

WATER PERMIT NO. 8902-3

Name of Applicant: **Gary Althoff Althoff Aggregates LLC**

Address: **342 W Lakeshore Drive, Waubay SD 57273** Phone: **605-881-7467**

Amount of Water Claimed: **191 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Industrial** County: **Day**

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Waubay**

PRIORITY Date Received: **6-21-24** Application/License Fee: **\$950.00**

Corrected Application Received: **10-07-24** Period of Annual Use: **March 1 – November 30**

Remarks: **Using 1 well and runoff to fill a dugout. Water from the dugout to be used for gravel washing at a mining operation.**

Diversion Point: **NE 1/4 SE 1/4 Sec 24-T123N-R53W**

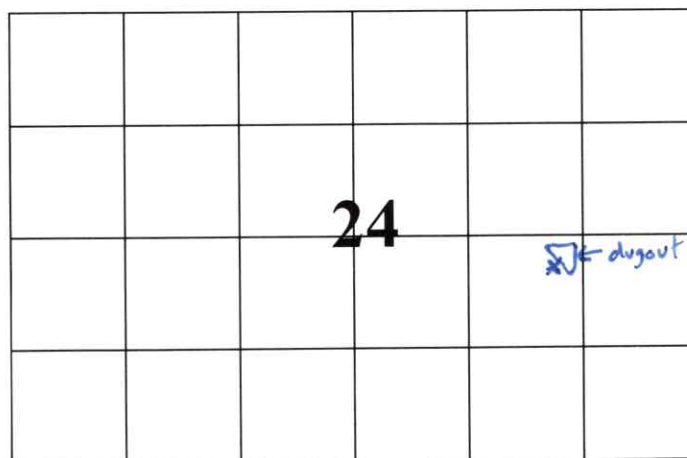
Land to be Irrigated: **N/A**

Depth of Well: **41**

Well Driller: **Wieber Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **10-07-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8902-3**

Date of first receipt of application June 21, 2024.

Date of return to applicant for corrections, amendments or changes June 24, 2024.

Date of receipt of corrected application October 23, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8902-3 to Althoff Aggregates LLC., 342 W Lake Shore Drive, Waubay SD 57273, 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. 8902-3 appropriates up to 191 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from the Coteau Lake Aquifer and surface runoff for industrial purposes in a gravel washing operation. Water from the Coteau Lake Aquifer will be diverted using two existing wells (41 feet deep), a dugout, and a settling pond all located in the NE 1/4 SE 1/4 Section 24, T123N-R53W. The dugout may also capture surface water runoff. The gravel washing operation is located in the E 1/2 SE 1/4 Section 24, T123N-R53W, approximately seven miles northeast of Waubay 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: March 1 – November 30.
4. The date of approval of Permit No. 8902-3 is January 9, 2025.
5. The date from which applicant may claim right is October 23, 2024.
6. One-fifth of the construction is to be completed on or before July 9, 2027.
7. All construction is to be completed on or before January 9, 2030.
8. Water is to be put to beneficial use on or before January 9, 2034.
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 wells approved under Water Permit No. 8902-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled 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 Coteau Lakes Aquifer.
3. Water Permit No. 8902-3 authorizes a total annual diversion of up to 191 acre-feet of water from the Coteau Lakes Aquifer.
4. No diversion of water from the Coteau Lakes Aquifer to the dugout may occur when the dugout is full and spilling water.

WATER MANAGEMENT BOARD

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

JAN 30 2025
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>8902-3</u> Hydrologic Unit <u>10170201</u>
	Basin <u>Big Sioux</u>
	Newspaper <u>Webster Reporter & Farmer</u> <u>Watertown Public Opinion</u> (office use only)

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.)

- Name to Appear on Water Permit Gary Althoff Althoff Aggregates LLC
Mailing Address 342 W Lake Shore Dr Waubay S.D. 57273
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-881-7467 Email garyalthoff@hotmail.com
2.0 900
- Amount of water claimed 2.67 *CFS or 1200 **GPM and 191 ***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)
- Source of water supply Groundwater, one well + runoff
- Location of point of diversion 1 well & dugout SE 1/4, Sec 24, T123N, R53W County _____ Day _____
(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)
- County or counties where water will be used Day
- Annual period during which water is to be used Mar. to Nov. 30
- 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)

using 1 well and runoff/natural drainage to fill dugout

water from dugout to be used for gravel washing at mining operation

I, Gary Althoff Owner, the applicant, certify under
Name of Person Title (if applicable)

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

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)

RECEIVED

JUN 21 2024

OFFICE OF
WATER

Supplemental Information

(type or print)

assuming this is
going to be a
new well? Please
change if needed

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(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 200' x 200' 80 ft wide Depth 25 ft 6 ft
Long
- b) Depth to water (ground surface to water level) 15 ft

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

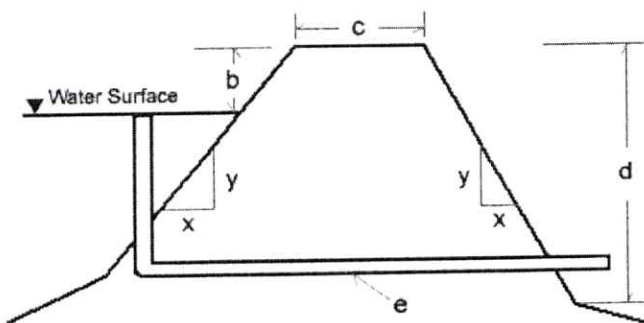
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

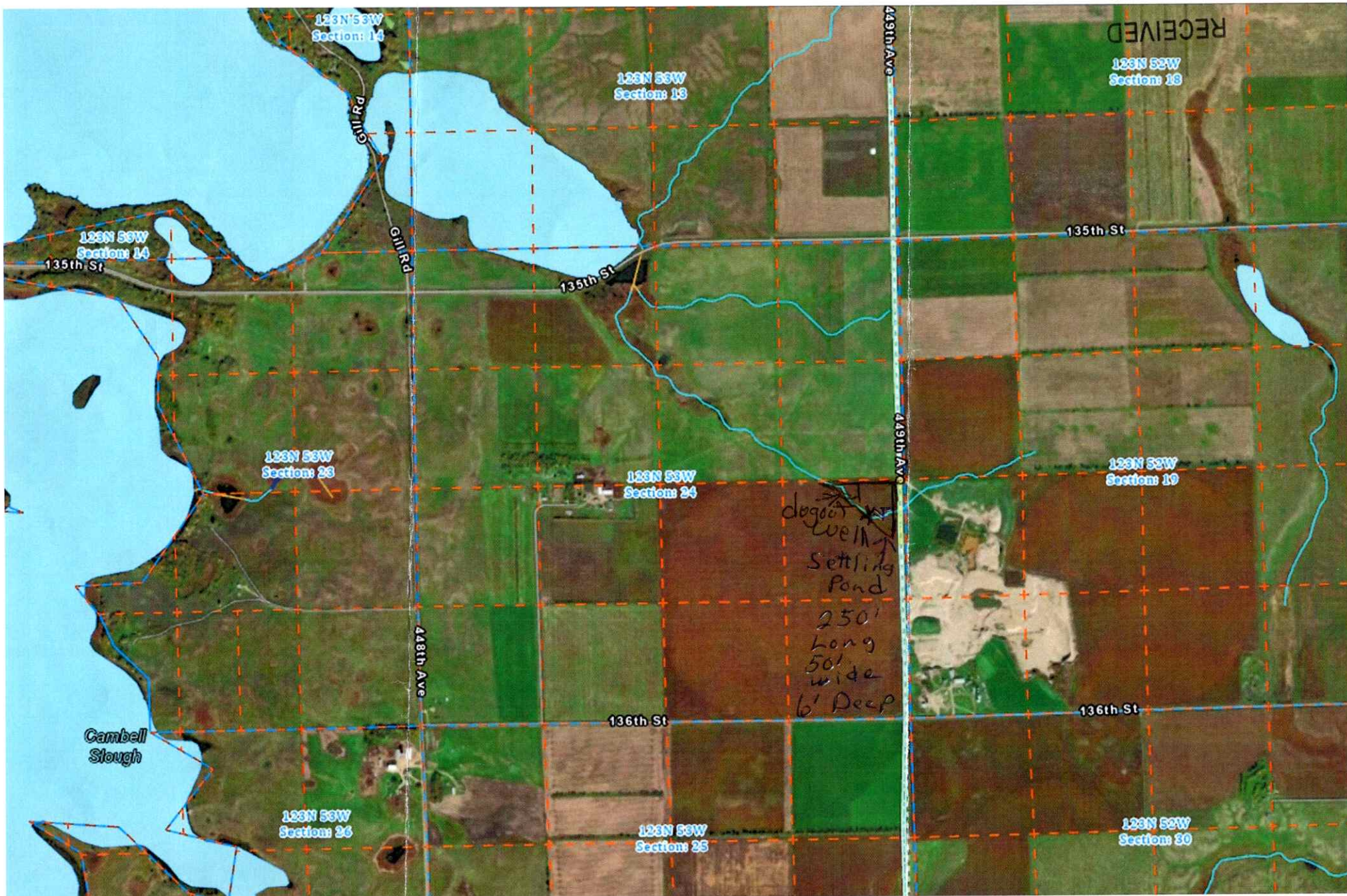
j) Drainage Area Above Dam _____ Acres



RECEIVED

JUN 21 2024

OFFICE OF
WATER



RECEIVED

123N 53W
Section: 31

123N 53W
Section: 19

123N 53W
Section: 30

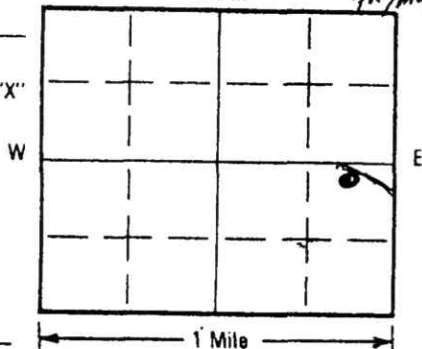
JUN 21 2024

OFFICE OF
WATER

WABAY TWP SOUTH SAKOTA WATER WELL COMPLETION REPORT (2) 07-92

Location NE 1/4 SE 1/4 Sec 24 Twp 123 N R 53 W
 County DAY

Please mark well location with an "X"



Well Completion Date

4/16/04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 1000 + ft. from Center Pivot - Fert. Tank (Identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>21 FT</u>	<u>17 1/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>16</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>5 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 20 FEET

Material PVC

Slot Size .090 Set From 21 Feet to 41 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Allex

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Pierre S.D.

For Irrigation

By Gary Althoff

Well Owner: GARY ALTHOFF

Business Name: 14908 136th St

Address: ORTLEY SD

WABAY

57273

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>medium GRAVEL (Rock)</u>	<u>2</u>	<u>20</u>
<u>Rock + GRAVEL</u>	<u>20</u>	<u>41</u>

STATIC WATER LEVEL 41 F

If flowing: closed in pressure _____

GPM flow _____ through _____ inch p

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ G

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: AIR
☐ Bailed
☒ Other _____

Pumping Level Below Land Surface

30 ft. After 2 Hrs. pumped 400 GF

_____ ft. After _____ Hrs. pumped _____ GF

If pump installed, pump rate _____ GF

REMARKS

3-wells in well field corner
Sec 24

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wieber Well Drilling MAY 28 2005

Signature of License Representative: _____

WATER RIGHTS PROGRAM

Signature of Well Owner or Equitable Property Holder: _____

Gary Althoff 12/12/2000

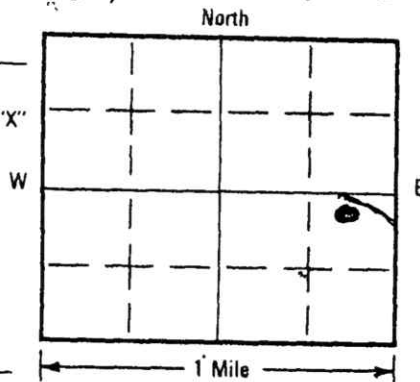
Date: _____

Waubesa Twp SOUTH SOKOTA WATER WELL COMPLETION REPORT 6481-3 07-92

Location NE 1/4 SE 1/4 Sec 24 Twp 123 Rg 53

County DAY

Please mark well location with an "X"



Well Completion Date

4/22/04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 1000 ft. from Fert. tank center (Identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 12 IN 0 FT 21 FT 17 1/8 IN
LB/FT IN FT FT IN
LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement 10 15 lb./gal 0 ft 5 ft
lb./gal ft ft

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 20 FEET

Material PVC

Slot Size .090 Set From 21 Feet to 41 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: iflex

☐ NO, Why Not?

Laboratory sent to for water quality analysis

Pierre S.D. By Gary Althoff
For Irrigation

Well Owner: GARY ALTHOFF

Business Name: 141908/136th St

Address: ORTLEY SD

Waubesa 57273

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
small Rock - gravel	2	20
GRAVEL + Rock	20	41

STATIC WATER LEVEL 41 Feet

If flowing: closed in pressure

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: 50-75 GPM Per Ft

☐ Bailed

☐ Other

Pumping Level Below Land Surface

30 ft. After 2 Hrs. pumped 450 GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

3-wells in well field corner
Sec 24

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wieber Well Drilling

Signature of License Representative:

Jerry Wieber

Signature of Well Owner or Equitable Property Holder:

Gary Althoff 12/12/2004

Date:

RECEIVED

MAR 28 2005

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 7th, 2024

RECEIVED OF Gary Althoff Althoff Aggregates LLC 342 W Lake Shore Drive Waubay SD 57273

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

Fee for Application for Permit No. <u>8902-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>8902-3</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>950.00</u>

By Eric Gwendel
Chief Engineer





DL267844

ARTICLES OF ORGANIZATION

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

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Althoff Aggregates, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**342 W. LAKESHORE DR.
WAUBAY, SD 57273**

Mailing Address

**342 W. LAKESHORE DR.
WAUBAY, SD 57273**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

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

Name **Gary Althoff**

Actual Street Address in this State

**342 W LAKESHORE DR
WAUBAY, SD 57273**

Mailing Address in this State

**342 W LAKESHORE DR
WAUBAY, SD 57273**

Article IV

The name and address of each organizer

Name

Address

Gary Althoff

342 W. Lakeshore Dr., Waubay, SD 57273

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is:

B0300-0731 02/05/2024 12:10PM Rec'd by SD SOS



Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

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

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Gordon P. Nielsen	<i>Gordon P. Nielsen</i>	Delaney, Nielsen	02/05/2024
PRINTED NAME	SIGNATURE	TITLE	DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Althoff Aggregates, LLC

BUSINESS ID# DL267844

with an effective date of: February 5, 2024, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, February 5, 2024.

Monae L. Johnson

Monae L. Johnson
Secretary of State

02/05/2024 12:10 PM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 8902-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Gary Althoff

DATE: October 23, 2024

PHONE: 605.881.7467

RE: Water Sources for Application No. 8902-3

COMMENTS:

I contacted Mr. Althoff to clarify the water sources to be used for the application. Mr. Althoff indicated he was experimenting to determine whether he needed both the well(s) and dugout as water sources because the demand was quite high. I told Mr. Althoff, to cover his bases, the application should identify all the possible water sources which includes both the dugout and up to two wells (Nos. 2 and 3) authorized for irrigation use by Water Right No. 6481-3. In addition, Mr. Althoff indicated the dugout can also capture surface runoff from the drainage coming in from the east and then heading to the northwest. Water used for washing will be captured in the settling pond and reused with make-up water supplied from the dugout/wells as needed. Mr. Althoff acknowledged that the dugout and settling pond intercept the ground water table.

RECOMMENDED ACTION:

Add the second irrigation well to the application and indicate that captured surface runoff in the dugout is also contributing water source.

Ron Duvall, Engineer III
SD DANR, Water Rights Program

Duvall, Ron

From: Duvall, Ron
Sent: Monday, October 21, 2024 1:48 PM
To: garyalthoff@hotmail.com
Cc: Rodriguez, Rachel; Dewell, Amanda
Subject: RE: Water Permit Application for Gravel Washing

Mr. Althoff,

Just a reminder we are still waiting for a response to proceed with processing your application.

Thank you,

Ron

From: Duvall, Ron
Sent: Friday, October 11, 2024 8:55 AM
To: garyalthoff@hotmail.com
Subject: Water Permit Application for Gravel Washing

Mr. Althoff,

I am looking over your application and have some questions. I know you have spoken with Amanda, but there are a few things I want to be certain of so everything is explained correctly. The map shows a well, a dugout, and a settling pond and the application mentions using the well and runoff/natural drainage to fill the dugout and water being used from the dugout for gravel washing. However, your conversation with Amanda indicated that water was NOT going to be used from the dugout, rather the dugout was for discharge of water after use. Please let me know whether the dugout will be a water source. Is it possible the dugout will be a water source when the well is being used for irrigation?

It also appears that dugout may be on a drainage so, if the dugout is used as a water source for gravel washing, then surface runoff should also be included as a water source. If the dugout is off to the side of drainage, then surface water would NOT need to be included if the dugout is only capturing direct precipitation. Finally, here is a link to your existing irrigation permit - [6481-3.pdf \(sd.gov\)](#). Please refer to page 35, the map, and confirm which well is being used. It appears to be either well No. 2 or No. 3.

Also, the application mentioned a settling pond, does water go to the settling pond and then to the dugout for final disposal?

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Gary Althoff

DATE: 10/08/2024

TELEPHONE: 605.881.7467

RE: Permit Application No.8902-3

COMMENTS:

I spoke w/ Gary today trying to get a clear picture of what was being requested by this application. Gary said that he has developed a "pump and dump" gravel washing operation. A well previously authorized for irrigation, is being used at 900 GPM, approximately 8 hours per day, 4 days per week. Once the gravel has been washed, wastewater is diverted into a 200'L x 80'W x 6'D dugout and "re-absorbed" into the ground.



Amanda Dewell
Water Rights Program

when I talked to Gary I also asked
if he wanted his name listed on
the permit app or just the LLC?
He asked that his name
be removed. (AD) 10/8/24

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, September 17, 2024 1:19 PM
To: Gary
Subject: RE: [EXT] Water Permit Application Fee

Good afternoon,

I am just checking on the \$950.00 fee. I still haven't received it.

Thank you,

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



From: Gary <garywalthoff@hotmail.com>
Sent: Tuesday, August 6, 2024 5:40 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application Fee

I will be mailing you a check on Friday. Thanks for your patience.
Sent from my iPhone

On Aug 6, 2024, at 12:10 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good afternoon,

I am just following up on your application. I still have not received the fees of \$950.00. Once I receive payment, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

From: Rodriguez, Rachel
Sent: Tuesday, July 16, 2024 1:47 PM

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 3, 2024 4:15 PM
To: Gary
Subject: RE: [EXT] Water Permit Application Fee

Good Afternoon Gary,

I still have not received your fees for the application. To pay (\$950.00) by credit card, please call 605-773-5559. Or you may mail a check payable to:

SD Water Rights Program
523 East Capitol Ave
Pierre SD 57501

Until I receive the fees, I cannot process your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Monday, September 23, 2024 10:39 AM
To: Gary <garywalthoff@hotmail.com>
Subject: RE: [EXT] Water Permit Application Fee

Good morning,

To pay by credit card, please call 605-773-5559. Or you may mail a check payable to:

SD Water Rights Program
523 East Capitol Ave
Pierre SD 57501

Thank you,

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

Rodriguez, Rachel

From: Gary <garywalthoff@hotmail.com>
Sent: Tuesday, August 6, 2024 5:40 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application Fee

I will be mailing you a check on Friday. Thanks for your patience.
Sent from my iPhone

On Aug 6, 2024, at 12:10 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good afternoon,

I am just following up on your application. I still have not received the fees of \$950.00. Once I receive payment, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

From: Rodriguez, Rachel
Sent: Tuesday, July 16, 2024 1:47 PM
To: garywalthoff@hotmail.com
Subject: Water Permit Application Fee

Good Afternoon Gary,

Based on the annual acre feet of water, the fees are:

Application fee \$750.00
Inspection fee \$200.00

The total is \$950.00 payable to SD Water Right Program. Or you may pay via credit card by calling 605-773-4216.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 6, 2024 12:10 PM
To: garywalthoff@hotmail.com
Subject: RE: Water Permit Application Fee

Good afternoon,

I am just following up on your application. I still have not received the fees of \$950.00. Once I receive payment, I can begin processing your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Tuesday, July 16, 2024 1:47 PM
To: garywalthoff@hotmail.com
Subject: Water Permit Application Fee

Good Afternoon Gary,

Based on the annual acre feet of water, the fees are:

Application fee \$750.00
Inspection fee \$200.00

The total is \$950.00 payable to SD Water Right Program. Or you may pay via credit card by calling 605-773-4216.

Thank you,

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, July 16, 2024 1:47 PM
To: garywalthoff@hotmail.com
Subject: Water Permit Application Fee

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Thank you,

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



Water Rights Program - File Documentation

NAME: Gary Althoff

ADDRESS: 342 W Lake Shore Drive, Waubay SD 57273

DATE: June 27, 2024

RE: Water Permit Application

COMMENTS:

Gary called and stated that he estimated around 900 gallons per minute times 4 days at 8 hours each day.

Rachel Rodriguez

Rachel Rodriguez

Water Rights Program

605 773-3352

rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 26, 2024 12:00 PM
To: garywalthoff@hotmail.com
Subject: FW: Gary Althoff Water Permit
Attachments: Althoff.pdf

Good afternoon Gary,

What are your questions? I sent an email on Monday, June 24th requesting the amount of water for the dugout, see attachment. Once I know the amount of water, I can calculate the fees.

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, June 26, 2024 9:28 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: Gary Althoff

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



From: Graves, Bret <Bret.Graves@state.sd.us>
Sent: Wednesday, June 26, 2024 9:27 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Gary Althoff

Amanda - I was on the phone with Gary Althoff this morning and he had some questions while filing out his dewatering permit, he mentioned he had worked with you and someone else he couldn't remember though. I told him you or someone else would get ahold of him.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, June 24, 2024 10:09 AM
To: garywalthoff@hotmail.com
Subject: Water Permit Application
Attachments: Althoff.pdf

Good morning,

I am in receipt of your water permit application. There is one item that needs attention:

- An amount for the diversion from the dugout is missing, see attachment. Please provide a volume of water. Once I receive your response, I can begin processing your application.

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

April 2, 2024

Gary Althoff
342 W Lakeshore Dr
Waubay SD 57273

Dear Mr. Althoff:

This letter is to follow up on last week's telephone conversation regarding the need for a Water Permit to supply the purposed gravel washing operation.

You had stated on the phone that you hoped the well would produce approximately 1,200 gallons per minute. With the well water being diverted into the dugout, and the water from the dugout then being used for washing of gravel. Would you expect the diversion from the dugout to also be at a rate of 1,200 GPM, or would you expect to use less? Please indicate the rate at which water will be pumped from the dugout on the enclosed application.

Portions of the enclosed applications that also need your attention would be:

- A map of the area, with indications for well location, dugout location, and mining operation.
- Would you be using an existing well, or having a new well drilled?
- What months in the year would you expect to use the water?
- What are the proposed dimensions of the dugout? The size of the dugout and its storage capacity directly correlate with the fees for this application. You will need to know how many acre-feet you intend to use annually, to determine the cost of the application.

Please let me know if you have any questions while completing the enclosed application.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

RECEIVED

JUN 21 2024

**OFFICE OF
WATER**



**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. 8902-3, Althoff Aggregates LLC**

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. 8902-3, Althoff Aggregates LLC, 342 West Lake Shore Drive, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 8902-3 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. The wells approved under Water Permit No. 8902-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled 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 Coteau Lakes Aquifer.
3. Water Permit No. 8902-3 authorizes a total annual diversion of up to 191 acre-feet of water from the Coteau Lakes Aquifer.
4. No diversion of water from the Coteau Lakes Aquifer to the dugout may occur when the dugout is full and spilling water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 18, 2024

Report to the Chief Engineer
Water Permit Application No. 8902-3
Althoff Aggregates LLC
12/13/2024

Water Permit Application No. 8902-3 proposes to appropriate up to 191 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second (cfs) from the Coteau Lakes aquifer and surface runoff for industrial purposes in a gravel washing operation. Water from the Coteau Lakes Aquifer will be diverted using two existing wells (41 feet deep), a dugout, and a settling pond all located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T123N-R53W. The dugout may also capture surface water runoff. The gravel washing operation is located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24, T123N-R53W. This site is located in Day County, approximately seven miles northeast of Waubay, South Dakota.

Water Sources: Coteau Lakes (COL) Aquifer and Surface Runoff

South Dakota Codified Law (SDCL) 46-2A-2

“Within sixty days of receipt of a completed application, the Chief Engineer shall recommend in writing approval, disapproval or deferral until further notice and shall schedule the application for hearing by the Water Management Board. The recommendation shall include any terms, conditions, restrictions, qualifications, or limitations on perpetuity which are consistent with this chapter, necessary to protect the public interest and related to matters within the jurisdiction of the Chief Engineer or the board.”

SDCL 46-2A-9

“A permit to appropriate water may only be issued if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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.”

SDCL 46-6-3.1

“No application to appropriate groundwater may be approved if, according to the best possible information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

Water Permit Application No. 8902-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Coteau Lakes aquifer is not older or stratigraphically lower than the

Greenhorn formation (Fahrenbach et al., 2010). This report will address whether average annual recharge exceeds discharge using a hydrologic budget and observation well analysis.

Background

Water for this application will come from a dugout, a settling pond, and two existing wells authorized for irrigation use under Water Right No. 6481-3 (held by the applicant) using water from the Coteau Lakes aquifer. The two wells will pump water at an estimated 900 GPM for eight hours a day, four days a week during March 1st through November 30th for a total annual diversion of up to 191 acre-feet of water. This water will be directed into the dugout. The dugout can also capture surface runoff from the east. Water used from the dugout for the gravel washing will then be captured in a settling pond and then reused with “make-up” water from the dugout and wells as needed.

The settling pond and the dugout both intercept the Coteau Lakes aquifer, and there will be incidental inflow or outflow between the ponds and the aquifer, depending on the relative head of the groundwater table and the stored water level. Therefore, an unknown amount of water will end up back in the aquifer, and the entire 191 acre-feet will not be consumptively used.

This report will be split into two sections, first to assess the Coteau Lakes aquifer to determine if there is available water to appropriate and if the conditions in SDCL 46-6-3.1 can be met without the risk of unlawful impairment, and second to analyze the availability and potential for unlawful impairment to capture surface water runoff into a dugout.

Hydrogeology of the Coteau Lakes Aquifer

The Coteau Lakes aquifer system is a group of unconfined glacial outwashes located in the Prairie Coteau region of South Dakota, east of the Waubay Lakes chain. The extent of the deposits are in eastern Day, northwestern Grant, and southwestern Roberts Counties, found at or near the ground surface. Leap (1972 and 1988) called the group of deposits the “Eastern Lakes Subsystem,” Hedges et al. (1982) and Gilbertson (1996) called the deposits the “Coteau Lakes aquifer,” and Thompson (2001) called the deposits the “Coteau Lakes Aquifer System.” This report will use the “Coteau Lakes aquifer” designation.

The areal extent has not been fully determined because the aquifer is not consistent and there are similar, separate deposits. These deposits can be and frequently are connected through channels of outwash material or permeable till, and buried channels connect the aquifer to many of the glacial lakes in the Coteau, including Enemy Swim Lake (Leap, 1988; Gilbertson, 1996; Thompson, 2001). Notable maps include Hedges et al. (1982), Leap (1972 and 1988), Thompson (2001), and Mathiowetz (2014) (modified from Leap, 1972 and 1988 and Thompson, 2001). The wells to be used for this application are existing wells associated with Water Right No. 6481-3 and are located less than a mile east from Enemy Swim Lake in the Waubay Lakes Complex. Currently, Water Rights Nos. 6481-3 and 5567-3, which are both held by the applicant and within ½ mile of each other, are not located inside the most recent delineation of the Coteau Lakes aquifer by the Water Rights Program. Water Rights Nos. 5511-3, 5588-3, 5662-3, 5711-3, 5728-3, 5223-3, 7177-3, 8298-3, 7912-3, and 8002-3 are also not within the boundary of the most

recent delineation (Water Rights, 2024c). However, Water Rights Nos. 6481-3 and 5567-3 will be included in this report because the information available indicates it is likely they are withdrawing water from the same portion of the Coteau Lakes aquifer. **Figure 1** shows the current aquifer delineation and active water rights/permits.

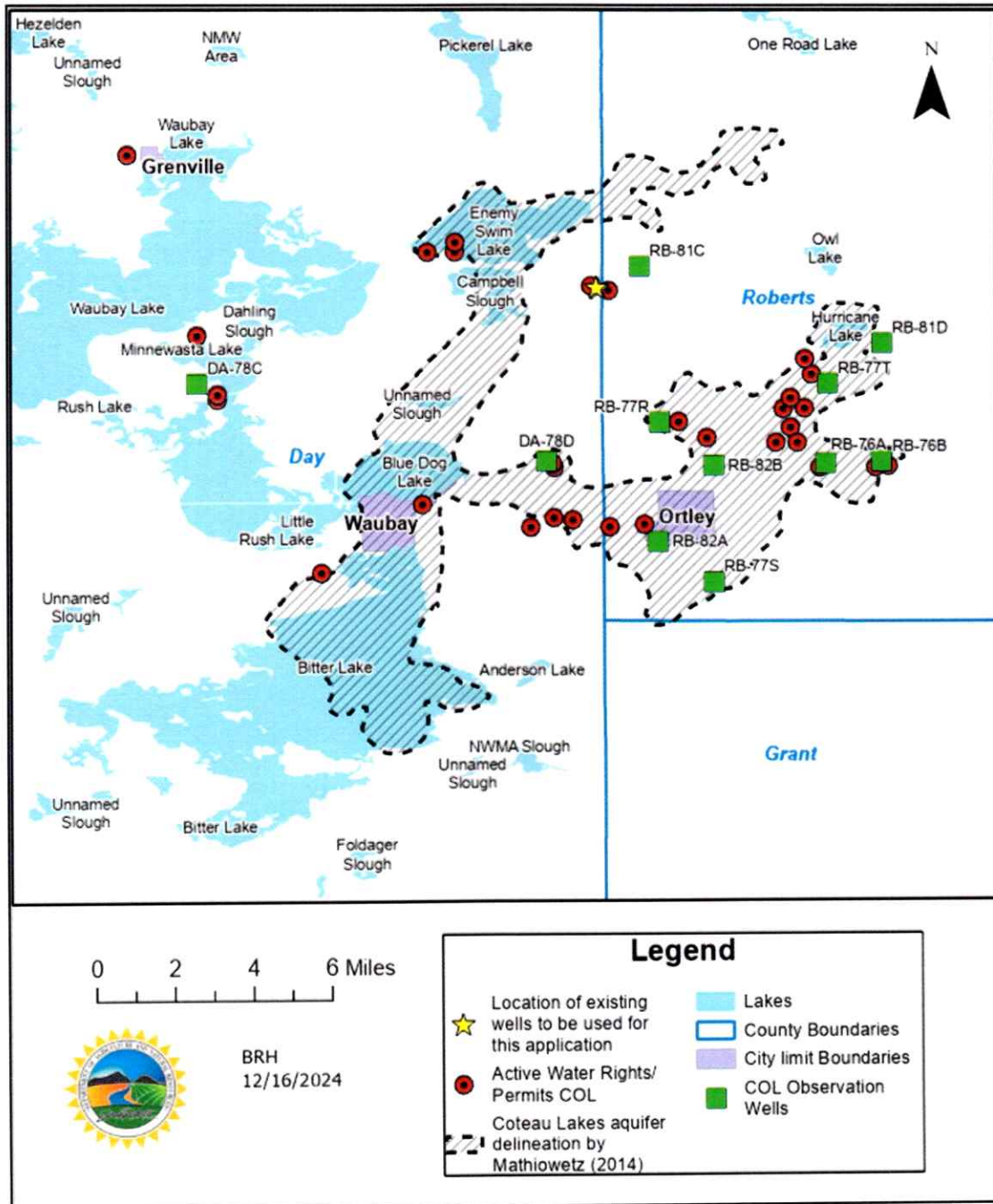


Figure 1. Map of the Coteau Lakes aquifer delineation by Mathiowetz (2014), the location of the existing wells proposed to be used for this application, and active water rights/permits withdrawing water from the Coteau Lakes aquifer. The two water rights near the location of the existing wells proposed to be used for this application are Water Rights Nos. 6481-3 and 5567-3 (Water Rights, 2024c).

The glacial outwash deposit identified in the well completion logs for the wells this application proposes to use appear to be a portion of what was considered the surficial Eastern Lakes Subsystem by Leap (1972 and 1988). The other potential aquifer or outwash deposits that these wells may be completed into is the Prairie Coteau aquifer, but the Prairie Coteau outwashes are generally an intermediate aquifer and are confined. Hydrogeologic section C-C' found in Thompson (2001) shows a cross section that traverses less than half a mile north from the location of the proposed wells. The cross section shows that Prairie Coteau outwash material may be found at an elevation of approximately 1,700 to 1,800 feet (NAVD88), and that the top of the Coteau Lakes aquifer system is found at an elevation of 1,924 feet (NAVD88). That Coteau Lakes aquifer elevation is similar to well logs in the immediate area around the proposed wells where the top of aquifer materials ranges from 1,878 feet to 1,913 feet (Water Rights, 2024d). This interval of top of aquifer elevation at the site also corresponds with Leap's (1988) "Vertical variability map of drift aquifer materials in Day County South Dakota" for the elevation interval 1900-1800 feet above mean sea level (NGVD29) (the differences between NAVD88 and NGVD29 in this area would not greatly change the elevation intervals). The thickness of aquifer materials reported by the well completion logs for the existing wells and other lithologic logs within less than half a mile ranges from 39 to 43 feet, which is also consistent with the vertical variability map by Leap (1988).

The wells that are to be used for this application are less than one mile east of Enemy Swim Lake. This lake has been cited by Leap (1988) and Thompson (2001) to be connected to the outwash system in this region called Coteau Lakes aquifer. In the First Occurrence of Aquifer Materials in Roberts County, South Dakota (Tomhave, 2006), a broad surficial outwash plain was identified in Section 19 in T123N-R52W which is adjacent to the section that the diversion points are located (**Figure 1**), and the Roberts County line is less than a quarter mile from the site. It is reasonable to assume that this outwash plain would extend that distance into Day County, indicating that the surficial aquifer materials at the diversion points are an extension of the same surficial outwash system in this area that is called Coteau Lakes aquifer.

As previous authors have pointed out, the surficial sand and gravel deposits in this area may not be contiguous; however, many of these deposits contribute recharge to the aquifer systems. Considering the elevation of sand and gravel deposits recorded on nearby well completion reports, test holes and observation wells (Water Rights, 2024b and 2024d, SDGS, 2024), the subsurface cross sections by Thompson (2001) indicating that the existing wells are completed into a surficial outwash deposit, and the outwash plain identified in Roberts County (Tomhave, 2006), it is reasonable to assume that Water Rights Nos. 6481-3 and 5567-3 are withdrawing water from a portion of the Coteau Lakes aquifer system and also that the extent of the aquifer appears to be larger than the current delineation (**Figure 1**).

While the South Dakota Water Rights Program has updated the aquifer delineation with the best available resources, Day County is currently under study by the South Dakota Geological Survey (SDGS), which will provide more substantial evidence towards the areal extent of aquifer materials and potential for hydrologic connection of the Coteau Lakes aquifer in the region east of Enemy Swim lake and Campbell Slough.

Hydrologic Budget Analysis for the Aquifer

Recharge

Recharge to the Coteau Lakes aquifer deposits occurs primarily through infiltrated rainfall or snowmelt where the aquifer is at the land surface or under shallow permeable materials. Hydrologic connections between the aquifer materials and surface water in the Waubay Lakes complex allow recharge to the aquifer when the lakes have higher water levels than the aquifer's water level (Leap, 1988; Thompson, 2001).

The extent of Coteau Lakes aquifer deposits appear to be larger than the current delineation, explained in the Hydrogeology of the Coteau Lakes Aquifer section of this report. This means that there would likely be greater recharge than if considering only the current delineated area. However, until subsurface data is available to delineate the aquifer to include the area of this application, the current delineation by Mathiowetz (2014) will be used to estimate recharge (**Figure 1**).

Using observation well data, Hedges et al. (1985) estimated that the aquifer recharges 4.5 inches (0.375 feet) each year. Applying this rate to the areal extent of the currently delineated aquifer by Mathiowetz (2014) (32,660 acres) gives an annual recharge estimate of 12,248 acre-feet.

Discharge

Discharge from the Coteau Lakes aquifer deposits is through evapotranspiration, seepage to lakes in the Waubay Lakes complex when water levels in the aquifer are higher than hydrologically connected lakes, and through well withdrawals (Leap, 1988; Thompson, 2001; Water Rights, 2024c). Only those water rights/permits within the delineation by Mathiowetz (2014) and Water Right Nos. 6481-3 and 5567-3 (**Figure 1**) will be included in the hydrologic budget because this application is using existing wells authorized under No. 6481-3 for additional consumptive appropriation, and because the aquifer likely extends beyond the delineation by Mathiowetz (2014) to include the location of Water Right Nos. 6481-3 and 5567-3. There are currently 32 existing water rights/permits authorized to appropriate water from the same portion of the Coteau Lakes aquifer deposits as this application.

Of the 32 water rights/permits, 25 are for irrigation use. Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. Using only reported usage of water rights/permits appropriating from the same Coteau Lakes aquifer deposits as this application, the average total reported pumpage for the years 1979 to 2023 is approximately 986 acre-feet, and the average total reported pumpage for the years 2014 to 2023 is approximately 1,337 acre-feet (Water Rights, 2024a and 2024c). To reflect the current development of irrigation water rights/permits, the average total reported pumpage for irrigation appropriations from 2014 to 2023 will be used for the budget.

Of the 32 water rights/permits, 7 are for non-irrigation use. Non-irrigation appropriations limited by an instantaneous diversion rate are converted to an annual volume (approximately 724 acre-feet of water annually per 1.0 cfs pumped continuously) by the amount of time pumped. The Water Rights Program has historically assumed non-irrigation appropriators pump 60% of the

time throughout the year. Newly issued Water Permit No. 8856-3 is required to report annually to the Chief Engineer the amount of water withdrawn from the Coteau Lakes aquifer. Water Permit No. 8856-3 has not reported anything at this time but their use is limited by an annual volume not to exceed 0.4 acre-feet. The estimated annual use for Water Permit No. 8856-3 is therefore assumed to be the full annual volume until there is reported use data. The estimated appropriative use for the seven non-irrigation water rights is approximately 94 acre-feet/year.

The applicant is requesting to appropriate 191 acre-feet of water/year for industrial use from two existing wells. While the entire annual volume will not be consumptively used by this application as explained in the Background section of this report, as a conservative measure, it will be assumed to appropriate the entire 191 acre-feet for the hydrologic budget.

Domestic use does not require a water permit, and so the total withdrawal amount is unknown. Due to relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget.

Hydrologic Budget Summary

Recharge to the relevant portion of the aquifer is estimated to be 12,248 acre-feet/year. The estimated annual withdrawal is 1,622 acre-feet/year, listed on **Table 1**. This application seeks to withdrawal up to 191 acre-feet/year from two existing wells. Considering the hydrologic budget, that the entire 191 acre-feet will not be consumptively used, and that the applicant also seeks to capture surface water runoff, there is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer.

Table 1. Summary of estimated annual withdrawals from the Coteau Lakes aquifer (Water Rights, 2024a and 2024c).

Source of Withdrawal	Estimated Annual Volume (acre-feet)
Irrigation	1,337
Non-Irrigation	94
Application No. 8902-3	191
Total	1,622

Observation Well Analysis

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

The SD DANR Water Rights Program monitors 11 observation wells completed into the Coteau Lakes aquifer of which 9 observation wells are completed into the same portion of the aquifer as this application. The nearest observation well is RB-81C located approximately one mile northeast. The next nearest observation wells are RB-77R located approximately 3 ½ miles southeast, and DA-78D located approximately 4 ½ miles southwest (Water Rights, 2024b) (**Figure 1**). Hydrographs for those three wells are shown in **Figures 2, 3 and 4**, and static water

level elevations are referenced to the local ground elevation. The observation well hydrographs below illustrate climatic conditions and pumping from the Coteau Lakes aquifer at those locations. Hydrographs for unconfined aquifers more directly represent stored water in an aquifer because pressurized water levels due to confining layers change more dramatically from the effects of pumping than water levels that are only under atmospheric pressure.

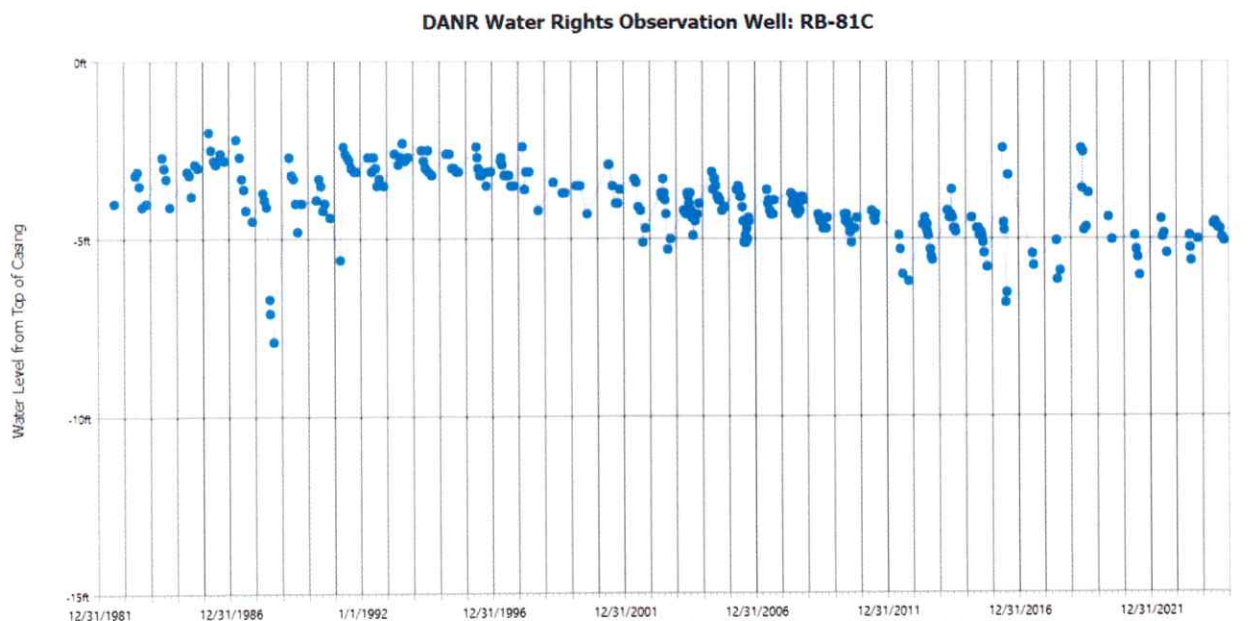


Figure 2. Hydrograph for observation well RB-81C (Water Rights, 2024b).

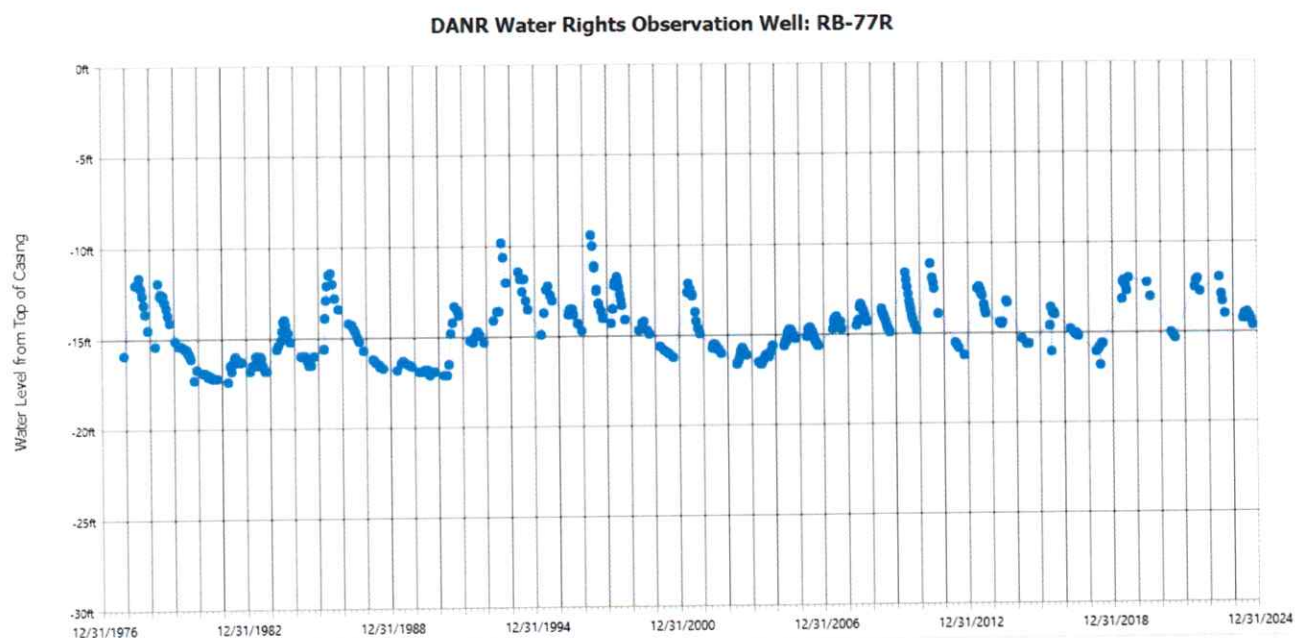


Figure 3. Hydrograph for observation well RB-77R (Water Rights, 2024b).

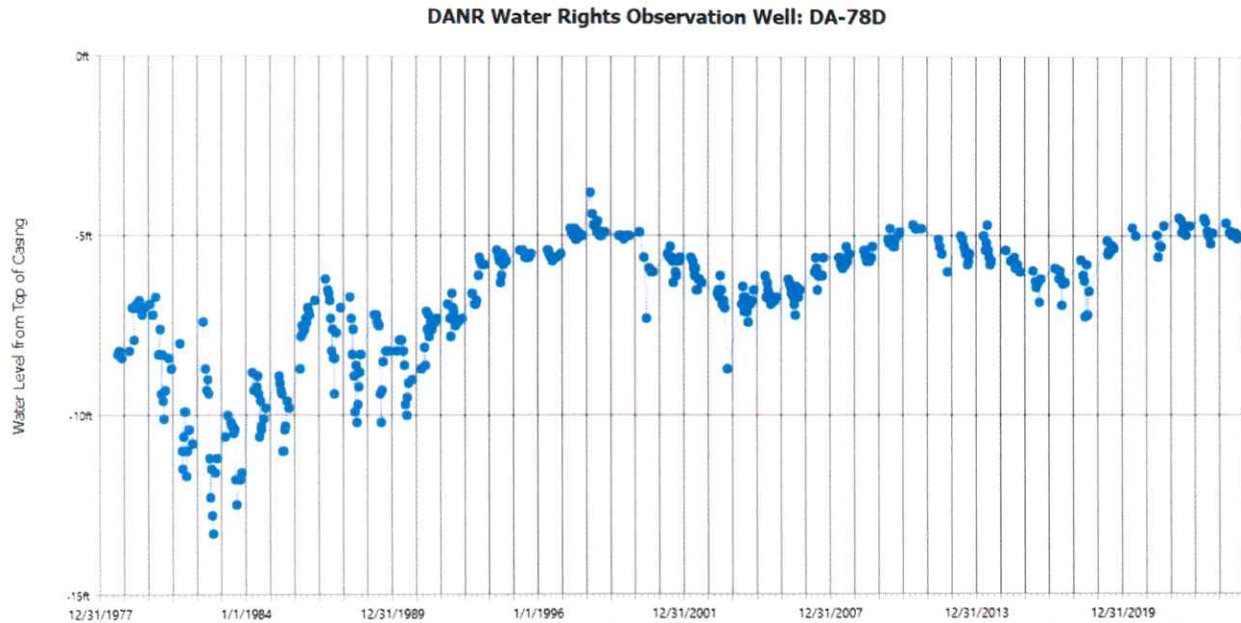


Figure 4. Hydrograph for observation well DA-78D (Water Rights, 2024b).

Figures 2, 3, and 4 reflect stable to increasing levels overall. Times of dry climatic conditions align with lower static water levels during those periods. There had been expansive drought in South Dakota in the late 1980s to early 1990s, the early to mid- 2000s, from 2012 to 2014, 2017 and 2018, and from 2020 to the present (NOAA, 2024). Hydrographs for other observation wells completed into this portion of the Coteau Lakes aquifer show the same trends. DA-78D shows an increase in water level beginning in the mid-1990s, and this is similar with many other observation wells in the Coteau Lakes aquifer. This trend correlates with surface water data for the Waubay Lakes complex, which has also seen a dramatic increase of lake levels since major flooding in the mid to late 1990s. This may support the notion that the surficial Coteau Lakes aquifer is hydrologically connected to the lakes at the location of those observation wells, however due to the nature of the closed basin of the Waubay Lake complex, it can be difficult to determine the direction of the flow of water between the lakes and the surficial outwash material.

Interestingly, RB-81C is the only well that shows an overall decreasing static water level during the flooding of the mid to late 1990s and actually appears to slightly decline from the early 1990s until approximately 2011 when the water levels stabilize. This decrease is relatively small. There is fluctuation around 2015 in RB-81C that may indicate pumping from a now cancelled Water Permit No. 8188-3, whose diversion point was authorized use of the well covered by Water Right No. 5567-3 located within ½ mile of the wells authorized under Water Right No. 6481-3 (**Figure 1**). Observation well RB-81C has approximately 19 feet of aquifer material thickness, compared to other nearby observation wells which have aquifer material thicknesses ranging between 20 and 50 feet (Water Rights, 2024b). The elevation of the water level in RB-81C fluctuates between approximately 1,922 and 1,927 feet (NGVD29) while Enemy Swim Lake has a controlled outlet at 1,853.6 feet (NGVD29) which is a large vertical gradient for a lake that is two miles away (Water Rights, 2024c). Regardless, static water levels at RB-81C have had

generally less than four feet of fluctuation in response to climatic conditions and the effects of well withdrawals. The return of static water level to pre-pumped levels after irrigation seasons is evidence that recharge to and natural discharge from the Coteau Lakes aquifer governs the water level in the aquifer rather than the impacts of pumping. Since both recharge and natural discharge can be captured for pumping, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment

The nearest water rights/permits to the existing wells proposed to be used (authorized under Water Right No. 6481-3) are Water Rights Nos. 6481-3 and 5567-3, which both belong to the applicant. Diversions for Water Right No. 5567-3 are essentially at the same site as Water Right No. 6481-3 and this application, if approved. The nearest wells not associated with an appropriative right and not held by the applicant are a stock well located approximately 1.2 miles southwest, and a domestic well approximately 1.8 miles northeast. The locations of domestic wells are based on the well completion report submitted by the well driller. There could be other domestic wells completed into the Coteau Lakes aquifer near the diversions that are not on file with the Water Rights Program. The nearest appropriative right not belonging to the applicant is Water Right No. 5648-3 and is located approximately 2 ¾ miles northwest on the other side of Enemy Swim Lake.

Based on nearby well completion reports, observation well data, and SDGS Lithologic logs (Water Rights, 2024b and 2024d; SDGS, 2024), the aquifer is unconfined at the existing well sites. The effects of drawdown from an unconfined aquifer generally do not extend far from a well. The aquifer material thickness for the existing wells to be used and other nearby wells range from 39 to 43 feet. Nearby well completion reports and the hydrograph for RB-81C (**Figure 2**) state static water levels typically range from 0 to 10 feet below the ground surface in this area, and so the saturated thickness of the aquifer in this area should satisfy the requirements of an adequate well, defined in the Administrative Rules of South Dakota (ARSD) 74:02:04:20(6) 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 nearest appropriative rights not held by the applicant are over 2 ½ miles away on the opposite side of Enemy Swim Lake. Also, this proposed appropriation is for use of existing wells that are authorized by Water Right No. 6481-3 and have presumably been in use since 2004. The wells most likely to be impacted by this appropriation are the applicant's own wells.

Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Considering that domestic well use takes priority over appropriative use in the event of a conflict, the adequate well construction standard, the unconfined nature of the Coteau Lakes aquifer, that the nearest wells

to the proposed diversions are the applicant's own, that the wells to be used for this application have presumably been operating since 2004, and that there have been no substantiated complaints about adversely impacted wells in Day or Roberts Counties (Water Rights, 2024e), there is a reasonable probability that additional appropriation from the Coteau Lakes aquifer by this application will not cause adverse impairment.

Water Availability of Surface Water Runoff

The Waubay Lakes complex is a closed basin located in the plain between the rises of the Prairie Coteau. In this complex, water generally travels north to south towards Bitter Lake, and travels inward towards the glacial lakes region from the rises of the coteau. At the location of the proposed dugout for this application, water moves from the east towards Enemy Swim Lake located approximately 1.5 miles northwest. The drainage area above the proposed dugout is 0.61 square miles, or approximately 390 acres (USGS, 2019).

The NRCS annual surface yield Method A for South Dakota was used to estimate surface yield that may be incidentally captured by the dugout. The method estimates the volume of runoff which can be expected for a twelve-month period at certain annual exceedance probabilities using contributing drainage area, soil cover complex number (also called runoff curve number, or CN) determined from hydrologic soil groups, and watershed location on an isogram map. The isogram map shows equal values of acre-inches of runoff per acre in South Dakota. Assumptions made for this method were that the gravel pits on the drainage area were hydrologic soil group A, and the other land area was categorized as "cultivated without conservation treatment" and was hydrologic soil group B. The weighted curve number for both area types was 80, and the isogram used was 2 ½ (USDA-NRCS, 1984 and 1986).

The drainage area encompassing approximately 390 acres above the dugout has an 80% probability of exceeding a yield of approximately 12 acre-feet of water annually, and a 50% probability of exceeding a yield of approximately 27 acre-feet of water annually. It is not known if the dugout is located on a confluence for runoff, and is not likely to catch all the surface water flowing through this local drainage area.

There will be direct precipitation into the dugout and evaporation loss from the dugout surface. The best available monthly precipitation and pan evaporation data is at Redfield, South Dakota. Using that data, the approximate loss to evaporation during March 1st through November 30th with normal rates of precipitation and evaporation at the approximately 0.37-acre dugout is 0.46 acre-feet (U.S. Climate Data, 2024; Poudyal, 2006). There is a reasonable probability that surface runoff will be available for capture into the dugout without much loss when incorporating direct precipitation and evaporation.

Existing Users

The South Dakota Department of Game, Fish and Parks holds Vested Water Right No. 630-3 for Enemy Swim Lake which is satisfied with an annual fill of 9,000 acre-feet of water to the outlet elevation. The outlet weir for Enemy Swim Lake is located on the southwest corner of Campbell Slough where water flows south to Blue Dog Lake (**Figure 1**). The source of water supply for

Vested Water Right No. 630-3 is the local watershed for Enemy Swim Lake, which includes portions of Sections 26, 27, 22, 14, 12, 11, and 10 in T123N-R53W. The drainage for the dugout would be primarily from Section 19, T123N-R53W.

Considering that Enemy Swim Lake is frequently spilling and that the drainage area of the proposed capture is not included in the Vested Water Right No. 630-6 local watershed points of capture (Water Rights, 2024c), there is a reasonable probability that incidental runoff captured by this application will not impair Vested Water Right No. 630-3.

There is Location Notice No. 61497 for a stock pond claiming four acre-feet of water each year. The pond is located ½ mile downstream of the same apparent dry draw as the proposed dugout for the applicant. Considering that the pond for Location Notice No. 61497 and the proposed dugout for this application both likely intercept the Coteau Lakes aquifer, the estimated annual runoff volumes from the 0.61 square mile drainage area upstream of the proposed dugout including additional available runoff in the ½ mile drainage area between the proposed dugout and the location notice, there is a reasonable probability that incidental runoff captured by this application will not impair the location notice.

Conclusions

1. Water Permit Application No. 8902-3 proposes to appropriate up to 191 acre-feet annually from two existing wells authorized under Water Right No. 6481-3, a dugout, and settling pond all connected to the Coteau Lakes aquifer for industrial purposes in a gravel washing operation. The applicant also intends to capture surface water runoff into the dugout. The operation is located in the NE ¼ SE ¼ of Section 24, T123N-R53W. This application intends to appropriate water annually from March 1st to November 30th.
2. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer and from surface runoff for this proposed appropriation.
3. There is a reasonable probability that diversion of water from the Coteau Lakes aquifer will not unlawfully impair adequate wells for existing water rights/permits and existing domestic users with adequate wells.

Approval of this permit is not expected to adversely impact any existing domestic uses or water rights capturing water from the local surface runoff.


Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program

Reviewed by:


Adam Mathiowetz, P.E.
Natural Resources Engineer IV
SD DANR, Water Rights Program

References

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- Water Rights. 2024c. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024d. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024e. Complaint Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**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 DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

December 20, 2024

Althoff Aggregates LLC
c/o Gary Althoff
342 W Lake Shore Drive
Waubay SD 57273

Dear Mr. Althoff:

Water Permit Application No. 8902-3 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 Webster Reporter and Farmer printed in Webster SD (Ph # 605 345-3356) and the Watertown Public Opinion printed in Watertown SD (605 886-6901). 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. 8902-3 to Appropriate Water

Notice is given that Althoff Aggregates LLC., 342 W Lakeshore Drive, Waubay SD 57273, has filed an application for a water permit to appropriate up to 191 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from the Coteau Lake Aquifer and surface runoff for industrial purposes in a gravel washing operation. Water from the Coteau Lake Aquifer will be diverted using two existing wells (41 feet deep), a dugout, and a settling pond all located in the NE ¼ SE ¼ Section 24, T123N-R53W. The dugout may also capture surface water runoff. The gravel washing operation is located in the E ½ SE ¼ Section 24, T123N-R53W approximately seven miles northeast of Waubay SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8902-3 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 January 9, 2025.

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 January 9, 2025.

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

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Duvall, Ron

From: Duvall, Ron
Sent: Friday, December 20, 2024 3:51 PM
To: news@reporterandfarmer.com
Cc: Rodriguez, Rachel
Subject: 8902-3 Althoff Aggregates LLC., c/o Gary Althoff - Public Notice
Attachments: FORM8.FRM.doc; 8902-3 public.short_final.docx

Attached is a notice to be published on December 30, 2024.

Althoff Aggregates LLC., c/o Gary Althoff, 342 W. Lakeshore Drive, Waubay SD 57273 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,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Duvall, Ron

From: Duvall, Ron
Sent: Friday, December 20, 2024 3:50 PM
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Cc: Rodriguez, Rachel
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Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



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SOUTH DAKOTA

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County of Day
State of South Dakota,

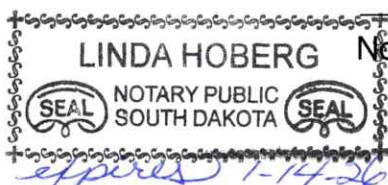
ss.

Amanda M. Dulitz, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, Amanda M. Dulitz, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Althoff Aggregates water appropriation application, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	Dec. 30, 2024;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$51.32 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, 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 any person whomsoever.

Subscribed and sworn to before me this 30th day of December, 2024.



Linda Hoberg
Notary Public, Day County, South Dakota

Application is filed

NOTICE OF APPLICATION NO. 8902-3 TO APPROPRIATE WATER

Notice is given that Althoff Aggregates LLC., 342 W. Lakeshore Drive, Waubay SD 57273, has filed an application for a water permit to appropriate up to 191 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from the Coteau Lake Aquifer and surface runoff for industrial purposes in a gravel washing operation. Water from the Coteau Lake Aquifer will be diverted using two existing wells (41 feet deep), a dugout, and a settling pond all located in the NE 1/4 SE 1/4 Section 24, T123N-R53W. The dugout may also capture surface water runoff. The gravel washing operation is located in the E 1/2 SE 1/4 Section 24, T123N-R53W approximately seven miles northeast of Waubay SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8902-3 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. Any person opposing this recommendation that the application be approved, will be required to file a petition with the public in interest within 20 days of the application being filed. The application is subject to the provisions of SDCL 46-2A-9 for approval of the application by the Chief Engineer upon as defined in SDCL 46-2-9 and 46-2-11. Any person meeting the requirements to be a party to a contested case

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JAN 10 2025
OFFICE OF
WATER

Application is filed for water appropriation permit

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Notice is given that Althoff Aggregates LLC., 342 W. Lakeshore Drive, Waubay SD 57273, has filed an application for a water permit to appropriate up to 191 acre-feet of water annually at a maximum pump rate of 2.0 cubic feet of water per second from the Coteau Lake Aquifer and surface runoff for industrial purposes in a gravel washing operation. Water from the Coteau Lake Aquifer will be diverted using two existing wells (41 feet deep), a dugout, and a settling pond all located in the NE 1/4 SE 1/4 Section 24, T123N-R53W. The dugout may also capture surface water runoff. The gravel washing operation is located in the E 1/2 SE 1/4 Section 24, T123N-R53W approximately seven miles northeast of Waubay SD.

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WATER RIGHTS PROGRAM
Dept Of Environ & Nat Resource
Water Rights Program
523 E Capitol Joe Foss Bldg
Pierre SD 57501

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

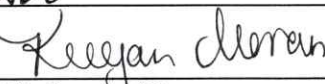
The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

12/31/2024

and that the fees charged are legal.
Sworn to and subscribed before on 12/31/2024



Legal Clerk



Notary, State of WI, County of Brown

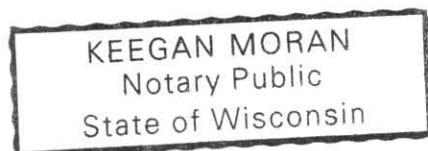
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NOTICE OF
APPLICATION NO. 8902-3
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WATER

Duvall, Ron

From: Duvall, Ron
Sent: Friday, December 20, 2024 3:52 PM
To: garywalthoff@hotmail.com
Cc: Rodriguez, Rachel
Subject: 8902-3 Althoff Aggregates LLC- Public Notice
Attachments: 8902-3 public.short_final.pdf; 8902-3 APPL2.pdf; 8902-3_rec.pdf

Mr. Althoff:

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,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 30 2025

Althoff Aggregates, LLC.
c/o Gary Althoff
342 W Lake Shore Drive
Waubay SD 57273

Dear Mr. Althoff:

Enclosed is Water Permit No. 8902-3 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**

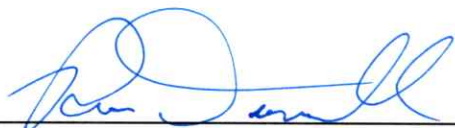
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8902-3

Name of Applicant: Althoff Aggregates LLC, Gary Althoff

Date of Posting: 12/30/2024

Date of Removal: 1/30/2025



Ron Duvall, Engineer III

1/30/2025

Date

Subscribed and sworn to before me, a notary public, this 30th day of Jan, 20 25.



Notary Public - South Dakota
My commission expires:

**Rachel Rodriguez
My Commission Expires
May 10, 2029**

(SEAL)

