

WATER PERMIT NO. 8962-3

Name of Applicant: **LG Everist Inc.**

Address: **350 S Main Avenue, Suite 400, Sioux Falls SD 57104**

Phone: **605-330-6570**

Amount of Water Claimed: **1.23 cfs**

Total Acres: **N/A**

Source of Water Supply: **Surface**

Water to be used for: **Industrial**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **Approx. 1 mile west of Rowena**

PRIORITY

Date Received: **06-13-25**

Application/License Fee: **\$500.00**

Corrected Application Received: **06-16-25**

Period of Annual Use: **January 1 – December 31**

Remarks: **Inspection found submersible pump capable of diverting 1200gpm – 2.67 cfs. WP 8569-3 is only authorized for a diversion rate of 1.44 cfs.**

Diversion Point: **NW 1/4 SW 1/4 Sec 27-T101N-R48W**

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

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

			27		
	x				

Reviewed and the Number Assigned on: **06-16-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8962-3**

Date of first receipt of application June 13, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8962-3 to LG Everist Inc., 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. 8962-3 authorizes an additional 1.23 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 8569-3, with no increase to the authorized annual volume. Water Permit No 8569-3 appropriates up to 1,048 acre-feet of water annually at a maximum pump rate of 1.44 cfs for dewatering of the Ode Pit. The source of water is Big Sioux: South Aquifer and incidental surface runoff into the pit located in the NW 1/4 SW 1/4 Section 27-T101N-R48W. An investigation of the permit found the submersible pump capable of diverting 2.67 cfs. This Permit, and Water Permit No. 8569-3 will authorize a combined total of 1,048 acre-feet of water annually at a maximum pump rate of 2.67 cfs. Dewatering under this Permit and Permit No. 8569-3 will allow for aggregate mining operations with water used in the aggregate washing process. Discharge will continue to be to the storage ponds authorized by Water Right No. 5996-3. This site is located approximately one-half mile east of Sioux Falls SD.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8962-3 is September 15, 2025.
5. The date from which applicant may claim right is June 13, 2025.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Dewatering approved under this Permit and Water Permit No. 8569-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled from the excavation so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: South Aquifer.
3. Water Permit Nos. 8962-3 and 8569-3 authorize a combined total annual diversion of up to 1,048 acre-feet of water from incidental runoff and the Big Sioux: South Aquifer.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

10/27/25
date



RECEIVED

JUN 16 2025

PAID

JUN 13 2025

Ck# 277336

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8962-3</u> Hydrologic Unit <u>10170203</u> OFFICE OF WATER
	Basin <u>Sioux R</u>
	Newspaper <u>Argus Leader</u>
	(office use only)

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 LG Everist Inc
Mailing Address 350 S Main Ave, Suite 400 Sioux Falls SD 57104
(Address) (City) (State) (Zip Code)
Phone 605-330-46570 Mobile _____ Email _____
- Amount of water claimed 1.23 *CFS or 550 **GPM and N/A ***AF or N/A 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 Ode Pit (BS:S) & incidental surface runoff
- Location of point of diversion NW 1/4 SW 1/4 Sec 27-T101N-R48W County Minnehaha
(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 Minnehaha
- Annual period during which water is to be used Jan 1 - Dec 31
- 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)

An inspection found the applicant's submersable pump capable of diverting 1200gpm/2.67cfs. WP No. 8569-3 only auth. a diversion rate of 1.44cfs. This application requests an increase in the maximum diversion rate, with no increase to the annual appropriative volume, to bring the system into compliance.

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.

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)

NOTE TO WR STAFF: Inspection report & map on file - ready to license pending approval.

Supplemental Information

(type or print)

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OFFICE OF
WATER

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:

(see 8569-3)

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 _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

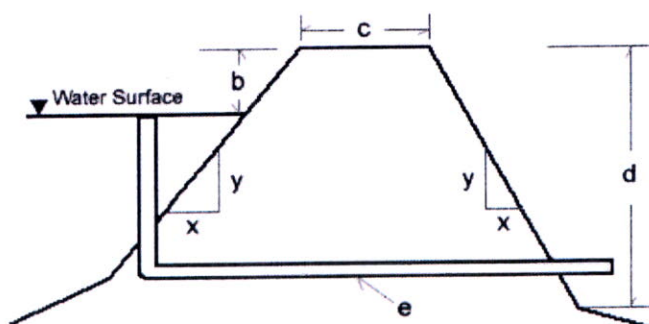
Upstream _____

Downstream _____

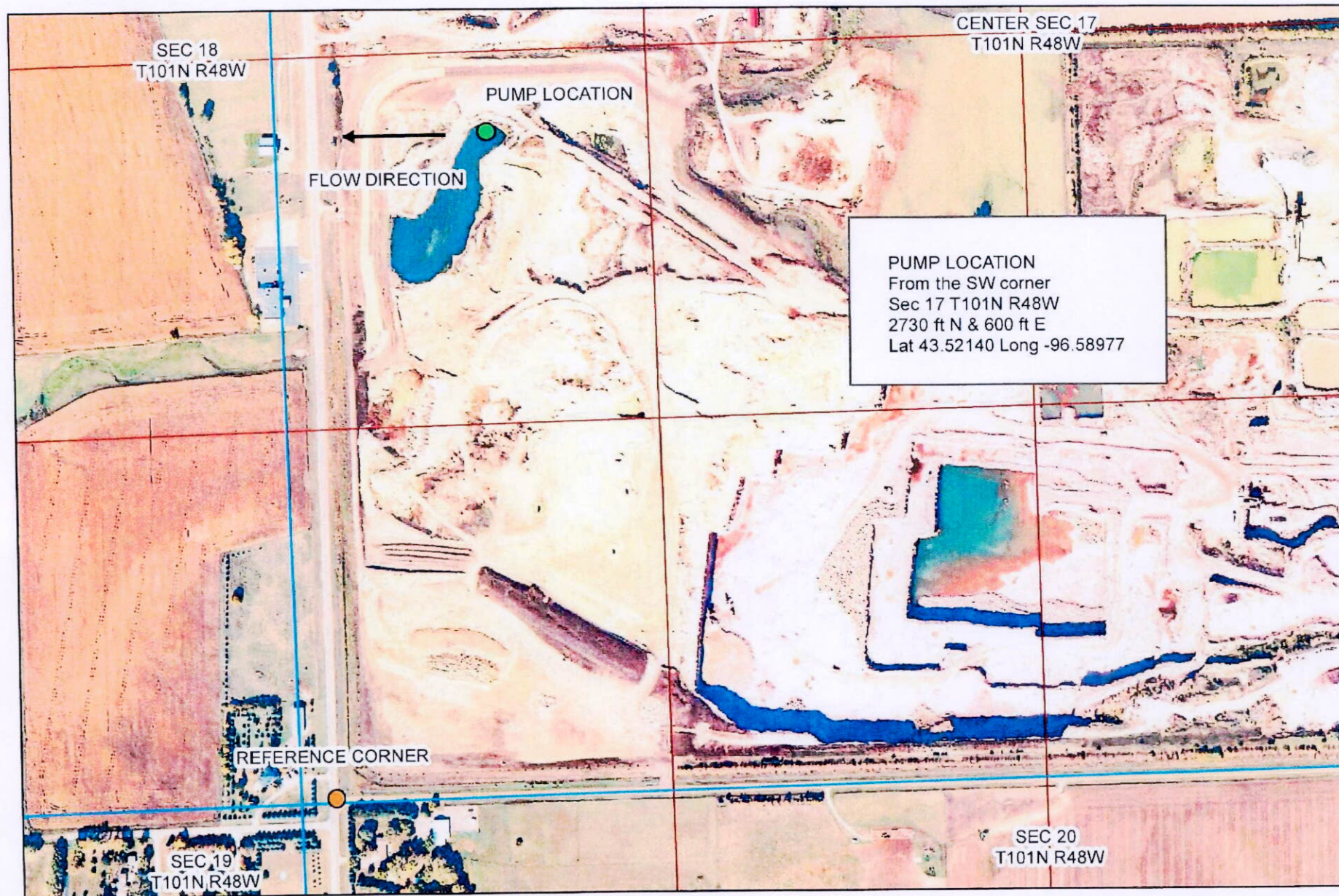
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



8569-3



0 385 770 1,540 2,310 3,080 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 16th, 2025

RECEIVED OF LG Everist Inc 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. <u>8162-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
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>500.00</u>

By Mark Mayer
SE Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8962-3, L.G. Everist, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8962-3, L.G. Everist, Inc., 350 S Main Avenue, Suite 400, Sioux Falls SD 57104.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8962-3 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Dewatering approved under this Permit and Water Permit No. 8569-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled from the excavation so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux South Aquifer.
3. Water Permit No. 8962-3 and No. 8569-3 authorize a, combined, total annual diversion of up to 1,048 acre-feet of water from incidental runoff and the Big Sioux South Aquifer.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
August 18, 2025

Report to the Chief Engineer
On Water Permit Application No. 8962-3

LG Everist Inc.

08/18/2025

Water Permit Application No. 8962-3 proposes to appropriate an additional 1.23 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 8569-3, with no increase to the authorized annual volume. Water Permit No. 8569-3 appropriates up to 1,048 acre-feet of water annually at a maximum pump rate of 1.44 cfs for dewatering of the Ode Pit. The source of water is Big Sioux: South aquifer and incidental surface runoff into the pit located in the NW ¼ SW ¼ Section 27-T101N-R48W. A licensing investigation of Permit No. 8569-3 found the submersible pump capable of diverting 2.67 cfs. This application, if approved, and Water Permit No. 8569-3 will authorize a total of 1,048 acre-feet of water annually at a maximum pump rate of 2.67 cfs. Dewatering under this application and Water Permit No. 8569-3 will allow for aggregate mining operations with water used in the aggregate washing process. This site is located in Minnehaha County approximately one-half mile east of Sioux Falls.

AQUIFER: Big Sioux: South (BS:S)

HYDROGEOLOGY:

The Big Sioux aquifer is comprised of twelve management units. The diversion point for Water Permit Application No. 8962-3, which is authorized by Water Permit No. 8569-3, withdraws water from the South management unit of the Big Sioux aquifer. The South management unit of the Big Sioux aquifer is composed of fine to coarse poorly sorted sand and fine to coarse pebble gravel with thin interbedded clay layers in some areas (Lindgren & Niehus, 1994). The average thickness of the Big Sioux aquifer in Lincoln, Union, and Minnehaha Counties ranges from 22 to 28 feet (Lindgren & Niehus, 1994; Niehus, 1997). In Lincoln, Minnehaha, and Union Counties, the Big Sioux: South aquifer is estimated to underly approximately 49,000 acres and contain approximately 163,740 acre-feet of recoverable water in storage, as shown in Figure 1 (Hedges et al, 1982). The Big Sioux: South aquifer is hydrologically connected to many aquifers such as the Shindler, Newton Hills, and Missouri: Elk Point aquifers and the Big Sioux River (Niehus, 1997). The direction of groundwater movement in the Big Sioux: South aquifer is in a southerly direction and towards the Big Sioux River (Niehus, 1997). The aquifer is generally unconfined with the top of aquifer materials starting at or near the land surface, but the aquifer can be confined by overlying alluvium or till particularly outside the flood plain of the Big Sioux River (Niehus, 1997).

No well completion report or test hole log was submitted with Water Permit Application No. 8962-3 or Water Permit No. 8569-3, because the diversion is from an aggregate mining pit. Well completion reports on file with the DNR-Water Rights Program for wells completed into the Big Sioux: South aquifer within approximately two miles of the diversion point for this application have a saturated thickness ranging from approximately 18 to 66 feet, with the depth to the top of aquifer materials ranging from approximately 9 to 28 feet below land surface, and

static water levels at well completion varying from approximately 9 to 39 feet below land surface (SDGS, 2025; Water Rights, 2025b and 2025d). The existing pit for this application was created by the excavation of material in a sand and gravel aggregate mining operation. While no depth of the pit was given by the applicant, the available information indicates that shallow mining excavations encountering saturated sand or gravel in the area of the diversion point for this application have incised the Big Sioux: South aquifer thus allowing water to enter the excavation. The Big Sioux: South aquifer is expected to be unconfined at the diversion point and in the nearby area based on lithologic logs on file for nearby observation wells and well completion reports for nearby wells (SDGS, 2025; Water Rights 2025b and 2025d).

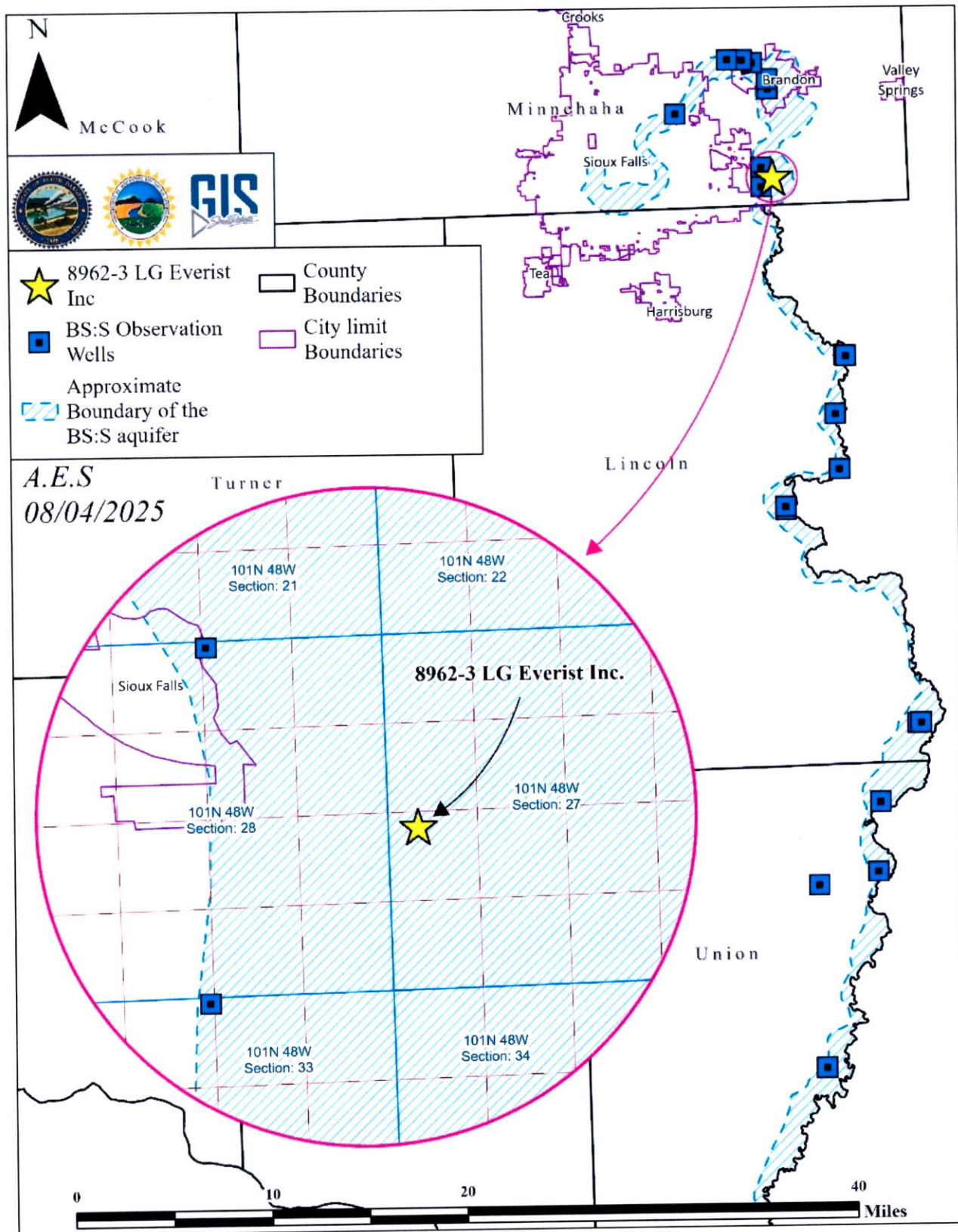


Figure 1. Approximate boundary of the Big Sioux: South aquifer, observation wells (Water Rights, 2025b), and the location of the diversion point for Water Permit Application No. 8962-3.

South Dakota Codified Law (SDCL)

Water Permit Application No. 8962-3 proposes to appropriate water from the Big Sioux: South aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering *SDCL 46-6-3.1, SDCL 46-2A-9.*

Pursuant to SDCL 46-6-3.1,

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

The Big Sioux: South aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Big Sioux: South aquifer must be considered.

Pursuant to SDCL 46-2A-9,

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

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Big Sioux: South aquifer. This application is not requesting an increase in the volume of water annually appropriated beyond what is already authorized by Water Permit No. 8569-3 (1,048 ac-ft/yr) only an increase maximum instantaneous diversion rate. Even though the annual appropriation volume is not increasing, a discussion of water availability is included primarily for the information of the Chief Engineer and the Water Management Board.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: South aquifer is primarily through infiltration of precipitation within the flood plain of the Big Sioux River and subsequent percolation of snowmelt and rainfall where the aquifer is at or near land surface as well as when the river stage of the Big Sioux River is higher than the water table of the aquifer (Niehus, 1997; Niehus and Lindgren, 1994). The Big Sioux: South aquifer may also receive recharge through seepage from the Big Sioux: Southern Skunk Creek aquifer, Beaver Creek aquifer, Brandon aquifer, Brule Creek aquifer, Newton Hills

aquifer, Split Rock Creek aquifer, Sioux Quartzite aquifer, and Wall Lake aquifer (Niehus, 1997; Niehus and Lindgren, 1994).

Hedges et al (1985) estimated a recharge rate of 4.1 inches per year for the Big Sioux: South aquifer using observation well analysis. The Big Sioux: South aquifer has an estimated areal extent of approximately 49,000 acres (Hedges et al, 1982). Therefore, the average annual recharge rate for the Big Sioux: South aquifer (based on Hedges et al, 1985; Hedges et al, 1982) is approximately 16,742 acre-feet/year.

Discharge

Discharge from the Big Sioux: South aquifer primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface (Niehus, 1997). Currently, there are 64 water rights/permits authorized to appropriate water from the Big Sioux: South aquifer (Water Rights, 2025c). There are 2 future use permits reserving 1,912.7 acre-feet/year of water from the Big Sioux: South aquifer, shown on Table 1 (Water Rights, 2025c).

Table 1. Future use permits from the Big Sioux: South aquifer (Water Rights, 2025c)

Permit No.	Name	County	Use	Priority Date	Amount Reserved (ac-ft/yr)
4002-3	City of Brandon	MA	MUN	09/12/1977	685
6696-3		MA	MUN	01/27/2006	1,227.7
MA: Minnehaha; MUN: Municipal				TOTAL:	1,912.7

Table 2 summarizes the 26 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: South aquifer with the estimated annual use for each water right/permit as determined by their permitted maximum diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025c). It should be noted that some of the water permits/rights listed on Table 2 are connected to rural water systems and use rural water rather than their local wells; as such, the average annual water use for these water rights has been estimated to be zero ac-ft/yr. This includes water rights for the City of Harrisburg and Lincoln County Rural Water System (Friedeman and Settje, 2025). Lincoln County RWS does not currently pump any water from their own well and they maintain it for standby use in accordance with ARSD 74:02:01:37.02. Lincoln County RWS and the City of Harrisburg purchase all of their water from Lewis & Clark Regional Water System (Friedeman and Settje, 2025). The Town of Hudson also purchases all of their water from Rock Valley Rural Water System in Iowa (Friedeman and Settje, 2025). The City of Canton only purchases 49% of their water from South Lincoln Water System (Friedeman and Settje, 2025). Additionally, Water Permit No. 5868-3 withdraws water from both the Split Rock Creek aquifer and the Big Sioux:

South aquifer. The estimated use for Water Permit No. 5868-3 from the Big Sioux: South aquifer portion will be included in Table 2. Overall, the estimated average annual withdrawal rate for the Big Sioux: South aquifer non-irrigation water rights/permits is 7,345 acre-feet/year (Table 2) (Water Rights, 2025c).

Table 2. Summary of the non-irrigation water permits/rights for the Big Sioux: South aquifer.

Permit No.	Name	Status	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimated Use (acre-feet/yr)
1618-3	Knife River	LC	COM	1	N/A	434.4
1908-3	Valley View Mobile Home Park	LC	COM	0.1	N/A	43.4
4792-3	LG Everist Inc.	LC	COM	1	N/A	434
5133-3	Knife River	LC	COM	0.04	N/A	17.4
5517-3	Zoological Society	LC	COM	0.03	N/A	13
5684-3	Great Plains Zoo/Museum	LC	COM	0.067	N/A	29.1
5842-3	Michael Dale Coughlin	LC	COM	0.02	N/A	8.7
5591-3	Amoco Corporation	LC	GWR	0.16	N/A	69.5
5755-3	Amoco Corporation	LC	GWR	0.24	N/A	104.3
4842-3	Brandon Materials Co	LC	IND	1.11	N/A	482.2
5242-3	City of Sioux Falls	LC	IND	1.56	110	110
6423-3	Poet Biorefining - Hudson Llc	LC	IND	1.78	1,000	1,000
8366-3	Gage Brothers	LC	IND	0.22	10.4	10.4
8462-3	Ace Ready Mix	LC	IND	0.44	79.8	79.8
8526-3	LG Everist Inc.	PE	IND	3.33	1,166	1,166
8569-3	LG Everist Inc.	PE	IND	1.44	1,048	1,048
8767-3	Knife River	PE	IND	0	1,200	1,200
1139-3	Town of Hudson	LC	MUN	0.71	N/A	0*
1262B-3	City of Canton	LC	MUN	0.22	N/A	48.74**
4883-3	City of Harrisburg	LC	MUN	0.5	N/A	0*
5868-3	City of Brandon	LC	MUN	0.52	N/A	225.9
5869-3	City of Brandon	LC	MUN	0.78	N/A	338.8
7181-3	City of Brandon	LC	MUN	0	N/A	0
3454-3	Lincoln County Rws	LC	RWS	0.5	N/A	0*
6093-3	Lyon & Sioux Rws Inc.	LC	RWS	1.33	530	530
6924-3	Lincoln County Rws	PE	RWS	2.5	1,344	0*
7203-3	Lincoln County Rws	PE	RWS	0	N/A	0*
LC: Licensed Water Right; PE: Permitted Water Right					TOTAL:	7,344.9
MUN: Municipal; COM: Commercial; GWR: Groundwater Remediation; IND: Industrial; RWS: Rural Water System; *Identified as being connected to a Rural Water System not withdrawing from the Big Sioux: South aquifer; **Identified as withdrawing 49% from a Rural Water System						

Currently, there are 36 irrigation water rights/permits authorized to appropriate water from the Big Sioux: South aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Big Sioux: South aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 1,186 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 1,500 acre-feet per year (Table 3) (Water Rights, 2025a).

Table 3. Reported historic irrigation use from the Big Sioux: South aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported (acre-feet)
1979	29	603
1980	29	575
1981	30	885
1982	22	467.84
1983	26	648.45
1984	25	805.5
1985	25	987.7
1986	26	873.7
1987	26	1,007.2
1988	27	2,112.15
1989	23	1,308.05
1990	26	1,188.3
1991	27	728.79
1992	28	206.15
1993	30	165.5
1994	29	898.3
1995	30	894.9
1996	30	957.31
1997	29	1,311
1998	29	817.9
1999	30	1,024.77
2000	31	1,351.59
2001	31	1,001.67
2002	32	1,193.39
2003	29	1,727.72
2004	29	1,279.94
2005	30	1,541.11
2006	30	1,709.1
2007	29	1,918.11
2008	30	1,157.44
2009	31	419.48
2010	32	139.15
2011	31	1,721.93
2012	32	2,403.22
2013	36	2,190.83
2014	36	1,011.89
2015	36	1,332.83
2016	37	1,494.16
2017	37	2,140
2018	37	478.7
2019	37	335.7
2020	36	1,732.91
2021	38	2,193.67
2022	39	2,336.59
2023	36	1,945.06
Min	22	139.15
Max	39	2,403.22
Avg (1979-2023)	31	1,186.49
Avg (2014-2023)	37	1,500.15

There are domestic wells completed into the Big Sioux: South aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Big Sioux: South aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Big Sioux: South aquifer.

Hydrologic Budget Summary

The estimated average annual recharge rate to the Big Sioux: South aquifer is approximately 16,742 acre-feet per year. The estimated average annual withdrawal rate from the Big Sioux: South aquifer is approximately 10,758 acre-feet per year (non-irrigation: 7,345 acre-feet/year; irrigation: 1,500 acre-feet/year; future use reservations: 1,913 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: South aquifer for the proposed appropriation. Note that this application is only proposing an increase in instantaneous diversion rate not an increase in annual volume, so no increase in average annual withdrawal rates is expected as a result of this application.

OBSERVATION WELL DATA:

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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 20 observation wells completed into the Big Sioux: South aquifer (Water Rights, 2025b). Observation wells: LN-57AR, LN-57BR, and LN-DR were found to be replacement wells. The four closest observation wells to the diversion point the applicant proposes to use are MA-2021A (approximately 0.76 miles southwest), MA-80CA (approximately 0.78 miles northwest), MA-75C (approximately 4.5 miles north), and MA-75A (approximately 5 miles north) (Water Rights, 2025b). The hydrographs for these observation wells are displayed in Figure 2 (Water Rights, 2025b). Data from observation well MA-75A, collected from June to October 2023 and more recent data in 2025, exhibited significant inconsistencies with other data from that observation well that require further evaluation to determine if the data are accurate and representative of the aquifer at that location. As a result, those data points have been excluded from Figure 2. The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet from the NGVD29 datum.

The hydrographs for these observation wells were compared to hydrographs for other observations wells completed into the Big Sioux: South aquifer and all displayed a generally similar trend as shown on the hydrographs displayed in Figure 2 (Water Rights, 2025b). The

hydrographs for the Big Sioux: South aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Big Sioux: South aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

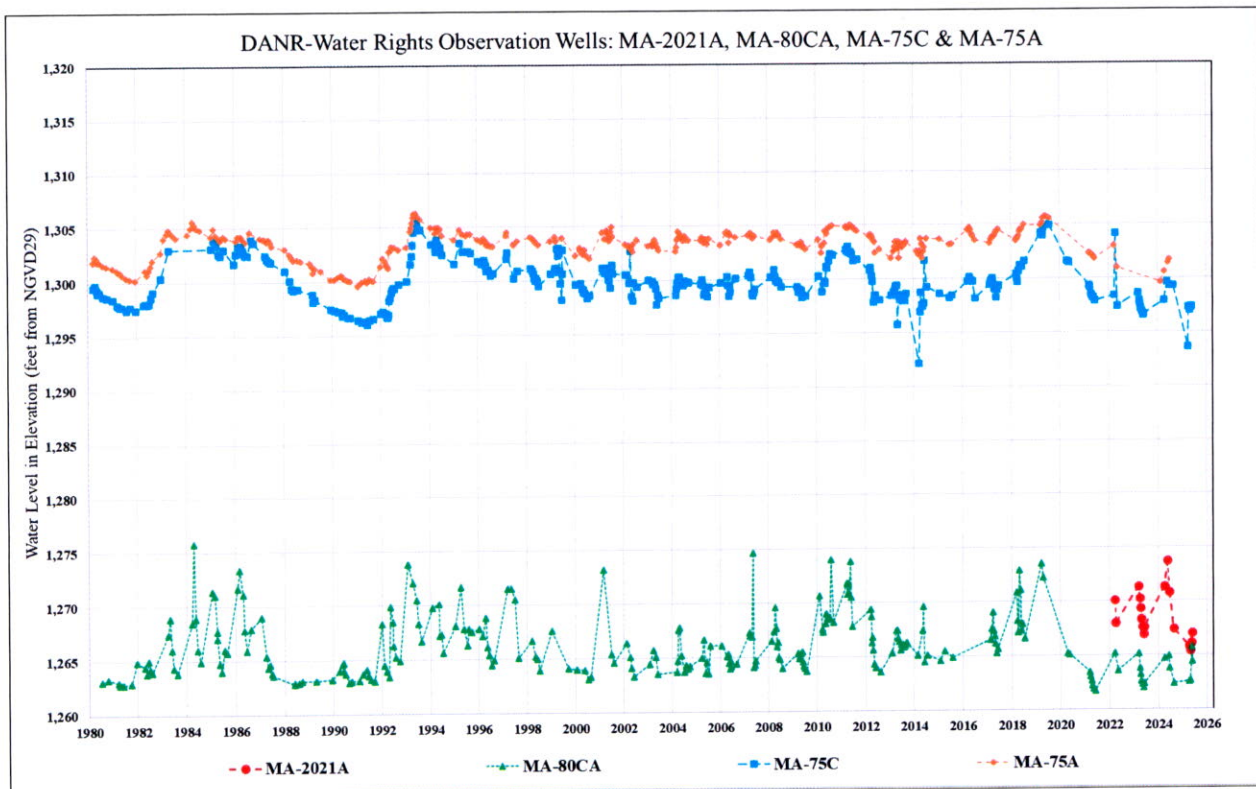


Figure 2. A graph showing the elevation of water levels for observation wells: MA-2021A, MA-80CA, MA-75C & MA-75A (Water Rights, 2025b)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 64 water rights/permits authorized to appropriate water from the Big Sioux: South aquifer (Water Rights, 2025c). The closest water right/permit to the proposed diversion point is Water Right No. 3454-3, which is held by Lincoln County Rural Water System. The diversion point for Water Right No. 3454-3 is located approximately 2 miles south of the proposed diversion point for this application (Table 4) (Figure 3) (Water Rights, 2025c). However, Lincoln County RWS does not currently pump any water from their own well and they maintain it for standby use in accordance with ARSD 74:02:01:37.02 (Friedeman and Settje,

2025). Water Right No. 5842-3 is the closest active water right, which is held by Michael Dale Coughlin (Table 4) (Figure 3) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: South aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.43 miles north of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Big Sioux: South aquifer near the existing diversion point that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

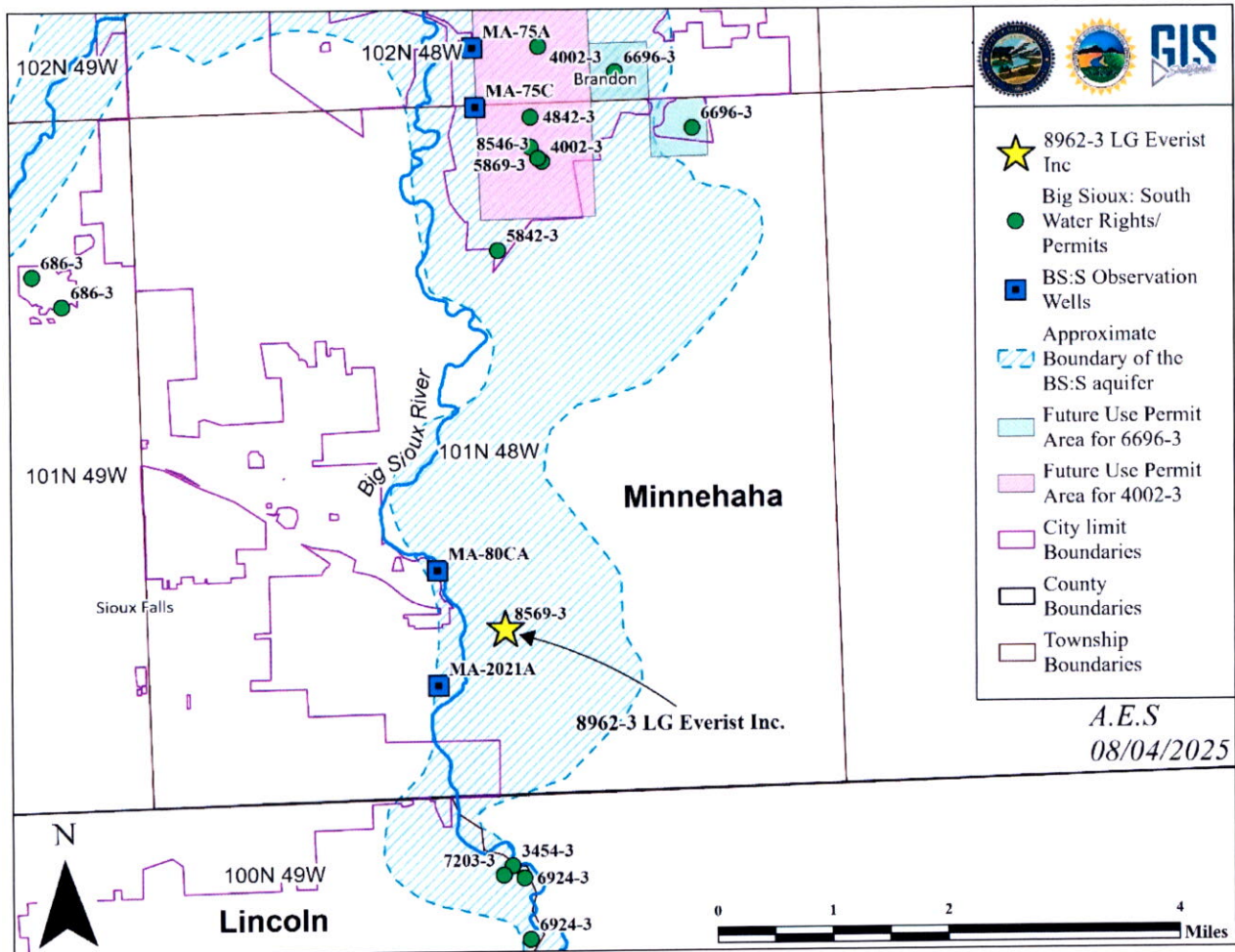


Figure 3. Map of the Big Sioux: South aquifer water rights/permits, future use permit areas for 6696-3 & 4002-3, and observations wells within five miles of the existing diversion point for Water Permit Application 8962-3 (Water Rights, 2025b and 2025c)

Table 4. Water rights/permits authorized to withdraw or reserve water from the Big Sioux: South aquifer within approximately five miles of Water Permit Application No. 8962-3 as shown in Figure 3 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Volume on Permit (ac-ft/yr)
5842-3	Michael Dale Coughlin	LC	COM	0.02	
4842-3	Brandon Materials Co	LC	IND	1.11	
8569-3	L.G. Everist Inc	PE	IND	1.44	1,048
8546-3	Brandon Valley Baseball Association	LC	IRR	0.13	7
686-3	Richard T Peterson	LC	IRR, COM	0.67	65
4002-3	City of Brandon	FU	MUN	0	685
5869-3		LC	MUN	0.78	
6696-3		FU	MUN	0	1,227.7
3454-3	Lincoln County Rws	LC	RWS	0.5	
6924-3		PE	RWS	2.5	1,344
*7203-3		PE	RWS	0	

LC: License; PE: Permit; FU: Future Use; COM: Commercial; IND: Industrial; IRR: Irrigation; MUN: Municipality; RWS: Rural Water System; *Authorized connecting Lewis & Clark regional water system to Lincoln County rural water system

The Big Sioux: South aquifer is generally under unconfined conditions (Niehus, 1997, SDGS, 2025; Water Rights, 2025c and 2025d). The diversion point is expected to be under unconfined conditions based on water levels, and lithologic logs on file for the nearby observation wells (Water Rights, 2025d). Based on data from the nearest observation wells, MA-2021A and MA-80CA, pumping from the diversion point is not expected to significantly lower water levels in the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The exact drawdown behavior cannot be known without an aquifer performance test. In Minnehaha and Lincoln County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Big Sioux: South aquifer (Water Rights, 2025e).

Within approximately two miles of the diversion point for this application, the Big Sioux: South aquifer has a saturated aquifer thickness ranging from approximately 18 to 66 feet, with the depth to the top of aquifer materials ranging from approximately 2 to 48 feet below land surface, and static water levels at well completion varying from approximately 9 to 39 feet below land surface (SDGS, 2025; Water Rights 2025b and 2025d). The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

Drawdown is likely to occur in the Big Sioux: South aquifer. However, precise drawdown in the aquifer cannot be known without an aquifer performance test. While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. 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. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the lack of well interference complaints for adequate wells completed into the Big Sioux: South aquifer in Lincoln and Minnehaha County (Water Rights, 2025e), and that the diversion point is likely to behave as if completed into an unconfined aquifer, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed increase in diversion rate will not impose unlawful impairments on existing users with adequate wells. Note, a gravel pit/dugout, such as this application proposes to use, is not an adequate well as defined in ARSD 74:02:04:20(6). Therefore, the diversion for this application would not necessarily be afforded the same protections against drawdown as other appropriate groundwater permits that do have adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8962-3 proposes to divert an additional 1.23 cfs to what is currently authorized by Water Permit No. 8569-3, with no increase to the authorized annual appropriative volume. Water Permit No. 8569-3 appropriates up to 1,048 acre-feet of water annually at a maximum pump rate of 1.44 cfs for dewatering of the Ode Pit. The source of water is Big Sioux: South aquifer and incidental surface runoff into the pit located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27-T101N-R48W. An investigation of the permit found the submersible pump capable of diverting 2.67 cfs. This application, if approved, and Water Permit No. 8569-3 will authorize a total of 1,048 acre-feet of water annually at a maximum pump rate of 2.67 cfs. This site is located in Minnehaha County approximately one-half mile east of Sioux Falls.
2. Dewatering under this application and Water Permit No. 8569-3 will allow for aggregate mining operations with water used in the aggregate washing process.
3. Based on the hydrologic budget and observation well data, there is a reasonable probability that unappropriated water is available from the Big Sioux: South aquifer to supply the proposed appropriation.
4. There is reasonable probability that the proposed diversion by Water Permit Application No. 8962-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.
- Friedeman, B. and Settje, A.E. 2025. Personal communication on status of public water systems. August 6, 2025.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Niehus, C.A. and Lindgren R.J., 1994. Major Aquifers in Minnehaha County, South Dakota. U.S. Geological Survey Information Pamphlet No. 46 U.S. Geological Survey. Vermillion, SD.
- Niehus, C.A., 1997. Major Aquifers in Lincoln and Union Counties, South Dakota, U.S. Geological Survey Information Pamphlet No. 49 U.S. Geological Survey. Vermillion, SD.
- SDGS, 2025. South Dakota Geological Survey Lithologic Logs Database. Accessed August 5, 2025. <http://cf.sddanr.net/lithdb/>.
- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

August 26, 2025

LG Everist Inc.
c/o Chris Klein
350 S Main Avenue, Suite 400
Sioux Falls SD 57104

Dear Mr. Klein:

Water Permit Application No. 8962-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed in Sioux Falls SD (see attachment for contact information). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Rachel Rodriguez
Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting 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. 8962-3 to Appropriate Water

Notice is given that LG Everist Inc., 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, has filed an application for a water permit to appropriate an additional 1.23 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 8569-3, with no increase to the authorized annual volume. Water Permit No 8569-3 appropriates up to 1,048 acre-feet of water annually at a maximum pump rate of 1.44 cfs for dewatering of the Ode Pit. The source of water is Big Sioux: South Aquifer and incidental surface runoff into the pit located in the NW 1/4 SW 1/4 Section 27-T101N-R48W. An investigation of the permit found the submersible pump capable of diverting 2.67 cfs. This application, if approved, and Water Permit No. 8569-3 will authorize a total of 1,048 acre-feet of water annually at a maximum pump rate of 2.67 cfs. Dewatering under this application and Permit No. 8569-3 will allow for aggregate mining operations with water used in the aggregate washing process. Discharge will continue to be to the storage ponds authorized by Water Right No. 5996-3. This site is located approximately one-half mile east of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8962-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 September 15, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 September 15, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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_



Order Confirmation

Not an Invoice

Account Number:	1248754
Customer Name:	Lg Everist Inc
Customer Address:	Lg Everist Inc 350 S Main Ave ste 400 Christ Klein Sioux Falls SD 57104
Contact Name:	_ DEFAULT
Contact Phone:	
Contact Email:	
PO Number:	

Date:	08/26/2025
Order Number:	11614075
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	191.0000
Height in Inches:	21.0400

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	09/04/2025 - 09/04/2025	Public Notices
SFA argusleader.com	1	09/04/2025 - 09/04/2025	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!

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Tax Amount	\$0.00
Service Fee 3.99%	\$2.69
Cash/Check/ACH Discount	-\$2.69
Payment Amount by Cash/Check/ACH	\$67.30
Payment Amount by Credit Card	\$69.99

Order Confirmation Amount	\$67.30
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Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, August 26, 2025 11:43 AM
To: Rodriguez, Rachel
Cc: Chris Klein
Subject: RE: [EXT] 11614075 8962-3 LG Everist - Public Notice
Attachments: 11614075.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on September 4. The order cost is \$67.30 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

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

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 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 by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, August 26, 2025 11:15 AM
To: SFA-Legals mbx <allegals@gannett.com>
Cc: Chris Klein <cmklein@lgeverist.com>
Subject: 11614075 8962-3 LG Everist - Public Notice

Attached is a notice to be published on September 4, 2025.

LG Everist Inc., 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,

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 26, 2025 11:15 AM
To: legals@argusleader.com
Cc: Chris Klein
Subject: 8962-3 LG Everist - Public Notice
Attachments: 8962-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 4, 2025.

LG Everist Inc., 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.

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

Thank you,

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



AFFIDAVIT OF PUBLICATION

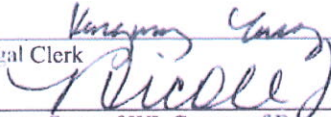
Christ Klein
Lg Everist Inc
350 S Main AVE # 400
Sioux Falls SD 57104-6551

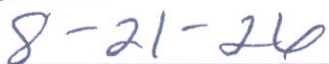
STATE OF WISCONSIN, COUNTY OF BROWN

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:

09/04/2025

and that the fees charged are legal.
Sworn to and subscribed before on 09/04/2025


Legal Clerk

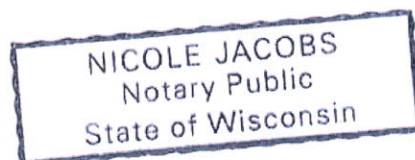
Notary, State of WI, County of Brown


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Please do not use this form for payment remittance.



**NOTICE OF APPLICATION
NO. 8962-3 to
Appropriate Water**

Notice is given that LG Everist Inc., 350 S Main Avenue, Suite 400, Sioux Falls SD 57104, has filed an application for a water permit to appropriate an additional 1.23 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 8569-3, with no increase to the authorized annual volume. Water Permit No. 8569-3 appropriates up to 1,048 acre-feet of water annually at a maximum pump rate of 1.44 cfs for dewatering of the Ode Pit. The source of water is Big Sioux: South Aquifer and incidental surface runoff into the pit located in the NW 1/4 SW 1/4 Section 27-T101N-R48W. An

investigation of the permit found the submersible pump capable of diverting 2.67 cfs. This application, if approved, and Water Permit No. 8569-3 will authorize a total of 1,048 acre-feet of water annually at a maximum pump rate of 2.67 cfs. Dewatering under this application and Permit No. 8569-3 will allow for aggregate mining operations with water used in the aggregate washing process. Discharge will continue to be to the storage ponds authorized by Water Right No. 5996-3. This site is located approximately one-half mile east of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8962-3 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 Acting 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.

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record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 September 15, 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.

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Published once at the total approximate cost of \$67.30 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, August 26, 2025 12:25 PM
To: Chris Klein
Subject: 8962-3 LG Everist - Public Notice
Attachments: 8962-3 Rec.pdf; 8962-3 Ltr.pdf; 8962-3 PubNotice.pdf; ArgusLeader Info.pdf

Good afternoon,

Attached is a copy of the report, acting 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

October 27, 2025

LG Everist, Inc.
c/o Chris Klein
350 S Main Avenue, Suite 400
Sioux Falls SD 57104

Dear Mr. Klein:

Enclosed is Water Permit No. 8962-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Mark Mayer, PE
Director of Office of Water

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.: 8962-3

Name of Applicant: L.G. Everist, Inc., Chris Klein

Date of Posting: 9/2/2025

Date of Removal: 10/27/2025



Ron Duvall, Engineer III

10/27/2025

Date

Subscribed and sworn to before me, a notary public, this 27th day of Oct, 2025.



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

(SEAL)



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8962-3

(1) LG Everest Inc., 350 S Main Ave, Suite 400, Sioux Falls SD 57104, made Application No. 8569-3, December 10, 2021, for a water permit to appropriate up to 1,048 acre-feet of water annually, at a maximum rate of 1.44 cubic feet of water per second for dewatering of incidental surface runoff and groundwater (Big Sioux: South Aquifer). Permit No. 8569-3 was approved February 14, 2022, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 14, 2027, and for the application to beneficial use of water on or before February 14, 2031.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on September 27, 2024. The Notice stated the diversion system was completed and the water was placed to beneficial use on May 31, 2024.

The applicable portions of Permit No. 8569-3 have been incorporated into this license.

LG Everest Inc. made Application No. 8962-3, June 13, 2025, for a water permit to divert an additional 1.23 cubic feet of water per second, to what was already authorized by Permit No. 8569-3, with no increase to the annual appropriative volume. Permit No. 8962-3 was approved September 15, 2025, and issued to the applicant for the application of water to beneficial use.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Ode Pit: 2,730 ft N & 600 ft E of the SW corner Section 17, T101N, R48W (NW ¼ SW ¼)
(Latitude 43.52140 & Longitude -96.58977)

(3) The amount of appropriation may not exceed 1,048 acre-feet of water annually, which is actually and beneficially placed to use for industrial purposes. The water is to be used during the following described annual period: January 1 – December 31.

(4) Pursuant to South Dakota Water Law 46-5-30.1 LG Everist Inc., the holder and/or owner of Water Right No. 8962-3 is issued a license to appropriate water, the right to appropriate up to 1,048 acre-feet of water annually, at a maximum rate of 2.67 cubic feet of water per second from for dewatering of incidental surface runoff and groundwater (Big Sioux: South Aquifer), with priority dated of December 10, 2021 (1.44 cfs) & June 13, 2025 (1.23 cfs), from the location specified in (2) of this license for industrial purposes.

(5) Dewatering under Water Right No. 8962-3 will allow for aggregate mining operations with water used in the aggregate washing process. Discharged water will continue to be stored in storage ponds authorized by Water Right No. 5996-3.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8692-3 and subject to the following qualifications:

continued

QUALIFICATIONS

1. Dewatering approved under this Permit and Permit No. 8569-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled from the excavation so there is not a reduction of needed water supplies in adequate domestic wells or in wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: South Aquifer.
3. Water Permit Nos. 8962-3 & 8569-3 authorize a combined total annual diversion of up to 1,048 acre-feet of water from incidental runoff and the Big Sioux: South Aquifer.

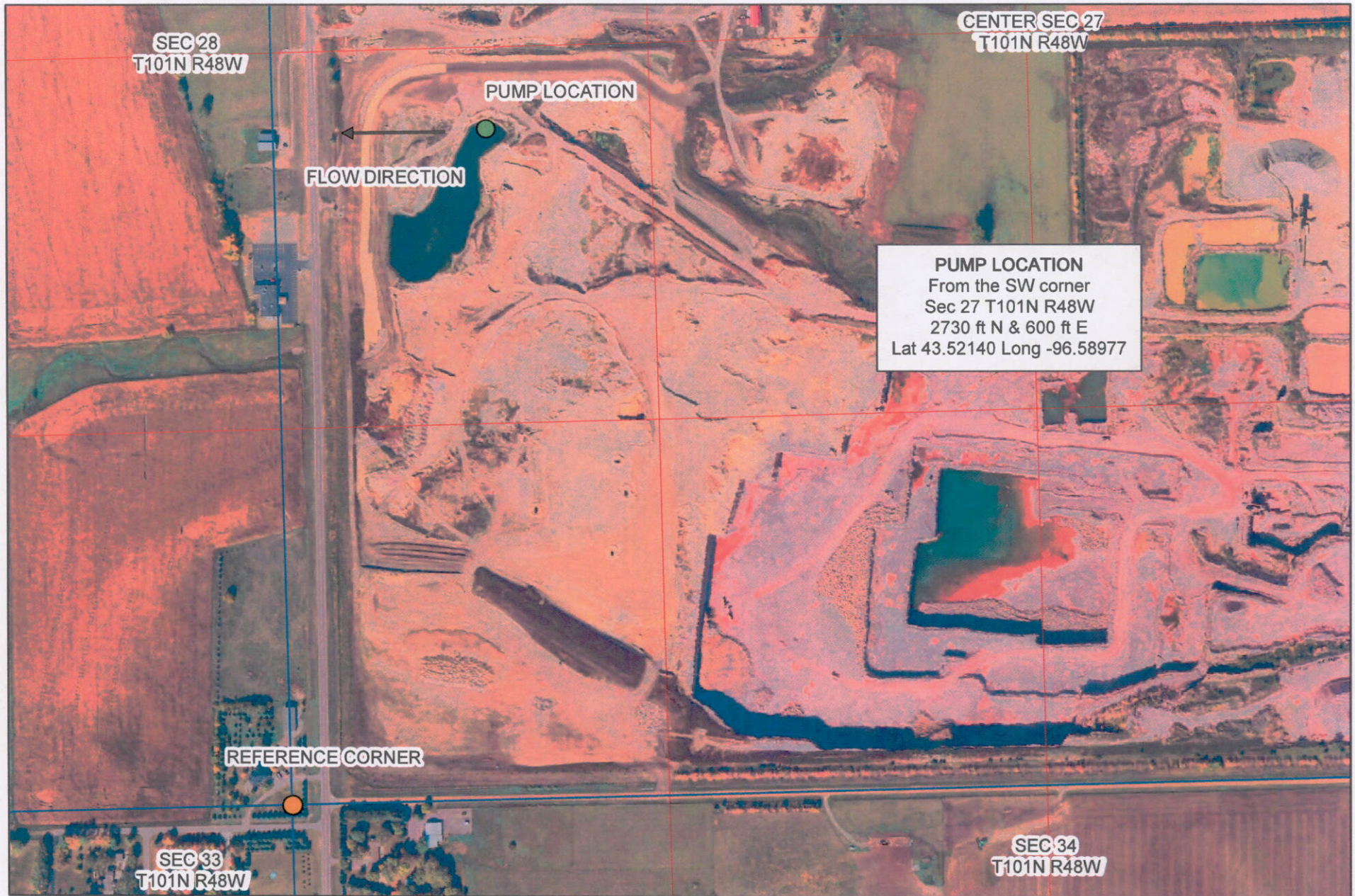


Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources

10/27/25

date





0 385 770 1,540 2,310 3,080 Feet