

WATER PERMIT NO. 8855-3

Name of Applicant: **Darby Parson – Abbas Pit**

Address: **3900 N National Avenue, 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: **Turner**

Type of Waste Disposal System:

Location: **Approx. 3 miles southeast of Parker 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 Alberty Ditch**

Diversion Point: **E 1/2 SW 1/4 Sec 23-T99N-R53W**

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

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**

			23		

Reviewed and the Number Assigned on: **04-17-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8855-3

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 Water Permit No. 8855-3 to Darby Parson – Abbas 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. 8855-3 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 Parker-Centerville Aquifer accumulating in the gravel pit located in the E 1/2 SW 1/4 Section 23-T99N-R53W. Dewatering will allow pit operations and water will be discharged into Albery Ditch. This site is located approximately three miles southeast of Parker 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. 8855-3 is July 22, 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 22, 2027.
7. All construction is to be completed on or before July 22, 2029.
8. Water is to be put to beneficial use on or before July 22, 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. Dewatering approved under Permit No. 8855-3 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.
2. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Parker-Centerville Aquifer.
3. Water Permit No. 8855-3 authorizes a total annual diversion of up to 6.0 acre feet of water from the Parker-Centerville Aquifer.
4. No diversion may violate county or state regulatory requirements.

WATER MANAGEMENT BOARD

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

SEP 06 2024
date



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

RECEIVED

APR 05 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8855-3</u> Hydrologic Unit <u>10170102</u> Basin <u>Vermillion</u> Newspaper <u>Turner Co New Era</u> <u>Sioux Falls Argus Leader</u> (office use only)
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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 - Abbas Pit c/o Jordan Wensing

Mailing Address 3900 N National 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 0.67 *CFS or 300 **GPM and 3/6 ***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

4. Location of point of diversion E 1/2 SW 1/4 - Sec 23 - T99N - R53W County Turner
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Turner

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 Chancellor Pit site is approx 20 acres
water to be discharged into Alberty Ditch

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 +/- 2 acres 250' x 350' Depth 6'
- b) Depth to water (ground surface to water level) 3'

4. Water Storage Dams

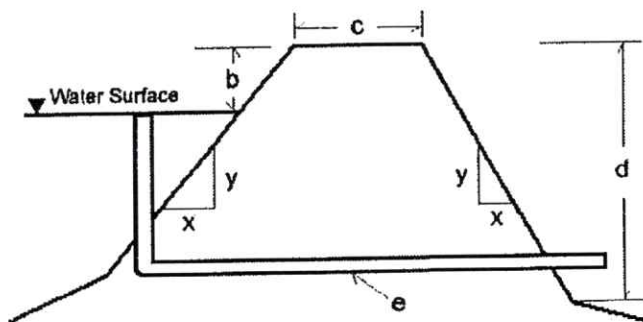
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

If pipe, diameter _____

- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Legal Description

SW1/4 EXC LOTS
H1 & H2 & EXC
NW1/4SW1/4 EXC
LOT H-1 & H-2 23-
99-53

Additional Items

5 Digit Parcel Zip Code

57053

Latitude

43.376058

Longitude

-97.076594

PLSS Township

099N

PLSS Section

Section 23

PLSS Range

053W

Township Name

PARKER

Comments

KAB EDIT

Updated

2020-11-17

Fire District

NO

School District

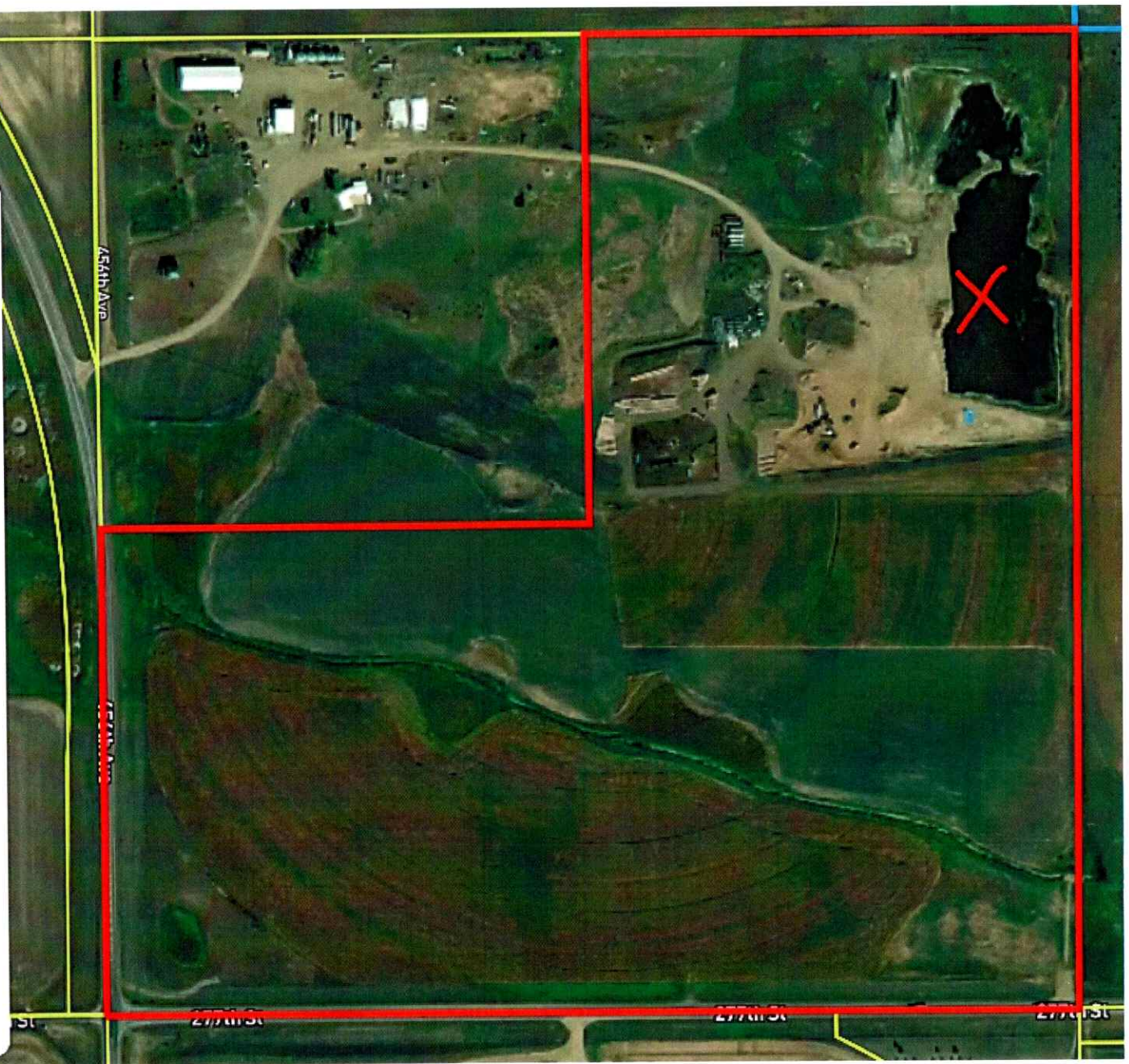
PARKER

Non-Agricultural
Subtotal Value

0

Owner-Occupied
Subtotal Value

0



99N 53W
Section: 15

99N 53W
Section: 14

99N 53W
Section: 13

99N 53W
Section: 22

99N 53W
Section: 23

99N 53W
Section: 24

10170102 Vermillion

99N 53W
Section: 27

99N 53W
Section: 26

99N 53W
Section: 25





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 Abbas 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 E1/2 SW1 Section 23 Township 99N Range 53W
County Turner [If available: Latitude _____ Longitude _____]
- B. Site/Project Name: Abbas Pit
- C. What is the **total** area covered by the site (in acres) 20

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):

Alberty Ditch

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: 4/5/09 Project Start Date (MM/DD/YY): _____
Operational Start-up: 4/5/09 Estimated Area of Total Disturbance (in acres): 20
Estimated Completion Date (MM/DD/YY): 5/2/29

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

APPLICANT

STATE OF South Dakota

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.

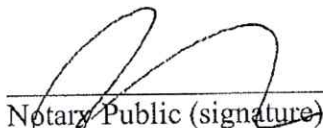
Darby Parsons

Applicant (print)



Applicant (signature)

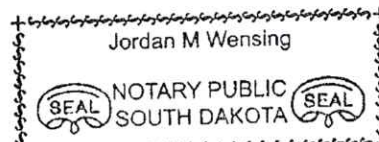
Subscribed and sworn before me this 14 day of March, 2023.



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 Abbas 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>8855-3</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>8855-3</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 Ironlund

Chief Engineer

me

Dewell, Amanda

From: Jordan Wensing <jwensing@prairiestatestrucking.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@prairiestatestrucking.com



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, May 2, 2024 1:26 PM
To: Jordan Wensing <jwensing@prairiestatestrucking.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

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 Rodriquez (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. 8855-3, Darby Parson – Abbas 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. 8855-3, Darby Parson – Abbas Pit, c/o Jordan Wensing, 3900 N National Avenue, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 8855-3 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 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. Dewatering approved under Permit No. 8855-3 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.
2. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Parker-Centerville aquifer.
3. Water Permit No. 8855-3 authorizes a total annual diversion of up to 6.0 acre feet of water from the Parker-Centerville aquifer.
4. No diversion may violate county or state regulatory requirements.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 21, 2024

**Report to the Chief Engineer on
Water Permit Application No. 8855-3**

Darby Parson – Abbas Pit

20 June 2024

Water Permit Application No. 8855-3 proposes to appropriate up to 6 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.67 cubic feet of water per second (cfs), equivalent to 300 gallons per minute (gpm) for industrial use (dewatering) from incidental surface water runoff and ground water from the Parker-Centerville aquifer accumulating in the gravel pit located in the E ½ SW ¼ Section 23-T99N-R53W 5th Principal Meridian. Dewatering will allow pit operations and water will be discharged into Alberty Ditch. This site is located approximately three and one-half miles southeast of Parker, South Dakota.

Aquifer: Parker-Centerville (PAC)

Hydrogeologic Characteristics

The Parker-Centerville aquifer is a predominantly unconfined, Quaternary-aged, sand and gravel outwash and valley train which lies near the surface between Parker and Centerville, South Dakota [1]. This aquifer is hydrologically connected to the Vermillion West Fork and Vermillion East Fork: Montrose aquifers to the north, the Lower Vermillion-Missouri aquifer to the south, and the Upper Vermillion-Missouri aquifer underneath it [2] [3]. In their 1993 study, Lindgren and Hansen [4] included an area northwest of Parker which had previously been considered part of the Vermillion West Fork aquifer [3]. Subsequently, an aquifer call between Parker-Centerville or Vermillion West Fork aquifer has been dependent on Water Rights Staff interpretation. In 2021, Farmer [5] proposed an extension of the Parker-Centerville aquifer that included a buried arm of outwash a few miles southwest of Parker. In 2022, Steen [6] delineated an area of what at time was believed to be part of the Pleistocene Series: Unknown group of aquifers in a similar area to Farmer's delineation. In 2023, Kilts [7] interpreted the main body of the Parker-Centerville aquifer boundary based on current geologic information incorporating additional drilling in the area [8] [9] [10]. The area of the main body of the Parker-Centerville aquifer is primarily unconfined [8] [9]. The main body of the Parker-Centerville aquifer underlies approximately 43,500 acres in Turner, Lincoln, and Clay Counties [7]. It also is hydrologically connected to the Vermillion River and likely other surface water features [1] [2]. The average thickness of the Parker-Centerville aquifer is 45 feet, with a maximum thickness of 90 feet [1].

The applicant did not submit a well completion report with this application and one would not be expected since the diversion point is a gravel pit, but sufficient geologic information is available nearby to assess the availability of water and possibility of development of this application without unlawful impairment of existing water rights [10] [8]. The nearest water right to this application, Water Right No. 5813-3, is located approximately 0.2 miles southwest of this application and has a well completion report on file. The driller reported encountering sand and gravel from 6 to 18 feet below grade and coarse gravel and rocks from 18 to 36 feet below grade. The driller reported encountering hard shale from 36 to 52 feet below grade. The driller placed 20 feet of casing between 20 and 40 feet below grade. The static water level at the time the well was completed (July of 1994) was 10 feet below grade. Therefore, the aquifer is under

unconfined conditions near this application. Based on this and other information available [10], aquifer materials vary significantly even within a short distance.

Applicable South Dakota Codified Law (SDCL)

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

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Parker-Centerville aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Parker-Centerville aquifer is primarily through direct infiltration of precipitation where the aquifer is at or near ground surface, and inflow from surface water features when the stage of those features is above the water level in the aquifer [4]. Hedges, Allen, and Holly [12] used observation well analysis from 18 observation wells to estimate that recharge to the unconfined portions of the Parker-Centerville aquifer is 4.9 inches per year. Assuming the 43,500 acres of the Parker-Centerville aquifer delineated by Kilts [7] is unconfined, the average annual recharge to the Parker-Centerville aquifer is approximately 17,800 ac-ft/yr.

Discharge

Discharge from the Parker-Centerville aquifer is by evapotranspiration, groundwater outflow to connected bodies of aquifer material, seepage to surface water bodies, and domestic and appropriative well withdrawals [4] [2]. Given the prevalence of water distribution systems and relatively low diversion rate of domestic wells, domestic self-supply well withdrawals are a negligible part of the hydrologic budget. There are 157 water rights/permits authorized to withdraw from the Parker-Centerville aquifer [11]. Of those 157 water rights/permits, 154 are for irrigation, two are for municipal use, and one is for industrial use in a gravel pit dewatering operation [11]. Additionally, Water Right/Permit Nos. 3550-3, 7151-3, 7173-3, 7294-3, 7311-3, 7312-3, and 7438-3 were originally filed as withdrawing from the Vermillion West Fork aquifer,

but have diversion points located within the main body of Parker-Centerville delineated by Kilts [7] [11]. These seven are all for irrigation.

Irrigation reported by permits filed as being in the Parker-Centerville aquifer and permits filed as being in the Vermillion West Fork aquifer which are in the boundary delineated by Kilts [7] is shown in Figure 1 [13] [14]. Over the period of record of 1979 to 2023, there is an increasing trend in use due to changes in irrigation practices and increasing numbers of issued permits in the aquifer. Over the entire period of record, average irrigation reported in the Parker-Centerville aquifer was 10,514 ac-ft/yr and the average irrigation reported from the seven Vermillion West Fork permits in the boundary delineated by Kilts is 188 ac-ft/yr [13] [14]. Over the period of record from 2014 through 2023, the average irrigation reported in the Parker-Centerville aquifer was 10,626 ac-ft/yr and the average irrigation reported in the seven Vermillion West Fork permits mentioned above is 539 ac-ft/yr [13] [14]. The average from 2014 through 2023 will be used to estimate average annual withdrawals in this hydrologic budget. Two irrigation permits are too new to have reported irrigation. They are estimated to use an average of 10 inches per acre per year over their combined total of 285.26 acres [11], for an estimated average annual use of 238 ac-ft/yr. Water Permit Nos. 8466-3 and 8467-3 were originally considered part of the Parker-Centerville aquifer but are now understood to belong to the Pleistocene Series: Unknown aquifer [15]. The withdrawal of those two permits is shown in Table 1. The average withdrawal for those two permits is 110 ac-ft/yr [14], which will be removed from the hydrologic budget of the Parker-Centerville aquifer.

Table 1: Irrigation reported for permits advertised as Parker-Centerville based on best available information are now identified as completed into the Pleistocene Series: Unknown aquifer [14]

Permit Number	8466-3	8467-3	Total
Acres Permitted	120	140	260
Year	Irrigation Reported (ac-ft)		
2023	111	11	123
2022	111	11	122
2021	79	8	87
Average (ac-ft/yr)	100	10	110

Of the three non-irrigation permits in the Parker-Centerville aquifer, two are for the Town of Hurley [11], which purchases its water from another system [16] and is therefore expected to withdraw a negligible amount of water. The final non-irrigation permit, No. 8428-3, reported withdrawing 185.6 ac-ft in 2021, no water in 2022, and 251.8 ac-ft in 2023 [17] [18]. This is not enough years of record to establish an average that is likely to be representative of their future use, so they are estimated to withdraw their permitted maximum of 795 ac-ft/yr [11].

The City of Parker holds Future Use Permit No. 4798-3, which reserves 340 ac-ft/yr from groundwater less than 100 feet deep. In the area of the future use permit, this could be either the Parker-Centerville aquifer, the Vermillion West Fork aquifer, or both [11]. For this hydrologic

budget, it is estimated that they will develop their entire permitted volume from the Parker-Centerville aquifer.

The applicant also filed Application No. 8854-3, which is for 6 ac-ft/yr in Section 26 T99N-R53W, approximately 0.6 miles to the southeast of this application, which is assumed to withdraw its full requested volume.

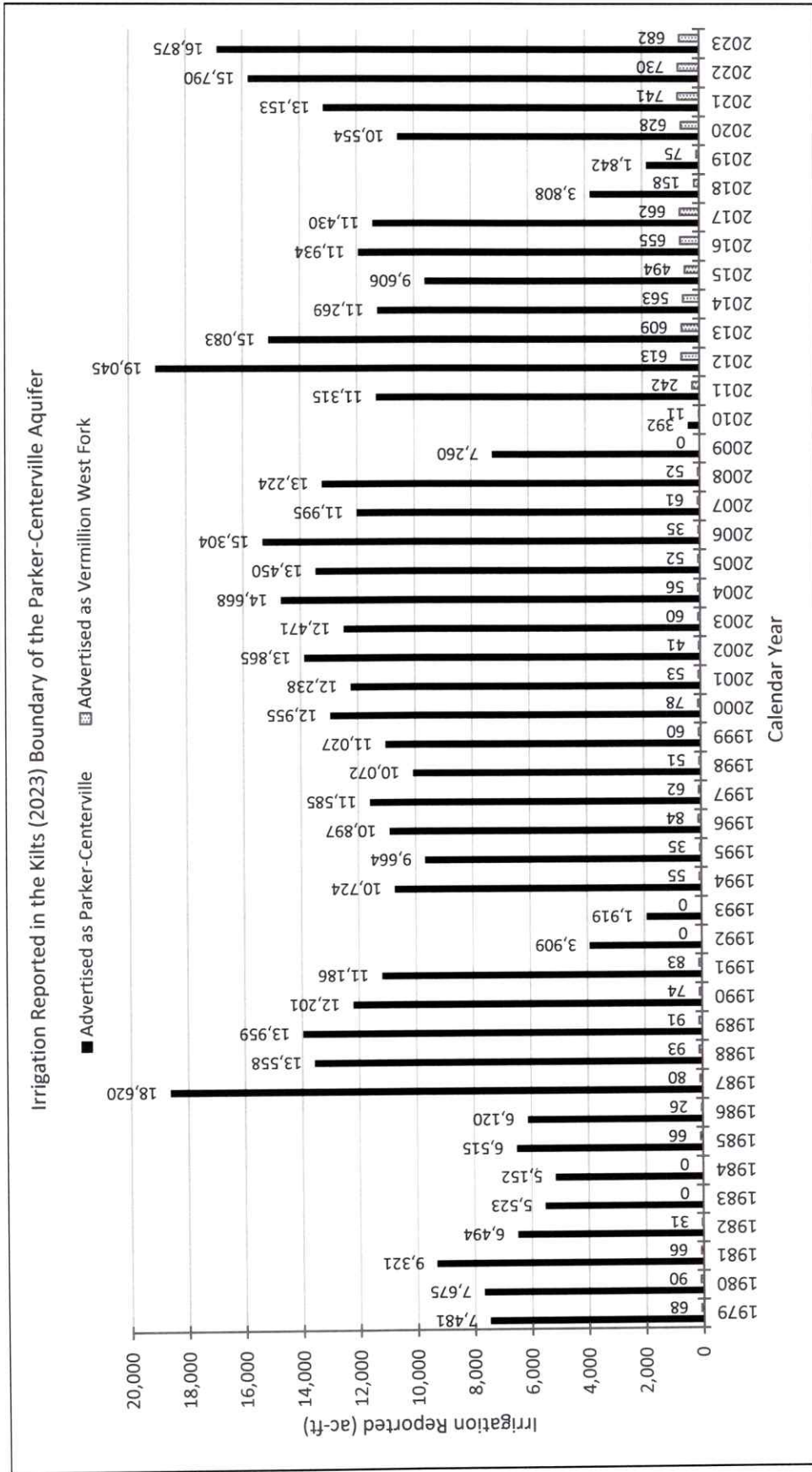


Figure 1: Irrigation reported in the Kilts [7] boundary of the Parker-Centerville aquifer [13] [14].

Summary of Hydrologic Budget

The estimated average annual recharge to the Parker-Centerville aquifer is 17,800 ac-ft/yr [12] [7]. Table 2 summarizes estimated withdrawals or reservations for future use in the Parker-Centerville aquifer as discussed in the Discharge section. The estimated average annual appropriation is 12,434 ac-ft/yr. This application proposes to withdraw no more than 6 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 2: Summary of withdrawals in the Kilts [7] boundary of the Parker-Centerville aquifer.

Est. Type	Filed as Parker-Centerville		Filed as Vermillion West Fork		Total	
	Number of Permits	Est. Avg. Annual Use (ac-ft/yr)	Number of Permits	Est. Avg. Annual Use (ac-ft/yr)	Number of Permits	Est. Avg. Annual Use (ac-ft/yr)
Irrigation, Reporting	152	10,626	7	539	159	11,165
Irrigation, not reporting	2	238	0	0	2	238
Irrigation, no longer in aquifer	-2	-110	0	0	-2	-110
Standby	2	0	0	0	2	0
Non-Irrigation	1	795	0	0	1	795
<i>Subtotal</i>	<i>155</i>	<i>11,549</i>	<i>7</i>	<i>539</i>	<i>162</i>	<i>12,088</i>
Future Use	1	340	0	0	1	340
Pending	1	6	0	0	1	6
Grand Total	157	11,895	7	539	164	12,434

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine the availability of water for an application. The nearest observation wells to this application are TU-77A (0.6 miles north), TU-79E (1.5 miles south-southeast), and TU-80D (1.4 miles south-southwest) [9]. Figure 2 shows water level elevations of those three wells. In general, there is a slight increasing trend. Water levels generally increase during periods of higher-than-average rainfall and decline during periods of lower-than-average rainfall [19], which is representative of the general behavior of all Parker-Centerville observation wells. Water levels also show declines during the summer due to seasonal pumping, but water levels return to their static level during the spring. The tendency for water level fluctuations in this aquifer to be dominated by climactic conditions indicates water is discharging naturally. The Water Management Board considers natural discharge to be available for capture. Therefore, based on the record of observation well analysis, there is reasonable probability unappropriated water is available for this application.

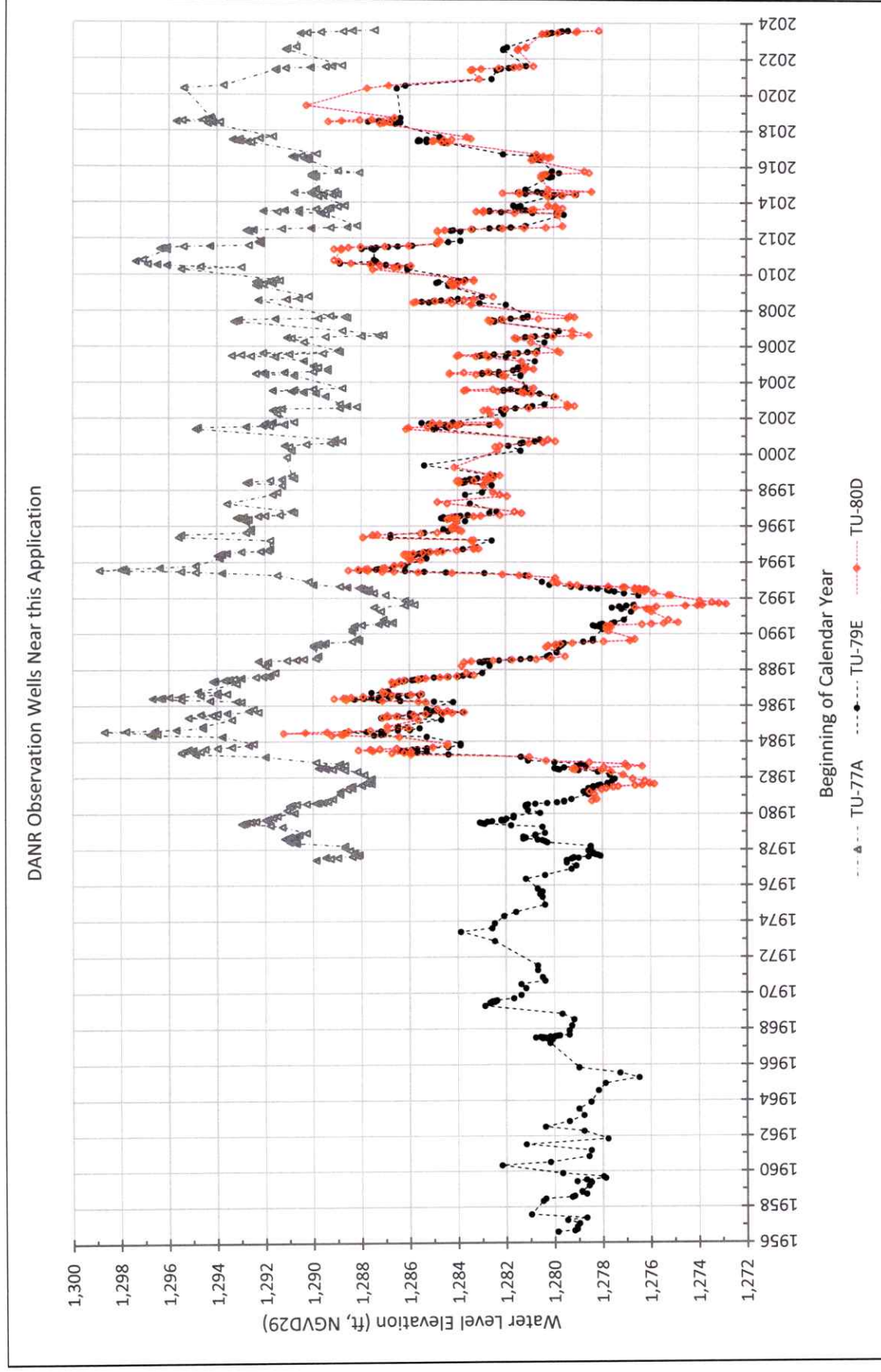


Figure 2: Observation well water elevations near this application [9].

Possibility of Developing Without Unlawful Impairment of Existing Water Rights

The nearest water right permit to this application is Water Right No. 5818-3, located approximately 0.2 miles southwest of this application [11]. The nearest domestic well on file with the Water Rights Program which is likely to be completed into the same aquifer is approximately a half mile to the northwest of this application [8]. Well completion reports are mapped according to the written description provided by the driller. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...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

The Parker-Centerville aquifer has some areas that can be relatively thin with a limited amount of water in storage. The best available information indicates that long-term average annual withdrawals will not exceed average annual recharge to the aquifer. However, conditions may occur where withdrawals exceed recharge for a single year or season. When this occurs, water will be removed from storage and as a result, the saturated thickness of the aquifer will be reduced. If the saturated thickness is reduced such that existing water rights/permits or adequate domestic wells can no longer deliver needed water, this may be considered an adverse impact. There are no complaints on file with the Water Rights Program in which an unlawful impairment has occurred to an adequate well in Turner County [20]. Figure 3 shows nearby water rights/permits and Water Rights Program observation wells to this application and Table 3 provides details of the water rights/permits shown [11] [9]. This application is proposing to withdraw at a maximum rate of 300 gpm, which is less than half the diversion rate of the average irrigation permit in the Parker-Centerville aquifer [11]. The unconfined nature of the Parker-Centerville aquifer means that drawdown in the aquifer does not extend as far from a diversion point as it would in a confined aquifer. Given the relatively low diversion rate of this application compared to other appropriative water rights/permits, lack of previous unlawful impairment in Turner County, and unconfined nature of the Parker-Centerville aquifer, there is reasonable probability this application can be developed without unlawful impairment of existing water rights or domestic uses.

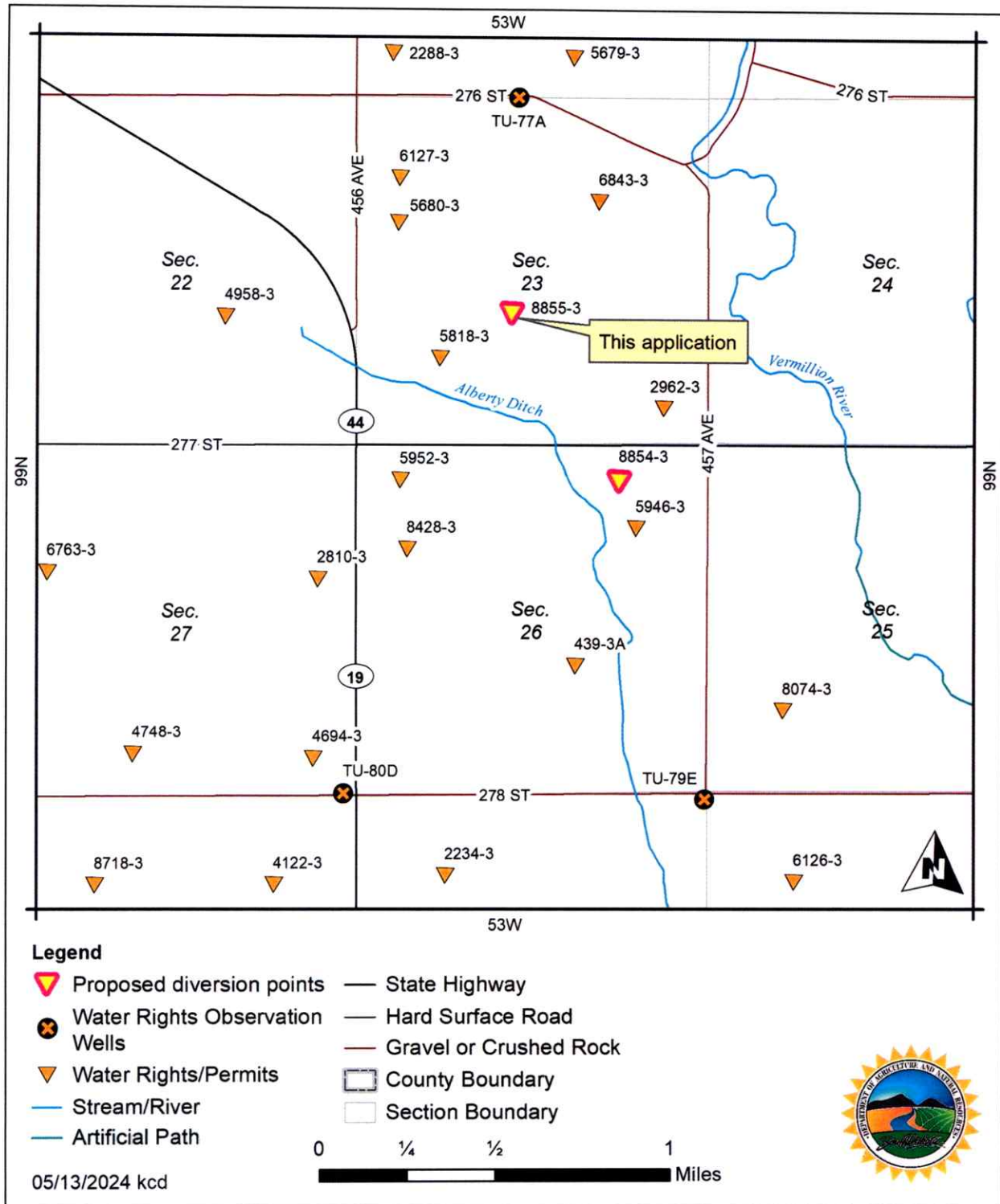


Figure 3: Water rights/permits [11] and observation wells [9] near this application.

Table 3: Water rights/permits shown in Figure 3 [11].

Permit No.	Status	Use Type	Section	Quarter	Name/Business	Priority	Max. CFS	Irrigation Acres	Volume Limit (ac-ft/yr)
439-3A	License	Irrigation	26	NW SE	Weeg Family Farms LLLP	1959-01-13	1.780	127	N/A
2234-3	License	Irrigation	35	NW	Glyndon Knutson	1975-03-18	1.890	132	N/A
2288-3	License	Irrigation	14	SW SW	Allen Or Kristi Merrill	1975-05-09	1.000	76	N/A
2810-3	License	Irrigation	27	SE NE	James J Davis	1976-06-07	1.880	136	N/A
2962-3	License	Irrigation	23	SE SE	Linda J Bartels	1976-08-30	1.770	136	N/A
4122-3	License	Irrigation	34	NE	Weeg Family Farms LLLP	1955-04-20	1.660	140	N/A
4694-3	License	Irrigation	27	SE SE	Weeg Family Farms LLLP	1981-02-26	1.880	150	N/A
4748-3	License	Irrigation	27	SE SW	Kent & Vickie Plucker	1981-04-17	1.440	155	N/A
4958-3	License	Irrigation	22	NW SE	Weeg Family Farms LLLP	1983-03-30	1.440	101	N/A
5679-3	License	Irrigation	14	SW SE	Ballacostain LLP	1951-06-22	1.520	107	N/A
5680-3	License	Irrigation	23	SW NW	Ballacostain LLP	1951-06-22	1.110	78	N/A
5818-3	License	Irrigation	23	SW	Allen Abbas	1994-04-06	1.110	132	N/A
5946-3	License	Irrigation	26	SE NE	Ralph & Lucille Marquardt	1996-06-20	0.880	62	N/A
5952-3	License	Irrigation	26	NW NW	Kelly Knodel	1996-08-19	1.330	104	N/A
6126-3	License	Irrigation	36	NW	Ballacostain LLP	1999-04-19	1.670	146.9	N/A
6127-3	Permit	Irrigation	23	W 1/2 NW 1/4	Ballacostain LLP	1999-02-12	0.860	60	N/A
6763-3	Permit	Irrigation	27	SW NW	Plucker Family Limited Partnership I	2006-10-18	1.780	160	N/A
6843-3	License	Irrigation	23	SW NE	Ballacostain LLP	1951-06-22	1.560	105	N/A
8074-3	Permit	Irrigation	25	SW SE	Sam Oltmanns	2015-01-12	1.780	120	N/A
8428-3	Permit	Industrial	26	W 1/2 NW 1/4	Knodel Contractors LLC	2020-06-10	3.340	N/A	795.46
8718-3	Permit	Irrigation	34	NW	Roger Sieck	2023-01-30	1.670	140	N/A

Conclusions

1. Water Permit Application No. 8855-3 proposes to appropriate 6 ac-ft/yr at a maximum diversion rate of 0.67 cfs from the Parker-Centerville aquifer accumulating in the gravel pit located in the E ½ SW ¼ Section 23-T99N-R53W 5th Principal Meridian. Water will be discharged into Alberty Ditch.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights and domestic water uses.

Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] M. J. Tipton, "Geology and Hydrology of the Parker-Centerville Outwash," SD DANR Geologic Survey Program, Vermillion, South Dakota, 1957. Report of Investigations 82.
- [2] S. L. Holmes and D. Filipovic, "Hydrogeologic Investigation of the Upper-Vermillion-Missouri Aquifer," SD DANR Geologic Survey, Vermillion, South Dakota, 2015. Open-File Report 93-UR.
- [3] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa Tasks 1-4," US Army Corps of Engineers, Omaha, Nebraska, 1982.
- [4] R. J. Lindgren and D. S. Hansen, "Major Aquifers in Hutchinson and Turner Counties, South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 1993. Information Pamphlet No. 45.
- [5] J. Farmer, "Report to the Chief Engineer Water Permit Application Nos. 8466-3 and 8467-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2021.
- [6] N. A. Steen, "Report to the Chief Engineer on Water Permit Application Nos. 8565-3, 8566-3, 8567-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.
- [7] W. Kilts, "Report to the Chief Engineer on Water Permit Application No. 8742-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2023.
- [8] Water Rights Program, "Water Well Completion Report Database," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [9] Water Rights Program, "Observation Well Database," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [10] Geological Survey Program, "Lithologic Logs," SD Department of Agriculture and Natural Resources, Vermillion, South Dakota, 2023.
- [11] Water Rights Program, "Water Right Permit Files," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [12] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River South Dakota and Iowa," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [13] Water Rights Program, "Irrigation Questionnaire Summaries," SD DANR, Joe Foss Bldg, Pierre, South Dakota, 2022.

- [14] Water Rights Program, "Irrigation reports," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2023.
- [15] W. Kilts, "Report to the Chief Engineer On Deferred Water Permit Application No. 8566-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2024.
- [16] Drinking Water Program, "Drinking Water Reports," SD DANR, Joe Foss Bldg. Pierre, South Dakota, 2023.
- [17] Water Rights Program, "Non-Irrigation Yearly Questionnaires," SD DANR, Joe Foss Bldg., Pierre, South Dakota, 2023.
- [18] R. Rodriguez, Interviewee, *Program Assistant I - Water Rights Program*. [Interview]. 16 May 2024.
- [19] NOAA, "Climate at a Glance: Divisional Time Series," NOAA National Centers for Environmental Information, 1 May 2024. [Online]. [Accessed 16 May 2024].
- [20] Water Rights Program, "Complaints Database," SD DANR, Joe Foss Building, Pierre, SD, 2024.



**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 NEWSPAPERS RIGHT AWAY.**

June 25, 2024

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

Dear Mr. Parson:

Water Permit Application No. 8855-3 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 New Era printed in Parker SD (Ph # 605 297-4419) and the Argus Leader printed in Sioux Falls SD (see attachment for contact number). 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,

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. 8855-3 to Appropriate Water

Notice is given that Darby Parson – Abbas 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 Parker-Centerville Aquifer accumulating in the gravel pit located in the E 1/2 SW 1/4 Section 23-T99N-R53W. Dewatering will allow pit operations and water will be discharged into Alberty Ditch. This site is located approximately three miles southeast of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8855-3 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 22, 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 22, 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: Rodriguez, Rachel
Sent: Tuesday, June 25, 2024 8:15 AM
To: New Era
Subject: 8855-3 Darby Parson Abbas Pit - Public Notice
Attachments: 8855-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 11, 2024.

Darby Parson – Abbas 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.**

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 25, 2024 8:15 AM
To: legals@argusleader.com
Subject: 8855-3 Darby Parson Abbas Pit - Public Notice
Attachments: 8855-3 public.short_final.docx; FORM8.FRM.doc

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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



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, June 25, 2024 8:45 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10318491 8855-3 Darby Parson Abbas Pit - Public Notice
Attachments: 10318491.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on July 11. The order cost is \$56.98 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: Tuesday, June 25, 2024 8:15 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10318491 8855-3 Darby Parson Abbas Pit - Public Notice

Attached is a notice to be published on July 11, 2024.

Darby Parson – Abbas 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:	8855-3

Date:	06/25/2024
Order Number:	10318491
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	162.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	07/11/2024 - 07/11/2024	Public Notices
SFA argusleader.com	1	07/11/2024 - 07/11/2024	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	\$56.98
Tax Amount	\$0.00
Service Fee 3.99%	\$2.27
Cash/Check/ACH Discount	-\$2.27
Payment Amount by Cash/Check/ACH	\$56.98
Payment Amount by Credit Card	\$59.25

Order Confirmation Amount
\$56.98

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

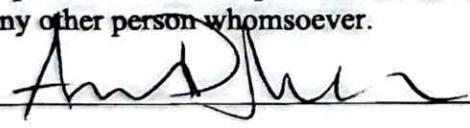
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

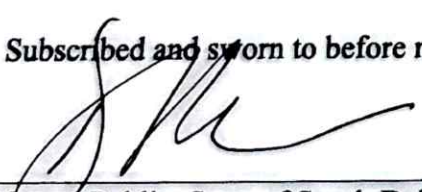
N0711-5 Notice of Application

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 11th day of July

That \$35.84 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.


Subscribed and sworn to before me this 19th day of July


Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$35.84
Notary Fee...\$
Total \$35.84

NOTICE OF APPLICATION NO. 8855-3 to Appropriate Water

Notice is given that Darby Parson - Abbas Plt, 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 Parker-Centerville Aquifer accumulating in the gravel pit located in the E 1/2 SW 1/4 Section 23-T99N-R53W. Dewatering will allow pit operations and water will be discharged into Alberty Ditch. This site is located approximately three miles southeast of Parker SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8855-3 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,

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 22, 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 22, 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 \$35.84 and may be viewed free of charge at www.sdpublicnotices.com.

(N0711-5)



South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

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:

07/11/2024

and that the fees charged are legal.
Sworn to and subscribed before on 07/11/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$56.98	
Tax Amount:	\$0.00	
Payment Cost:	\$56.98	
Order No:	10318491	# of Copies:
Customer No:	1460186	1
PO #:	8855-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

RECEIVED

JUL 22 2024

OFFICE OF
WATER

NOTICE OF
APPLICATION NO. 8855-3
to Appropriate Water

Notice is given that Darby Parson - Abbas 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 Parker-Centerville Aquifer accumulating in the gravel pit located in the E 1/2 SW 1/4 Section 23-T99N-R53W. Dewatering will allow pit operations and water will be discharged into Alberty Ditch. This site is located approximately three miles southeast of Parker SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8855-3 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 peti-

RECEIVED

JUL 22 2024

OFFICE OF
WATER

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Published on July 11, 2024 at the total approximate cost of \$56.98 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

JUL 22 2024

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 25, 2024 9:06 AM
To: Jordan Wensing
Subject: 8855-3 Darby Parson Abbas Pit - Public Notice
Attachments: 8855-3 Rec.pdf; 8855-3 Ltr.pdf; 8855-3 PubNotice.pdf; Invoice Argus Leader.pdf

Good Morning Jordan,

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

SEP 06 2024

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

Dear Mr. Wensing:

Enclosed is Water Permit No. 8855-3 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



**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**

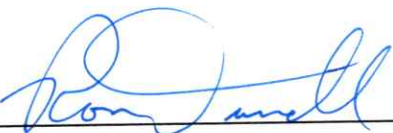
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8855-3

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

Date of Posting: 7/8/2024

Date of Removal: 9/6/2024



Ron Duvall, Engineer III

9/6/2024

Date

Subscribed and sworn to before me, a notary public, this 6th day of Sept, 20 24.



Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

