If this occurs for an extended period of time, such that the saturated thickness is reduced to the extent that the water rights/permits can no longer pump at their developed or "historically established" rates, this may be considered an adverse impact. If short term conditions occur when withdrawals exceed recharge, the water source would need to be managed to prevent any unlawful impairment. Consequently, out of an abundance of caution, a qualification on this permit, if approved, is recommended that water withdrawals under this permit be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. Since the gravel pit to be dewatered under this application does not meet the definition of an adequate well, it may not be protected from junior appropriations in the future. However, this should not be an issue since the lack of water in the gravel pit is desirable to allow mining activities. Ultimately, given the low annual volume requested by this application, lack of substantiated well interference complaints, and unconfined conditions, unlawful impairment of adequate domestic wells or in adequate wells having prior water rights as a result of this application is not expected.

Conclusions

1. Water Permit Application No. 8853-3 proposes to appropriate up to six acre-feet of water annually at a maximum pump rate of 0.67 cfs from the Big Sioux: Southern Skunk Creek aquifer for dewatering of a gravel pit for industrial use. The water source is incidental surface runoff and groundwater from the Big Sioux: Southern Skunk Creek aquifer accumulating in the gravel pit located in the SW ¼ NW ¼ Section 9-T101N-R50W.
2. Future Use Permit No. 449-3 is held by the City of Sioux Falls and reserves 5,430 acre-feet per year.
3. Based on the hydrologic budget and observation well data, there is a reasonable probability that sufficient water is available at the current level of average annual appropriative pumping for this application to be approved as a temporary use permit out of water reserved for future use pursuant to SDCL 46-5-39.
4. Existing water rights with adequate wells and domestic users with adequate wells are not expected to be unlawfully impaired by drawdown due to pumping by this

application, if approved. Out of an abundance of caution, a qualification on this permit, if approved, is recommended that water withdrawals under this permit be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



Whitney Kilts
Natural Resources Engineer III
SDDANR-Water Rights Program

References

- Barari, A. Iles, D. L., and Cowman, T. C. 1989. Assessment of Water Resources and Conceptual Evaluation of a Regional Water Supply for Southeastern South Dakota. Open-File Report 60-UR. South Dakota Geological Survey (SDGS). Vermillion, SD.
- Cline, T. 2024. Personal Communication. Environmental Scientist III. SD DANR Minerals, Mining, and Superfund Program. May 22, 2024.
- Friedeman, B. 2024. Environmental Scientist II. SD DANR Drinking Water Program. May 22, 2024.
- Hansen, B. 2020. Report to the Chief Engineer on Water Permit Application No. 8427-3 for L. G. Everest Incorporated. D DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Iles, D. L. and Frykman. 1991. Hydrogeology of the Southern Skunk Creek Management Unit of the Big Sioux Aquifer. Open-File Report 63-UR. South Dakota Geological Survey (SDGS). Vermillion, SD.
- Inspection, Compliance, and Remediation Program (ICR). 2024. CERCLIS - Williams Pipe Line (Primary Reference File). South Dakota Department of Agriculture and Natural Resources (SD DANR). <<https://apps.sd.gov/NR42InteractiveMap>>. Accessed May 22, 2024.

- Lindgren, R. J. and Niehus, C. A. 1992. Water Resources of Minnehaha County, South Dakota. Water-Resources Investigation Report 91-4101. US Geological Survey. Huron, SD.
- Minerals, Mining, and Superfund Program (MMS). 2024. Sand, Gravel, and Construction Aggregate Mining Interactive Map. SD DANR.
<<https://sdbit.maps.arcgis.com/apps/webappviewer/index.html?id=4046cfb6c4c24087831e18c6255466ae>>. Accessed May 22, 2024.
- Ohland, G. L. 1990. Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, South Dakota. Water-Resources Investigation Report 87-4156. United States Geological Survey. Huron, South Dakota.
- SDGS. 2024. South Dakota Geological Survey Interactive Data Map. Accessed May 2024. <<https://usd.maps.arcgis.com/apps/webappviewer/index.html?id=e54c5063b19c49629560a86a7be2eb3d>>.
- Tomhave, D. W. 1994. Geology of Minnehaha County, South Dakota. Bulletin 37. SD Geological Survey. Vermillion, SD.
- Tomhave, D.W. 2001. First Occurrence of Aquifer Materials in Minnehaha County, South Dakota. Aquifer Materials Map 9. SD Geological Survey. Vermillion, SD.
- Water Rights. 2024a. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2024b. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024d. County Complaint Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2024e. Water Rights Irrigation Reporting Data. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.

Report on Water Permit Application No. 8853-3

Appendix A: Irrigation Data

Table A1: Reported Irrigation for Active Irrigation Permits in the Big Sioux: Southern Skunk Creek Aquifer (Water Rights, 2024e)				
Year	Reported Pumping No. 4231-3 (acre-feet)	Reported Pumping No. 5416-3 (acre-feet)	Reported Pumping No. 6493-3 (acre-feet)	Total
2023	141.9	2.7	168.4	313.05
2022	57.28	24.08	103.46	184.82
2021	65.4	32.48	125.88	223.76
2020	72.31	40.21	145.97	258.49
2019	17.95	1.99	43.54	63.48
2018	32.59	0	59.81	92.40
2017	30.82	14.47	126.87	172.16
2016	54.02	11.93	115.06	181.01
2015	48.67	10.08	115.83	174.58
2014	48.39	16.7	83.46	148.55
2013	59.33	23.2	128.7	211.23
2012	38.01	18.56	172.38	228.95
2011	32.15	17.23	91.34	140.72
2010	10.61	0	85.62	96.23
2009	23.42	29.83	86.26	139.51
2008	63.86	24.56	112.91	201.33
2007	45.74	27.18	131.32	204.24
2006	74.41	40.92	150.93	266.26
2005	75.15	18.3	149.83	243.28
2004	59.22	26.29	175.66	261.17
2003	38.24	11.89	not yet issued	50.13
2002	36.46	16.26	not yet issued	52.72
2001	36.07	21.65	not yet issued	57.72
2000	43.25	15.32	not yet issued	58.57
1999	28.72	7.94	not yet issued	36.66
1998	92.99	4.25	not yet issued	97.24
1997	60	8	not yet issued	68.00
1996	185.04	13.82	not yet issued	198.86
1995	58.46	11.86	not yet issued	70.32
1994	12.45	12.63	not yet issued	25.08
1993	9.7	1.1	not yet issued	10.80
1992	10.83	5.6	not yet issued	16.43
1991	14.8	10	not yet issued	24.80
1990	0	0	not yet issued	0.00
1989	0	not yet issued	not yet issued	0.00
1988	72.6	not yet issued	not yet issued	72.60
1987	173	not yet issued	not yet issued	173.00
1986	55	not yet issued	not yet issued	55.00
1985	32.3	not yet issued	not yet issued	32.30
1984	27	not yet issued	not yet issued	27.00
1983	23.85	not yet issued	not yet issued	23.85
1982	47.32	not yet issued	not yet issued	47.32
Average	50.2	15.3	118.7	119.1
2004 -2023 Average	52.6	19.0	118.7	190.3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

June 13, 2024

Darby Parson – Prairie States Pit
c/o Jordan Wensing
3900 N National Avenue
Sioux Falls SD 57104

Dear Mr. Wensing:

Water Permit Application No. 8853-3 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 Argus Leader printed in Sioux Falls SD (see attachment for contact information). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
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. 8853-3 to Appropriate Water

Notice is given that Darby Parson – Prairie States Pit, c/o Jordan Wensing, 3900 N National Avenue, Sioux Falls SD 57104 has filed an application for a water permit to appropriate up to 6 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second for dewatering of a gravel pit for industrial use purposes. The source of water is incidental surface runoff and ground water from the Big Sioux: Southern Skunk Creek Aquifer accumulating in the gravel pit located in the SW 1/4 NW 1/4 Section 9-T101N-R50W. Dewatering will allow pit operations and water will be discharged into Skunk Creek. This site is located approximately two and one-half miles west of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8853-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 1, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 1, 2024.

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_

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, June 12, 2024 5:00 PM
To: Rodriguez, Rachel
Subject: [EXT] RE: 10284761 8853-3 Darby Parson – Prairie States Pit -Public Notice
Attachments: 10284761.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on June 20. The order cost is \$57.56 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, June 12, 2024 9:24 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10284761 8853-3 Darby Parson – Prairie States Pit -Public Notice

Attached is a notice to be published on June 20, 2024.

Darby Parson – Prairie States Pit, c/o Jordan Wensing, 3900 N National Avenue, Sioux Falls SD 57104, 605-777-9473 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 Ave, Pierre SD 57501.

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

Account Number:	1460186
Customer Name:	Darby Parson – Prairie States Pit
Customer Address:	Darby Parson – Prairie States Pit 3900 N National AVE Sioux Falls SD 57104-5518
Contact Name:	Jordan Wensing
Contact Phone:	(605) 773-3212
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	8853-3

Date:	06/12/2024
Order Number:	10284761
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	164.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	06/20/2024 - 06/20/2024	Public Notices
SFA argusleader.com	1	06/20/2024 - 06/20/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$57.56
Tax Amount	\$0.00
Service Fee 3.99%	\$2.30
Cash/Check/ACH Discount	-\$2.30
Payment Amount by Cash/Check/ACH	\$57.56
Payment Amount by Credit Card	\$59.86

Order Confirmation Amount
\$57.56

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 12, 2024 9:24 AM
To: legals@argusleader.com
Subject: 8853-3 Darby Parson – Prairie States Pit -Public Notice
Attachments: 8853-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2024.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

06/20/2024

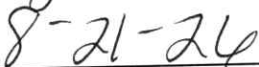
and that the fees charged are legal.
Sworn to and subscribed before on 06/20/2024



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$57.56	
Tax Amount:	\$0.00	
Payment Cost:	\$57.56	
Order No:	10284761	# of Copies:
Customer No:	1460186	1
PO #:	8853-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

RECEIVED

JUL 01 2024

**OFFICE OF
WATER**

NOTICE OF
APPLICATION NO. 8853-3
to Appropriate Water

Notice is given that Darby Parson - Prairie States Pit, c/o Jordan Wensing, 3900 N National Avenue, Sioux Falls SD 57104 has filed an application for a water permit to appropriate up to 6 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second for dewatering of a gravel pit for industrial use purposes. The source of water is incidental surface runoff and ground water from the Big Sioux: Southern Skunk Creek Aquifer accumulating in the gravel pit located in the SW 1/4 NW 1/4 Section 9-T101N-R50W. Dewatering will allow pit operations and water will be discharged into Skunk Creek. This site is located approximately two and one-half miles west of Sioux Falls SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8853-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's

recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 1, 2024.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 1, 2024.

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 on June 20, 2024 at the total approximate cost of \$57.56 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, June 13, 2024 8:49 AM
To: Jordan Wensing
Subject: 8853-3 Darby Parson – Prairie States Pit -Public Notice
Attachments: 8853-3 Rec.pdf; 8853-3 Ltr.pdf; 8853-3 PubNotice.pdf; ArgusLeader.pdf

Good Morning,

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 25 2024

Darby Parson – Prairie States Pit
c/o Jordan Wensing
3900 N. National Avenue
Sioux Falls SD 57104

Dear Mr. Wensing:

Enclosed is Temporary Water Permit No. 8853-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

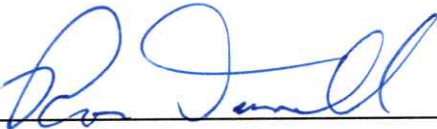
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8853-3

Name of Applicant: Darby Parson - Prairie States Pit, c/o Jordan Wensing

Date of Posting: 6/17/2024

Date of Removal: 7/25/2024



Ron Duvall, Engineer III

7/25/2024

Date

Subscribed and sworn to before me, a notary public, this 25th day of July, 20 24.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez**
My Commission Expires
May 16, 2029

(SEAL)

