

Considered: _____

WATER PERMIT NO. 1547-1

Phone: 394-3300

Name of Applicant: Hills Materials Company

Post Office Address: PO Box 2320, Rapid City SD 57709

Amount of Water Claimed: 0.26 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: industrial use County: Lawrence

About 3 miles N of Deadwood

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 4-10-92 Fee: \$225 Remarks _____

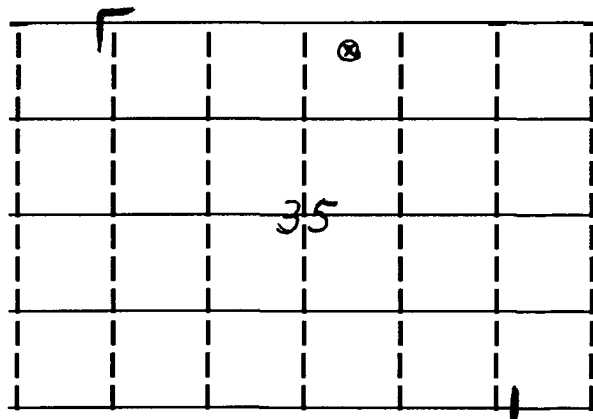
Corrected Application Received 4-17-92 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NW 1/4 NE 1/4 Sec 35-T6N-R3E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 760' REMARKS _____

Type of Map: plat PREPARED BY: William J Keller, P.E. Reviewed and the Number

Assigned on 4-17-92 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT No. 1547-1**

Date of first receipt of application April 10 1992.

Date of return to applicant for corrections, amendments or changes April 13, 1992.

Date of receipt of corrected application April 17, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1547-1 to Hills Materials Company, PO Box 2320, Rapid City SD 57709 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. 1547-1 appropriates 0.26 cubic feet of water per second from one well (Madison Formation) 760 feet deep located in the NW 1/4 NE 1/4 Section 35-T6N-R3E.
2. The water appropriated shall be used for the purpose of supplying water to the office and dust control and may not exceed the amount of water needed for beneficial use for industrial purposes.
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. 1547-1 is July 15, 1992.
5. The date from which applicant may claim right is April 10, 1992.
6. One-fifth of the construction is to be completed on or before January 15, 1995.
7. All construction is to be completed on or before July 15, 1997.
8. Water is to be put to beneficial use on or before July 15, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

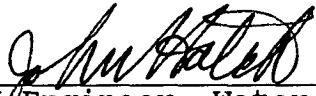
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 1547-1
Page 2

2. The well authorized by Permit No. 1547-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the Madison Formation to the surface pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

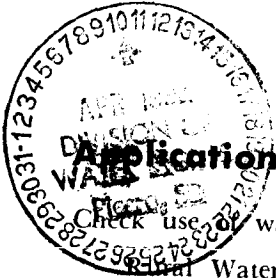
By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

JUL 28 1992

date

No. 1547-1 Hydrologic Unit 10120202
 Map No. _____ Basin Belle Fourche R
 Newspaper Lead Daily Call, Box 876 5754

584-2303

**Application For Permit To Appropriate Water Within The State Of South Dakota**

Check use of water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant HILLS MATERIALS COMPANY Phone No. (605)394-3300Post Office Address PO Box 2320 Rapid City, SD State 57709
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 120 G.P.M. 0.26 cfs3. Source of water supply Madison Formation4. Location of point of diversion Lot 1 Centennial Quarry SubdivisionNW 1/4 NE 1/4 Section 35 Township 6N Range 3E of BHMCounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used Jan 1 - Dec 31
Year Round - Intermittent use for dust control - generally water service for office building

7. Give a brief description of proposed 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)

Due to the SDDOT's relocation of Highway 85 from Exit 17 to Deadwood, our office, shop and existing well need to be relocated outside of the new proposed right-of-way. We propose to drill a new well as indicated on Form 2A.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
 County of PENNINGTON)^{ss}

I, Patrick Tlustsos the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Patrick Tlustsos
Patrick Tlustsos, President

Subscribed and sworn to before me this 9th day of April 19 92

B. Dennis
 Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4" Depth 760'
- b) Casing Type Steel Diameter 7" O.D. Thickness .317 inch
- c) Screen Type No Screen Diameter N/A Thickness N/A
- d) Gravel Pack Thickness N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 650'
- f) Depth to Water (ground surface to water level) 500'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/2 mile (approx.)

2. Dugout Information Estimates N/A

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams N/A

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

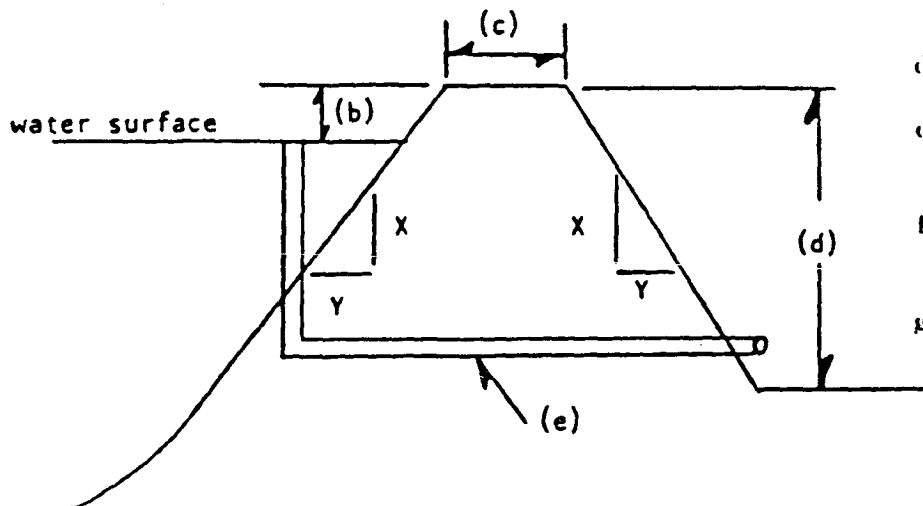
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Patrick Tlustos, President

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413173

Pierre, _____ April 10, 1992

RECEIVED OF Mills Materials Company, Rapid City, SD 57701

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

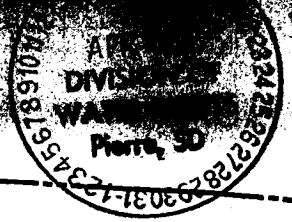
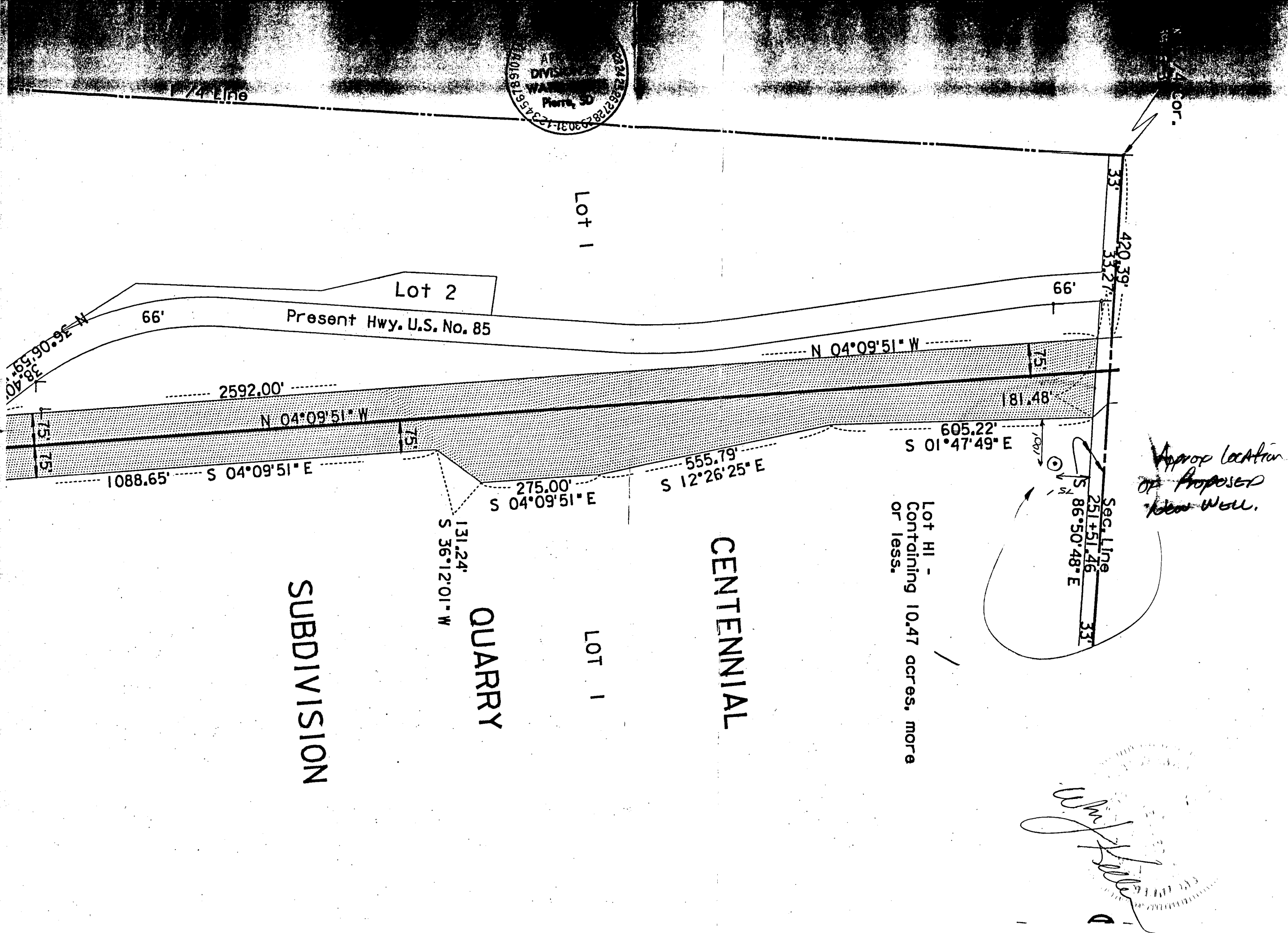
Fee for Application for Permit No. <u>1547-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer

Showing a tract of land to be acquired for highway purposes in Lot 1 of Centennial Quarry Subdivision in the NE⁴ of Section 35 - Township 6 North - Range 3 East of the B.H.M. for construction of Project No. F 0085(21)29

LAWRENCE COUNTY, SOUTH DAKOTA

Scale: 1 inch = 200 feet



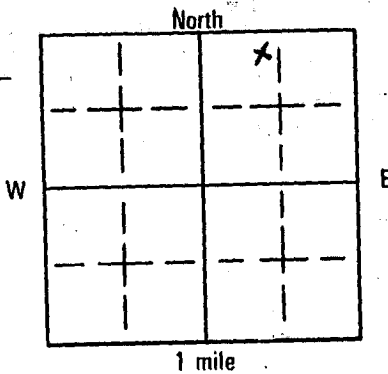
Wm. J. Miller

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NE 1/4 Sec 35 Twp 6N Rg 3E

County

LawrencePlease mark well
location with
an "X"Well Completion Date Lawrence

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Stock

Method of Drilling:

Air Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7</u> IN	<u>0</u> FT	<u>690</u> FT	<u>8 3/4</u> IN
<u>15 1/2</u> LB/FT	<u>5 1/2</u> IN	<u>683</u> FT	<u>270</u> FT	<u>6 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? CementIf cement, number of sacks? 1.25 on 2' 20 on 5 1/2'Describe grouting procedure pressure groutedThrough casingWhat was grout weight? 14 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorine solution circulated in wellBacteriological analysis ☒ YES ☐ NOLaboratory sent to T.C.T.

Well Owner:

Name Hills MaterialsAddress P.O. Box 232 RC, SD 57709

Well Log:

Depth

Formation	From	To
<u>Minnekahta limestone</u>	<u>0</u>	<u>29</u>
<u>Opeche</u>	<u>29</u>	<u>180</u>
<u>yellow + white ss</u>	<u>180</u>	<u>190</u>
<u>Lost Circulation</u>	<u>190</u>	<u>700</u>
<u>Light gray to white dolomite</u>	<u>700</u>	<u>730</u>
<u>yellow dolomite w clay filled</u>	<u>730</u>	<u>740</u>
<u>water producing fractures</u>		
<u>light gray dolomite</u>	<u>740</u>	<u>765</u>
<u>buff to pink dolomite</u>	<u>765</u>	<u>825</u>
<u>white to buff dolomite</u>	<u>825</u>	<u>1040</u>
<u>lavender + white dolomite</u>	<u>1040</u>	<u>1060</u>
<u>white dolomite</u>	<u>1060</u>	<u>1140</u>
<u>last 10' very fractured</u>		

STATIC WATER LEVEL 500 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ BailedDescribe: Air Developed☒ Other

Pumping Level Below Land Surface

680 ft. After 6 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative:

Ralph Taylor Jr.

Signature of Well Owner:

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 13, 1992

Hills Materials Company
Patrick Tlustos, President
PO Box 2320
Rapid City SD 57709

Dear Mr. Tlustos:

Enclosed is the map submitted with your water permit application received on April 10, 1992. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the signed map, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



April 16, 1992



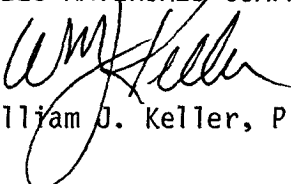
Karen Schlaak
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mrs. Schlaak:

Enclosed is the signed map for the water permit application.

Sincerely,

HILLS MATERIALS COMPANY


William J. Keller, P.E.

WJK:gn
Enclosure

P.O. BOX 2320
RAPID CITY, SD 57709
OFFICE 605-394-3300
Quarry 605-394-3320
FAX: 605-341-3446

DIVISION OF NORTHWESTERN ENGINEERING COMPANY

REPORT ON APPLICATION NO. 1547-1
for Hills Material Co.
June 5, 1992

Application No. 1547-1 proposes to appropriate 0.26 cfs (120 gpm) from one well approximately 760 feet deep located in the NW 1/4 NE 1/4 of section 35, T6N R3E in Lawrence County. The water is to be used for industrial purposes.

AQUIFER - MADISON FORMATION (MDSN)

The Madison Formation consists of limestone, locally can be dolomitic, gray to buff color, generally massive and may be cavernous in the upper part (Peter, 1987). The Madison should be about 500 feet thick in this area (Peter, 1987). The Madison underlies 314,880 acres and contains an estimated recoverable 9.45 million acre feet of water in Lawrence County (Allen, 1984). The Madison is overlain by the Minnelusa, Opeche and Minnekahta Formations in this area. The Madison is confined, but with a water level about 500 feet below land surface, the aquifer is either under water table or slightly artesian conditions.

The Division of Water Rights monitors 3 Madison Formation wells in Lawrence County. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

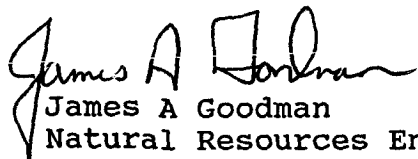
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights from the Madison Formation in this area. The nearest existing Madison Formation permit is more that four miles northwest of this application. Interference is not a concern. There is one domestic well completed into the Madison Formation located approximately 3/4 mile south of this application.

CONCLUSIONS

1. Water is available from the Madison Formation.
2. The aquifer is confined and probably under artesian conditions; however, this may be only slightly artesian. Data from the area would indicate that the water level for the Madison should be about 500 feet below land surface. Interference is not expected to be a problem.
3. Any well authorized by this application, if approved, must be constructed in accordance with SD Well Construction Standards.

4. Water will be used for dust control and to serve the office building. In all likelihood the diversion rate requested will only be used intermittently for the dust control.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., et al, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Peter, K.D., D.P. Kyllonen, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, USGS, Rapid City, SD, 57701.

Water Rights, 1992, Unpublished Madison Observation Well Records for Lawrence County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1547-1, Hills Material Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1547-1, Hills Materials Company, c/o Patrick Tlustsos, PO Box 2320, Rapid City, SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 1547-1 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 rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. ^{1547-1 KS}~~5657-3~~ shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the Madison Formation to the surface pursuant to Section 74:02:04:28.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 8, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

June 11, 1992

Patrick Tlustsos
Hills Materials Company
PO Box 2320
Rapid City, SD 57709

Dear Mr. Tlustsos:

Water Permit Application No. 1547-1 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lead Daily Call printed at Lead, SD (Ph # 584-2303). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 11, 1992

Lead Daily Call
Box 876
Lead, SD 57754

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1547-1 to be published twice. Please publish the first notice on June 18, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Hills Materials Company, PO Box 2320, Rapid City, SD 57709 (Ph # 394-3300).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____ TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 18, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1547-1 to Appropriate Water

Notice is given that Hills Materials Company, PO Box 2320, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.26 cubic feet of water per second from one well (Madison Formation) 760 feet deep located in the NW 1/4 NE 1/4 Section 35-T6N-R3E. The water is to be used for industrial purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1547-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1547-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 15, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 6, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

SS.

Billy T. Masterson, Jr. of said County and State being duly sworn, on his oath says: That The LEAD DAILY CALL/DEADWOOD PIONEER-TIMES is a legal daily newspaper of general circulation, printed and published in the City of Lead, in said County and State by Seaton Publishing Company, and has been such a newspaper during the times hereinafter mentioned; and that I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks the respective publications thereof being made on June 18 1992 and on _____

_____ 19
_____ 19
_____ 19
_____ 19
_____ 19

and the last publication thereof on June 25 19 92 and that the full amount of fees charged for publishing same, to-wit: the sum of \$61.65 insures solely to the benefit of the publisher and that no arrangement or understanding for a division thereof has been made with any person other than the publisher, and that no part thereof has been agreed to be paid to any other person whomsoever.

Arbuth Johnson
Subscribed and sworn to before me this 25 day of June 19 92.

Arbuth Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96

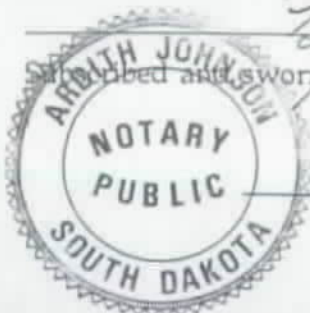
NOTICE OF HEARING ON APPLICATION NO. 1547-1 TO APPROPRIATE WATER

Notice is given that Hills Materials Company, PO Box 2320, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.26 cubic feet of water per second from one well (Madison Formation) 760 feet deep located in the NW 1/4 NE 1/4 Section 35 T6N-R3E. The water is to be used for industrial purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1547-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1547-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 15, 1992 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 15, 1992, hearing date



will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 6, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-13, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15,

115

L-664
June 18, 25



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUL 28 1992

Patrick Tlustsos
Hills Materials Company
PO Box 2320
Rapid City, SD 57709

Dear Mr. Tlustsos:

Enclosed is Water Permit No. 1547-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 25, 1998

1547-1

Jim Holt
Hills Materials Company
Box 2320
Rapid City, SD 57709

Dear Mr. Holt:

The investigation of your water use system was conducted on September 17, 1997, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1547-1. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415669

Pierre, March 3, 19 98

RECEIVED OF Hills Materials Company, P.O. Box 2320, Rapid City, SD 57709-2320
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 _____

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. 1547-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch 

Permit No. 1547-1
Belle Fourche River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 17, 1997, made a thorough examination of the water use system constructed by Hills Material Company of Rapid City, SD holder of Permit No. 1547-1, bearing the priority of April 10, 1992 authorizing the diversion of 0.26 cu. ft. per second of the waters of groundwater for industrial purposes, in Lawrence County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One well 1140 feet deep, cased with 690 feet of 7-inch diameter steel casing and 87 feet of 5½-inch diameter steel csing located in the NW¼ NE¼ NW¼ NE¼ Sec. 35, T6N-R3E. The well is pumped with a 15 horsepower, 44 stage, Grundfos Pump capable of diverting 40 gallons per minute.

B. Works used to transport water to place of use:

Water is transported to place through 40 feet of buried 4-inch diameter PVC pipe.

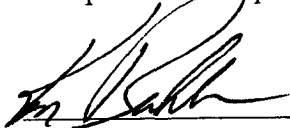
C. Works used to apply water to beneficial use:

Water is applied to beneficial use for quarry dust suppression via water truck and sanitary purposes in the office

The system is in the following condition good. The point of diversion is located 1920 feet west and 75 feet south of the north east corner of Sec. 35, T6N-R3E. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water which is to be used for dust suppression and sanitary purposes. The license should be issued for 0.09 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: n/a



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

2/11/98

Date

REPORT ON INSPECTION OF PERMIT NO. 1547-1

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Jim Holt

PO Box 2320

Rapid City, SD 57709

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Superintendent Centennial Quarry

NAME & ADDRESS OF PERMIT HOLDER: Hills Materials Company

PO Box 2320

Rapid City, SD 57709

DATE OF INSPECTION: September 17, 1997

DIVERSION POINT LEGAL LOCATION: 1920 feet west and 75 feet south aof the north east corner of Sec. 35, T6N-R3E (NW¼ NE¼ NW¼ NE¼ Sec. 35, T6N-R3E)

WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells one
- 3) Depth(s) 1140 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 7 & 5½ inches
- 2) Length 690 & 87 (respectively) feet
- 3) Type steel

Screen:

- 1) Type none- open hole completion
- 2) Length 370 feet (open hole interval)
- 3) Static water level 500 feet

Pump:

- 1) Make Grundfos submersible
- 2) Model 40S150-44BF
- 3) Size 5-inch, 44 stage, 15 hp

4) Capacity 40 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 4 inches 3) Length 40 feet

SYSTEM SUMMARY:

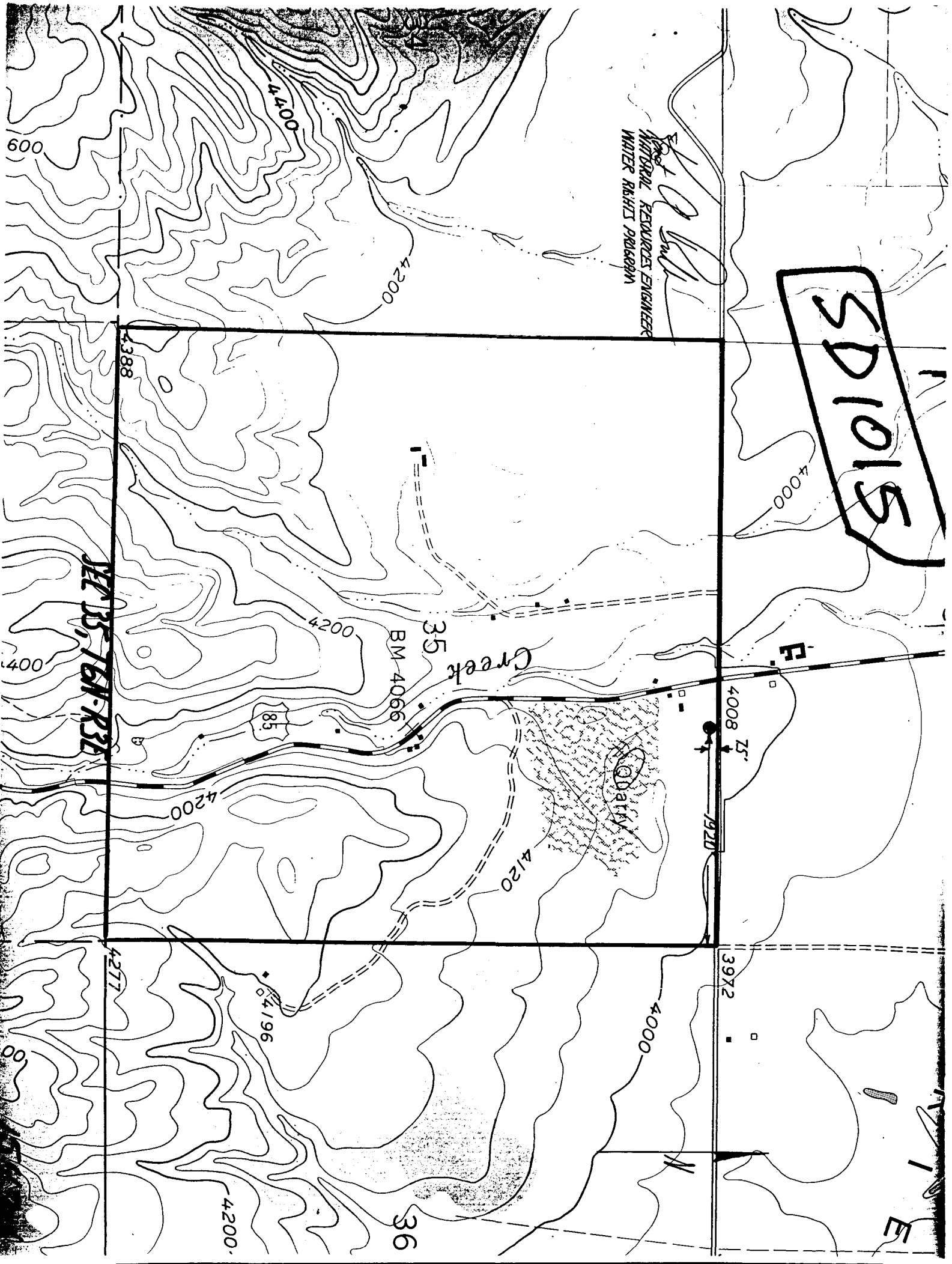
Water from the well is pumped through 40 feet of 4-inch diameter PVC to the building, at the building the line changes to 4-inch diameter copper pipe to four WX-302 Wel-x-Trol pressure tanks. A 1-inch diameter pipe goes to the restroom, there are four ½ -inch diameter lines to outside faucets, and there is a 2-inch diameter spout for filling water trucks for dust suppression purposes.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

SD1015

WATER RESOURCES ENGINEERS
WATER RESOURCES PROJECT



SEE 35, 761-R32

STATE OF SOUTH DAKOTA

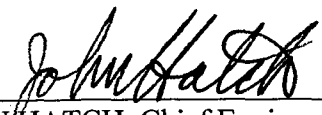
WATER LICENSE NO. 1547-1

(1) Hills Materials Company, PO Box 2320, Rapid City SD 57709 made Application No. 1547-1, April 10, 1992 for a water permit to divert 0.26 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for industrial purposes. Permit No. 1547-1, with a priority date of April 10, 1992 was approved July 15, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 15, 1997 and for the application to beneficial use of said water on or before July 15, 2001.

(2) It is certified that the applicant 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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is 1,920 feet west and 75 feet south of the northeast corner of Section 35-T6N-R3E (NW 1/4 NE 1/4)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for dust suppression at the quarry and sanitary purposes in the office.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hills Materials Company, Box 2320, Rapid City SD 57709 the holder and/or owner of Water Permit No. 1547-1 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from groundwater (one well) with a priority date of April 10, 1992 from the location specified in (2) of this license for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Water Permit No. 1547-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 9 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

APR 9 1998

1547-1

Hills Materials Company
Jim Holt
Box 2320
Rapid City, SD 57709

Dear Mr. Holt:

Enclosed is Water License No. 1547-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415669 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1547-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1547-1Date: 1-1-15

I/We request that Water Right/Permit No. 1547-1 formerly owned by:
Hills Materials Company be transferred to:

New Owner Name: Simon Contractors
Address: 1103 Old Town Lane Suite 201A
City, State, Zip Cheyenne WY 82009 Telephone No. 307-635-9005

Title to the following described land(s)/property has been transferred as described above:

NW1/4NE1/4 Sec 35, Twn 6N, Rng 3E

☒ I understand that the validity of Water Right/Permit No. 1547-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Simon Contractors, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



1547-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

RECEIVED

JUN 22 2015

WATER RIGHTS
PROGRAM

(email)
April 23, 2015

Mr. Wilkes
Hills Materials

RE: 2652A-2, 2652-2, 2071-2, 1916-1, 1547-1, 1187-1A

Thank you for visiting with me about the ownership changes for all water permits and water rights held by Hills Materials.

As I indicated on the phone – a fee is required for filing all ownership changes. The fee is \$50 for each one filed for a total of \$300. The check or money order for the total amount can be made payable to the Water Rights Program.

Also, the forms indicate the water rights and permits should be transferred to Simon Contractors, 1103 Old Town Lane, Suite 201A, Cheyenne WY. We can certainly transfer everything and use that address but it would be helpful if we had a contact person to include in the files for future reference. I am unable to read the signature of the person who filled out the forms.

Please include that information along with the \$300 fee by return mail. The address for mailing is:
DENR, Water Rights Program
523 E Capitol Ave
Pierre SD 57501 3182

Thank you in advance for your help.

Genny McMath
Water Rights Program
605 773-5455

OK mmw
\$ 300 -
101505.72780.80

Send with check!

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/22, 20 15

RECEIVED OF Simon Contractors PO Box 2720 Rapid City SD 57709

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	50	00
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 <u>1547-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07431

By

James Roseman
Chief Engineer



1547-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

June 23, 2015

Simon Contractors
1103 Old Town Lane Ste 201A
Cheyenne WY 82009

RE: Water Permit or Right Nos. 2652A-2, 2652-2, 2071-2, 1916-1, 1547-1, 1187-1A

Dear Sirs:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for changing ownership on Water Permit or Right Nos. 2652A-2, 2652-2, 2071-2, 1916-1, 1547-1, 1187-1A.

The ownership changes have been completed. The above listed water permits and water rights, formerly listed in the name of "**Hills Materials Company**" are now held by "**Simon Contractors**".

The fees for filing of the ownership changes came from your Rapid City office and will be forwarded by copy of this letter to that office. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Michael R Wilkes, Hills Materials Co., Division of Simon Contractors, PO Box 2720,
Rapid City SD 57709 w/Receipts