

WATER PERMIT NO. 8904-3

Name of Applicant: Ace Ready Mix c/o Chris Klein

Address: 350 S Main Avenue, Suite 400 Phone: 605-330-6570

Amount of Water Claimed: 0.1 cfs/13.5 AF Total Acres: N/A

Source of Water Supply: Surface

Water to be used for: Industrial County: Lincoln

Type of Waste Disposal System:

Location: Approx. 4 miles southwest of Sioux Falls

PRIORITY Date Received: 10/03/24 Application/License Fee: \$300.00

Corrected Application Received: 10-11-24 Period of Annual Use: January 1 – December 31

Remarks: Water to be used to wash equipment and for dust control. Storm water will be collected through internal storm sewer system and stored in a series of retention ponds.

Diversion Point: SW 1/4 NE 1/4 Sec 6-T99N-R50W

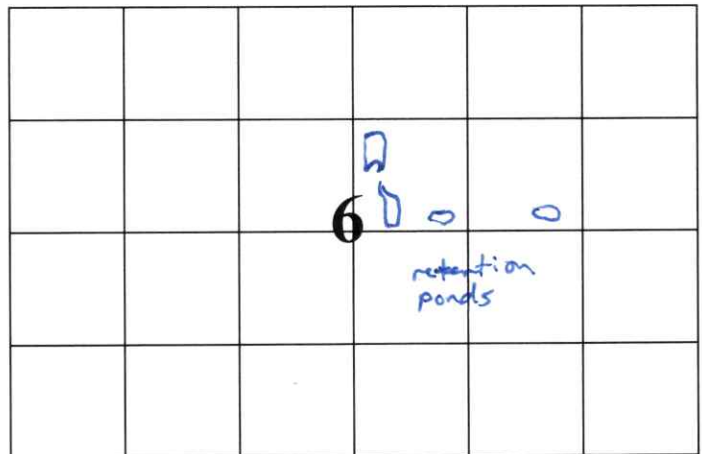
Land to be Irrigated: N/A

Depth of Well: N/A

Well Driller: N/A

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 10/16/24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8904-3

Date of first receipt of application October 3, 2024.

Date of return to applicant for corrections, amendments or changes October 3, 2024.

Date of receipt of corrected application October 11, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8904-3 to Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, 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. 8904-3 appropriates up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cubic feet of water per second. The storm water runoff will be collected through an internal storm sewer system and stored in a series of retention ponds; all located in the S 1/2 NE 1/4 Section 6-T99N-R50W. The water will be used for industrial purposes including equipment washing and dust control, then recycled back through the retention ponds. This site is located approximately two and one-half miles southeast of Tea 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: January 1 – December 31.
4. The date of approval of Permit No. 8904-3 is December 16, 2024.
5. The date from which applicant may claim right is October 3, 2024.
6. One-fifth of the construction is to be completed on or before June 16, 2027.
7. All construction is to be completed on or before December 16, 2029.
8. Water is to be put to beneficial use on or before December 16, 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. Water Permit No. 8904-3 authorizes a total annual consumptive use of up to 13.5 acre-feet of water.

WATER MANAGEMENT BOARD

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

JAN 09 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>8904-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux</u>
	Newspaper <u>Tea Weekly</u>
	<u>Sioux Falls Argus Leader</u> (office use only)

RECEIVED

OCT 03 2024

OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

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

Type of Application:
(check one)

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

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

- Name to Appear on Water Permit Ace Ready Mix c/o Chris Klein
Mailing Address 350 S Main Ave, Suite 400 Sioux Falls SD 57104
(Address) (City) (State) (Zip Code)
Phone (605) 330-6570 Mobile (605) 929-4017 Email cmklein@lgeverist.com
- Amount of water claimed 0.1 *CFS or _____ **GPM and 13.5 ***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 Storm water runoff collected in pond/dugout
- Location of point of diversion SW 1/4 NE 1/4 SECTION 6, T99N R50W County Lincoln
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Lincoln
- Annual period during which water is to be used January - December
- 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)

Water will be used to wash equipment and for dust control. Storm water will be collected through an internal storm sewer system and stored in a series of retention ponds. Water used for washing will also be recycled back through the retention ponds.

I, Chris Klein Regulatory 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.

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 350' x 470' Depth 20'
- b) Depth to water (ground surface to water level) 5'

4. Water Storage Dams

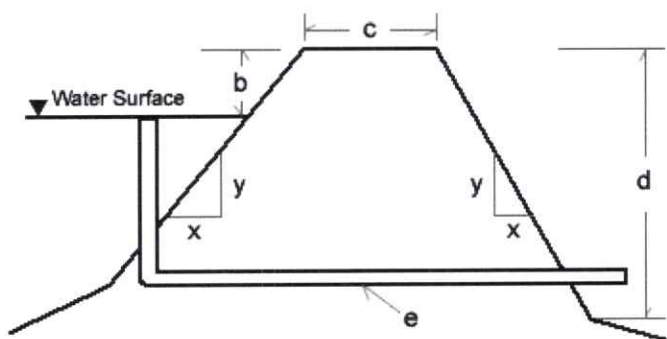
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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





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OCT 11 2024

OFFICE OF
WATER



- PROPERTY BOUNDARY
- SECTION LINE
- QUARTER SECTION LINE

LEGAL DESCRIPTION: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 6, T99N R50W,
LINCOLN COUNTY

HARRISBURG, SD - NINE MILE PARK
LOCATION OF WATER RIGHT DIVERSION POINT



L. G. EVERIST, INC.
We Deliver Solutions!
SIOUX FALLS, SD

DRAWN BY: C. KLEIN
SCALE: NTS
DATE: 08/15/2024

DRAWING NO. REV.

1





100N 51W
Section: 25

100N 50W
Section: 30

100N 50W
Section: 29

100N
Section

100N 51W
Section: 36

100N 50W
Section: 31

100N 50W
Section: 32

10170203 Lower Big Sioux

Big Sioux

99N 51W
Section: 01

99N 50W
Section: 06

99N 50W
Section: 05

99N
Section

99N 51W
Section: 12

99N 50W
Section: 07

99N 50W
Section: 08

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 11th, 2024

RECEIVED OF ACE READY MIX C/O CHRIS KLEIN 350 S MAIN AVENUE SUITE 400 SIOUX FALLS SD 57104

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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>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>300.00</u>

By

Eric Jonland

Chief Engineer

SK



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE, SD 57501-1001
File No. 8904
danr.sd.gov

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Chris Klein (Ace Ready Mix)

DATE: 10/22/2024

TELEPHONE: 605.929.4017

RE: Application No. 8904 legals

COMMENTS:

I called Chris to confirm the location of the facility, storm water sewer system, and retention ponds. It appears that the project, as shown on the map provided with the application spanned from the eastern edge of I-29 to the western edge of 471st Ave, which would place is across the entire S ½ NE ¼ Section 6, T99N, R50W.

When we spoke on the phone Chris confirmed this and agreed the project's legal description being updated.

Amanda Dewell
Water Rights Program

Dewell, Amanda

From: Mathiowetz, Adam (DENR)
Sent: Friday, October 18, 2024 10:10 AM
To: Dewell, Amanda
Subject: Ace Ready Mix App

Rachel already had me look at it. No groundwater concern. Its glacial till (clay) to around 100 ft in the immediate area.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Rodriguez, Rachel

From: Mathiowetz, Adam (DENR)
Sent: Friday, October 11, 2024 3:32 PM
To: Rodriguez, Rachel
Subject: RE: Ace Ready Mix Water Permit Application

Not really.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, October 11, 2024 3:23 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Ace Ready Mix Water Permit Application

Adam,

Based on the applications point of diversion, see attachment, do you think this application will involve groundwater?

Thank you,

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



Rodriguez, Rachel

From: Chris Klein <cmklein@LGEVERIST.com>
Sent: Thursday, October 3, 2024 9:36 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] Question On Water Right Application
Attachments: #1 - Diversion Location.pdf

Actually I was just typing another response with the question of when to send the map!

I apologize if there was a step in the online application that I missed to submit with that.



CHRIS KLEIN, L.G. Everist, Inc. – Mine Planning & Regulatory Manager
350 S Main Ave, Suite 400, Sioux Falls, SD 57104
605.929.4017 || cmklein@lgeverist.com || www.lgeverist.com
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From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, October 3, 2024 9:30 AM
To: Chris Klein <cmklein@LGEVERIST.com>
Subject: RE: Question On Water Right Application

Good Morning Chris,

Just a reminder that we also need a map. I've attached a map with the location you indicated on your application. Please mark the location of the dugout on the map and return to me. Once I have the map and fee and can begin processing your application.

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, October 3, 2024 9:22 AM
To: Chris Klein <cmklein@LGEVERIST.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Question On Water Right Application

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 3, 2024 9:30 AM
To: Chris Klein
Subject: RE: [EXT] Question On Water Right Application
Attachments: map.pdf

Good Morning Chris,

Just a reminder that we also need a map. I've attached a map with the location you indicated on your application. Please mark the location of the dugout on the map and return to me. Once I have the map and fee and can begin processing your application.

Thank you,

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



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, October 3, 2024 9:22 AM
To: Chris Klein <cmklein@LGEVERIST.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Question On Water Right Application

Thank you Chris, I've cc'd Rachel, since she will be the one looking for that payment.

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



From: Chris Klein <cmklein@LGEVERIST.com>
Sent: Thursday, October 3, 2024 9:19 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Question On Water Right Application

Ok – thanks for the clarification.

Just a head's up.....I did the application online and will be submitting the fee amount to our Accounts Payable for processing so it may take a week or two before the payment arrives.



CHRIS KLEIN, L.G. Everist, Inc. – Mine Planning & Regulatory Manager
350 S Main Ave, Suite 400, Sioux Falls, SD 57104
605.929.4017 || cmklein@lgeverist.com || www.lgeverist.com
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From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Thursday, October 3, 2024 9:11 AM
To: Chris Klein <cmklein@LGEVERIST.com>
Subject: RE: Question On Water Right Application

Chris, thanks for checking on that. The total for what you've described would be \$300.00, due at the time the application is submitted.

\$100 – permit application
\$200 – licensing/inspection

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



From: Chris Klein <cmklein@LGEVERIST.com>
Sent: Thursday, October 3, 2024 8:58 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Question On Water Right Application

Amanda –

I have a quick question on a water right application we're submitting. We're looking to claim 0.1 cfs and 13.5 acre-ft by capturing storm water runoff and the application instructions are somewhat unclear what our fee will be for that.

Is it \$100 (plus \$200 for inspection) since we're only asking for 0.1 cfs or is it \$500 (plus \$200 for inspection) since we're also asking for 13.5 acre-ft in total usage?

Thanks for your help.

Sincerely,



CHRIS KLEIN, L.G. Everist, Inc. – Mine Planning & Regulatory Manager
350 S Main Ave, Suite 400, Sioux Falls, SD 57104
605.929.4017 || cmklein@lgeverist.com || www.lgeverist.com
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**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. 8904-3, Ace Ready Mix**

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. 8904-3, Ace Ready Mix, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 8904-3 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:

Water Permit No. 8904-3 authorizes a total annual consumptive use of up to 13.5 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
November 22, 2024

Report to the Chief Engineer
Water Permit Application No. 8904-3
Ace Ready Mix c/o Chris Klein
November 7, 2024

Water Permit No. 8904-3 proposes to appropriate up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cubic feet of water per second (cfs). The stormwater runoff will be collected through an internal storm sewer system and stored in a series of retention ponds. The ponds are all located in the S ½ NE ¼ of Section 6, T99N-R50W. The water will be used for industrial purposes including equipment washing and dust control, then recycled back through the retention ponds. The site is located in Lincoln County, approximately 2½ miles southeast of Tea, South Dakota.

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, quantifications, 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.”

Description of Water Source

The source of water for this application is from stormwater runoff captured through an internal storm sewer system and stored in four retention ponds. At the site, stormwater runoff generally flows from the northwest to the southeast, into Beaver Creek then eventually flows into the Big Sioux River. The only runoff from offsite that will be collected through the surface inlets will be from the field area immediately to the north. There is a larger local drainage basin that encompasses the site, however, the retention ponds have a raised embankment that extends from the west side to the south side of the site, preventing water entering from this direction. Therefore, not all runoff in the local drainage area will be captured by the proposed inlet system for this application. According to the applicant, water will be recycled as much as possible, and the entire 13.5 acre-feet may not be consumptively used on an annual basis. The contributing offsite drainage area to the northern inlet locations is approximately 42 acres, shown on **Figure 1**. The retention ponds are also intended to hold captured onsite runoff from storm sewer inlets within the footprint of the site.

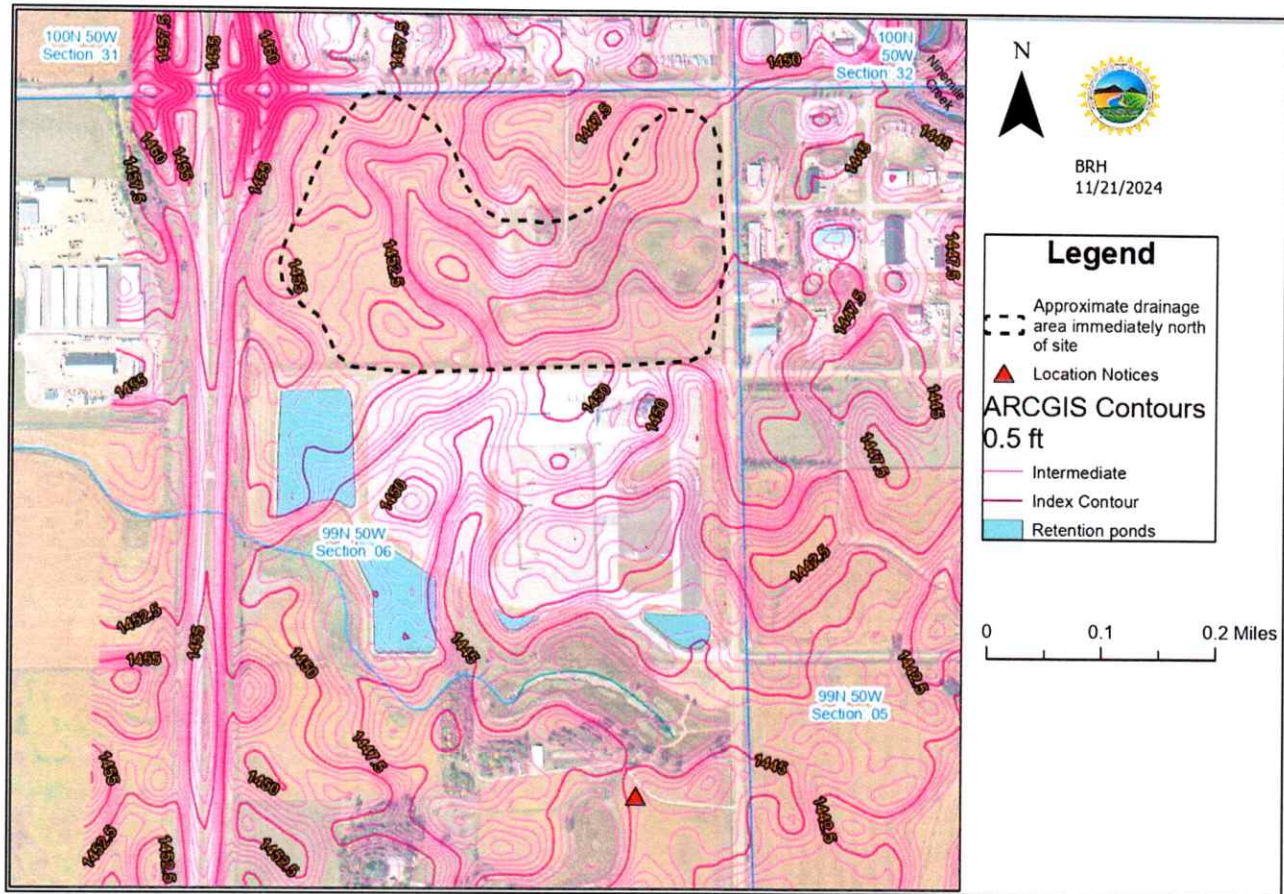


Figure 1. Approximate boundary of the offsite drainage area north of the site to capture runoff, the four retention ponds at the site of this application, the site footprint from aerial imagery, and nearby location notices to the site. The elevation contours are referenced to the North American Vertical Datum of 1988 (NAVD88) (USDA-NRCS, 2023; USGS, 2024; Water Rights, 2024a and 2024b).

Water Availability

Offsite Drainage

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield that would be captured by the internal sewer system. The method does not account for groundwater baseflow. However, since offsite and onsite water is captured through a storm sewer system, the inlets are only located above the ground, and baseflow from groundwater would not be collected. The northern inlet points for the storm sewer system are not located on a confluence point for the offsite runoff, like a stream or dry draw.

The NRCS Method A for Annual Surface Yield 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 report using this method are that any soil that is split between hydrologic soil groups take the

larger group category (where soil group A has the smallest runoff potential and soil group D has the greatest), that the land for the local drainage area was categorized as “Cultivated without conservation treatment” and that the isogram used was No. 3 (USDA-NRCS, 1984 and 1986).

Using a weighted curve number calculated from the proportion of hydrologic soil groups in the offsite drainage basin, the northern field area encompassing approximately 42 acres above the site for this application has an 80% probability of exceeding a yield of approximately 2.5 acre-feet of water annually, and a 50% probability of exceeding a yield of approximately 5.3 acre-feet of water annually. Once out of every ten years, offsite runoff from the field above the inlet works for the retention ponds is likely to exceed approximately 17 acre-feet.

Onsite Drainage

There is onsite drainage that will be collected in various storm sewer inlets located around the footprint of the site. The onsite footprint is approximately 35 acres in area. The NRCS Method A for Annual Surface Yield was also used to estimate the volume of runoff expected for a twelve-month period at certain annual exceedance probabilities using the contributing drainage area and the soil cover complex number, or curve number (CN). The same assumptions as those made for the offsite drainage using the NRCS Method A were used for onsite drainage, however the land for the onsite footprint was categorized as “Gravel.” (USDA-NRCS, 1984 and 1986).

Using a weighted curve number calculated from the proportion of hydrologic soil groups in the onsite drainage basin, the footprint of the site encompassing approximately 35 acres has an 80% probability of exceeding a yield of approximately 2.7 acre-feet of water annually, and a 50% probability of exceeding a yield of approximately 5.5 acre-feet of water annually. Once out of every ten years, onsite runoff from the site footprint is likely to exceed approximately 16 acre-feet.

Direct Precipitation and Evaporation

The retention ponds would also collect water through direct precipitation and lose stored water due to evaporation. Using ArcGIS Pro, the total surface area of the four ponds is approximately 8.35 acres when filled at capacity. Sioux Falls is located approximately four miles northeast of the site for this application and has comprehensive monthly precipitation and evaporation data (U.S. Climate Data, 2024; NOAA, 2024; Poudyal, 2006). **Table 1** lists the estimated monthly volume of water loss from direct precipitation and evaporation for the surface area of the ponds, using Sioux Falls climate data. The rate of evaporation from smaller lakes is greater than evaporation from larger lakes, so a reduction coefficient is necessary to convert pan evaporation to lake evaporation. The pan to lake coefficient commonly used is 0.7 (Poudyal, 2006).

Table 1. Estimated monthly loss for the four retention ponds from direct precipitation minus pan evaporation rates from Sioux Falls, SD (U.S. Climate Data, 2024; NOAA, 2024; Poudyal, 2006).

Month	Avg. Monthly Evap, Sioux Falls (in)	Pan to Lake Coefficient (0.7)	Avg. Monthly Precip (1981-2010 normals), Sioux Falls (in)	Direct Precip - Evaporation (in)	Estimated Monthly Loss for the retention ponds (acre-feet)
Jan	1.1	0.77	0.56	-0.21	-0.15
Feb	1.4	0.98	0.6	-0.38	-0.26
Mar	2.8	1.96	1.76	-0.20	-0.14
Apr	6.69	4.68	3.01	-1.67	-1.16
May	7.5	5.25	3.4	-1.85	-1.29
Jun	8.99	6.29	3.92	-2.37	-1.65
Jul	9.34	6.54	3.09	-3.45	-2.40
Aug	8.03	5.62	3.05	-2.57	-1.79
Sep	5.94	4.16	2.77	-1.39	-0.97
Oct	4.92	3.44	2.17	-1.27	-0.89
Nov	1.7	1.19	1.36	0.17	0.12
Dec	1.15	0.81	0.69	-0.12	-0.08
TOTAL					-10.65

The annual volume lost to evaporation during years with normal rates of precipitation and evaporation is approximately 10.65 acre-feet per year. Therefore, the surface runoff required to offset evaporation needs to be greater than 10.65 acre-feet. The NRCS Method A estimated that five out of ten years the runoff volume will exceed 5.3 acre-feet of water in the approximately 42 acre offsite drainage area north of the site, and exceed 5.5 acre-feet in the approximately 35 acre onsite footprint, which would be enough to satisfy the evaporative loss to the pools, but not to fulfill the requested annual 13.5 acre-feet of water during normal years.

Existing Users

There are no existing water rights for surface runoff downstream of the proposed storm sewer system within the same local watershed or before water would confluence with Beaver Creek. There is a location notice (No. 57750) for a small domestic dugout holding one acre-foot of water, located approximately 0.1 miles south of the proposed site (Water Rights, 2024a) (**Figure 1**).

The offsite runoff proposed to be captured for this application is likely partially composed of water that would otherwise flow into the dugout. However, the larger encompassing drainage basin for this local area includes hundreds of additional acres not including the immediate north field to the site for this application (USGS, 2019). Also, there is a dry draw confluence for runoff that drains to the dugout for Location Notice No. 57750 (**Figure 1**), meaning that drainage to the dugout is more prone to converge to the point of capture, making capture more efficient as opposed to the offsite storm sewer inlets for this application.

Considering that the applicant is also collecting onsite stormwater runoff within the site footprint to hold in the retention ponds, that there will be available stormwater runoff in the larger local basin not captured by the immediate northern drainage area of the site of this application, that the

downstream domestic dugout holds only one acre-foot of water, that domestic use takes priority over appropriative use in the event of a conflict, that there are no nearby downstream existing water rights/permits, and that the applicant is unlikely to consumptively use 13.5 acre-feet of water annually due to recycling of water, there is a reasonable probability that unappropriated water is available for the applicant's proposed use, and that the diversions can be developed without unlawful impairment of existing domestic water uses and water rights. There may be times when there is insufficient runoff to satisfy the requested appropriation.

Conclusions

1. This application proposes to appropriate up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cfs for industrial purposes including equipment washing and dust control. The runoff will be collected through an internal storm sewer system and stored in four retention ponds, then recycled back through the ponds. The site is located in Lincoln County, approximately 2 ½ miles southeast of Tea, South Dakota.
2. Using NRCS Method A to estimate the annual runoff volumes expected in the offsite northern drainage area and the onsite footprint area, and incorporating direct precipitation and evaporative losses to the retention ponds, some years there may not be enough runoff from both offsite and onsite to satisfy the annual request of 13.5 acre-feet of consumptive use.
3. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.



Brittan R. Hullinger

Natural Resources Engineer I

SD DANR, Water Rights Program

References

- NOAA. 2024. National Centers for Environmental Information, Climate at a Glance: County Time Series. <<https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/county/time-series>> Accessed October 31, 2024.
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- USDA-NRCS. 1986. Urban Hydrology for Small Watersheds. Technical Release 55. Engineering Division of the Natural Resource Conservation Service.
- USDA-NRCS. 2023. NRCS Engineering Tools ArcGIS Pro. <<https://github.com/USDA-NRCS/NRCS-Engineering-Tools---ArcGIS-Pro>> Accessed November 20, 2024.
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- USGS. 2024. National Geospatial Program. USGS 3D Elevation Program (3DEP). 1/3rd Arc-Second n44w097 20240617. <<https://www.sciencebase.gov/catalog/item/66726664d34e84915adbaed5>> Accessed November 20, 2024.
- U.S. Climate Data. 2024. <<https://www.usclimatedata.com>> Accessed November 4, 2024
- Water Rights, 2024a. Location Notice Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota
- Water Rights, 2024b. Water Right/Permit 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 DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

November 26, 2024

Ace Ready Mix
c/o Chris Klein
350 S Main Avenue
Sioux Falls SD 57104

Dear Mr. Klein:

Water Permit Application No. 8904-3 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 Tea Weekly printed in Tea SD (Ph # 605 213-0049) 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. 8904-3 to Appropriate Water

Notice is given that Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, has filed an application for a water permit to appropriate up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cubic feet of water per second. The storm water runoff will be collected through an internal storm sewer system and stored in a series of retention ponds; all located in the S 1/2 NE 1/4 Section 6-T99N-R50W. The water will be used for industrial purposes including equipment washing and dust control, then recycled back through the retention ponds. This site is located approximately two and one-half miles southeast of Tea SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8904-3 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 December 16, 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 December 16, 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: Monday, November 25, 2024 10:52 AM
To: Newspaper Notices
Subject: 8904-3 Ace Ready Mix - Public Notice
Attachments: 8904-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 6, 2024, in the Tea Weekly.

Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, 605 330-6570, 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: Monday, November 25, 2024 10:54 AM
To: legals@argusleader.com
Subject: 8904-3 Ace Ready Mix - Public Notice
Attachments: 8904-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 6, 2024.

Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, 605 330-6570, cmklein@lgeverist.com 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, November 25, 2024 4:37 PM
To: Rodriguez, Rachel
Cc: cmklein@lgeverist.com
Subject: RE: [EXT] 10803407 8904-3 Ace Ready Mix - Public Notice
Attachments: 10803407.pdf

Good Afternoon,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on December 6. The order cost is \$57.56 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

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

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

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, November 25, 2024 10:54 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 10803407 8904-3 Ace Ready Mix - Public Notice

Attached is a notice to be published on December 6, 2024.

Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, 605 330-6570, cmklein@lgeverist.com 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.**

Order Confirmation

Not an Invoice

Account Number:	1499827
Customer Name:	Ace Ready Mix
Customer Address:	Ace Ready Mix 350 S Main AVE # 400 Sioux Falls SD 57104-6551
Contact Name:	Chris Klein
Contact Phone:	
Contact Email:	cmklein@lgeverist.com
PO Number:	8904-3

Date:	11/25/2024
Order Number:	10803407
Prepayment Amount:	\$ 0.00

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

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	12/06/2024 - 12/06/2024	Public Notices
SFA argusleader.com	1	12/06/2024 - 12/06/2024	Public Notices

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

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

Order Confirmation Amount	\$57.56
---------------------------	---------

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

Julia Eng

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that the TEA WEEKLY is a weekly legal newspaper of general circulation, printed and published in Tea, in said County and State, and is now, and has been such newspaper continuously, during all the times herein-after mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Application No. 8904-3
to Appropriate Water

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Friday, the 16 day of December A.D., 20 24 and that the succeeding publication was severally on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ on Friday the _____ day of _____ A.D., 20 _____ that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 42 Dollars and 24 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Tea Weekly, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Julia Eng

Subscribed and sworn to before me this 12 day of Dec., 20 24.

Anne Homar
Notary Public

Lincoln County, South Dakota

My Commission expires Oct. 26, 20 30.

NOTICE OF APPLICATION NO. 8904-3 to Appropriate Water

Notice is given that Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, has filed an application for a water permit to appropriate up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cubic feet of water per second. The storm water runoff will

be collected through an internal storm sewer system and stored in a series of retention ponds; all located in the S 1/2 NE 1/4 Section 6-T99N-R50W. The water will be used for industrial purposes including equipment washing and dust control, then recycled back through the retention ponds. This site is located approximately two and one-half miles southeast of Tea SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8904-3 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

RECEIVED

DEC 16 2024

OFFICE OF
WATER

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 December 16, 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 December 16, 2024.

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Published once at the total approximate cost of \$42.24 and can be viewed free of charge at www.sdpublicnotices.com. (12-06)

STATE OF SOUTH DAKOTA
County of Lincoln

IN THE CIRCUIT COURT
JUDICIAL CIRCUIT

VS.

Affidavit of Publication

The within Affidavit of Publication of

was filed in my office this _____

day of _____, 20____.

Clerk of Circuit Court of the _____
Judicial Circuit of the State of South
Dakota within and for Lincoln County.

AFFIDAVIT OF PUBLICATION

Chris Klein
Ace Ready Mix
350 S Main AVE # 400
Sioux Falls SD 57104-6551

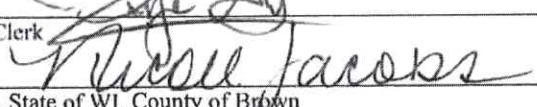
STATE OF WISCONSIN, COUNTY OF BROWN

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:

12/06/2024

and that the fees charged are legal.
Sworn to and subscribed before on 12/06/2024



Legal Clerk


Notary, State of WI, County of Brown
8-21-26

My commission expires

Publication Cost:	\$57.56	
Tax Amount:	\$0.00	
Payment Cost:	\$57.56	
Order No:	10803407	# of Copies:
Customer No:	1499827	1
PO #:	8904-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8904-3
to Appropriate Water

Notice is given that Ace Ready Mix, c/o Chris Klein, 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, has filed an application for a water permit to appropriate up to 13.5 acre-feet of collected stormwater runoff annually at a maximum pump rate of 0.1 cubic feet of water per second. The storm water runoff will be collected through an internal storm sewer system and stored in a series of retention ponds; all located in the S 1/2 NE 1/4 Section 6-T99N-R50W. The water will be used for industrial purposes including equipment washing and dust control, then recycled back through the retention ponds. This site is located approximately two and one-half miles southeast of Tea SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8904-3 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 appli-

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

Published once at the total approximate cost of \$57.56 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, November 26, 2024 8:22 AM
To: Chris Klein
Subject: 8904-3 Ace Ready Mix - Public Notice
Attachments: 8904-3 Rec.pdf; 8904-3 Ltr.pdf; 8904-3 PublicNotice.pdf; ArgusLeader Info.pdf

Good morning,

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

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

Thank you,

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 09 2025

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

Dear Mr. Klein:

Enclosed is Water Permit No. 8904-3 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.: 8904-3

Name of Applicant: Ace Ready Mix, Chris Klein

Date of Posting:

Date of Removal: 1/9/2025

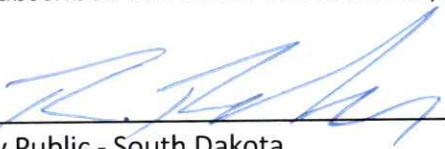


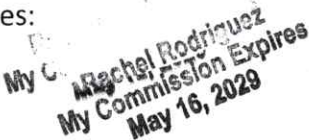
Ron Duvall, Engineer III

1/9/2025

Date

Subscribed and sworn to before me, a notary public, this 9th day of Jan, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)



8904-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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IAN 23 2025

OFFICE OF
WATER

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date 01/22/2025

FROM: Ace Ready Mix, Inc. - c/o Chris Klein
(name)

605-929-4017

(phone)

350 S Main Ave, Suite 400

(address)

cmklein@lgeverist.com

(email)

Sioux Falls, SD 57104

(city, state, zip)

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

Water Permit No. 8904-3 states that the water use system is to be constructed by

12/16/2029

(date)

, and water is to be put to beneficial use by

12/16/2033

(date)

The water use system was completed on 10/25/2024

(date)

Applying the water to beneficial use was completed on 10/25/2024

(date)

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 27, 2025

8904-3

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

Dear Mr. Klein:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in, reporting that you are completed with the water use system authorized by Permit No. 8904-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
(605) 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 27, 2025

8904-3

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

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Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
(605) 773-3352
Amanda.Dewell@state.sd.us

RECEIVED

DEC 01 2025

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEOFFICE OF
WATERDate 11/17/25TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Thunder Ridge AE, LLC
(name)
1801 Folman Drive
(address)
Pipestone MN 56164 507 215 0482
(city, state, zip) (phone)

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

Water Permit No. 8960-3 states that the water use system is to be constructed by March 1, 2022, and water is to be put to beneficial use by March 1, 2026.
(date) (date)

The water use system was completed on 11/17/25.
(date)

Applying the water to beneficial use was completed on 11/17/25.
(date)

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

[Signature]
(signature)

