

WATER PERMIT NO. 1728-1

Name of Applicant: Boom Concrete, Inc.

Address: PO Box 437, Newell SD 57760

Phone: 605 456-2600

Amount of Water Claimed: 50 gpm (0.11 cfs)

Total Acres: NA

Source of Water Supply: Belle Fourche River

Water to be used for: commercial

County: Meade

Type of Waste Disposal System:

Location: 12 miles southeast of Newell

PRIORITY

Date Received: 6-5-2000

Fee: \$150

Corrected Application Received::

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SW ¼ NW ¼

Sec 2-T7N-R7E

Land to be Irrigated: NA

Depth of Well: NA

Well Driller: : NA

Remarks:

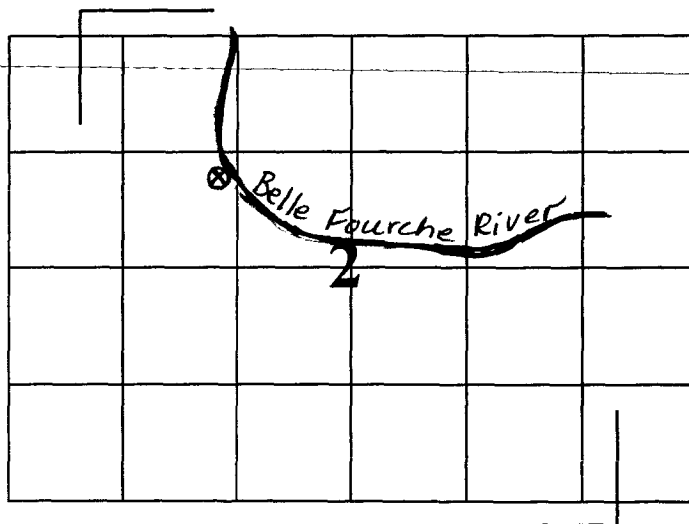
Type of Map: aerial

Prepared by: Darrell Vig, NRCS

Reviewed and the Number Assigned on: 6-6-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1728-1**

Date of first receipt of application June 5, 2000.

The Water Management Board approved Water Permit Application No. 1728-1 on September 28, 2000 for Boom Concrete, Inc., PO Box 437, Newell SD 57760 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. 1728-1 appropriates 0.11 cubic feet of water per second (50 gallons per minute) from the Belle Fourche River located in the SW ¼ NW ¼ Section 2-T7N-R7E.
2. The water appropriated shall be used for the purpose of supplying water for a sand and gravel washing plant and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: March 1 – November 30.
4. The date from which applicant may claim right is June 5, 2000.
5. One-fifth of the construction is to be completed on or before March 28, 2003.
6. All construction is to be completed on or before September 28, 2005.
7. Water is to be put to beneficial use on or before September 28, 2009.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

WATER MANAGEMENT BOARD

By: Garland Erbele

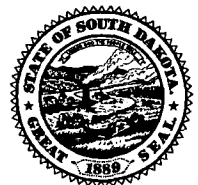
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 11 2000

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>1728-1</u> Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Meade Co. Times-Tribune</u>



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

Check use(s) of water:

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

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

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

1. Name of Applicant Boom Concrete, Inc. Phone 605-456-2600
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 437 Newell State SD 57760
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 0.11 *CFS or 50 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Belle Fourche River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) POD (pump) will be located
approximately 1650' west and 1000' north of center of Section 12-T7-R7 (SW1/4 NW1/4)
County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used March 1 - November 30

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Sand and gravel washing plant. Water held in dugout and returned to river through sub-surface drainage. Operates approximately 25 days per year.

STATE OF SOUTH DAKOTA)
County of Butte SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Troy E. Van Der Boom, 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 Troy E. Van Der Boom

Subscribed and sworn to before me this 2nd day of June XXIX 2000

Betty J. Dummer
Notary Public
My Commission Expires May 19, 2006

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416541

Pierre, June 6, 2000

RECEIVED OF Boom Concrete, Inc., Box 437, Newell, SD 57760
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 _____	150	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

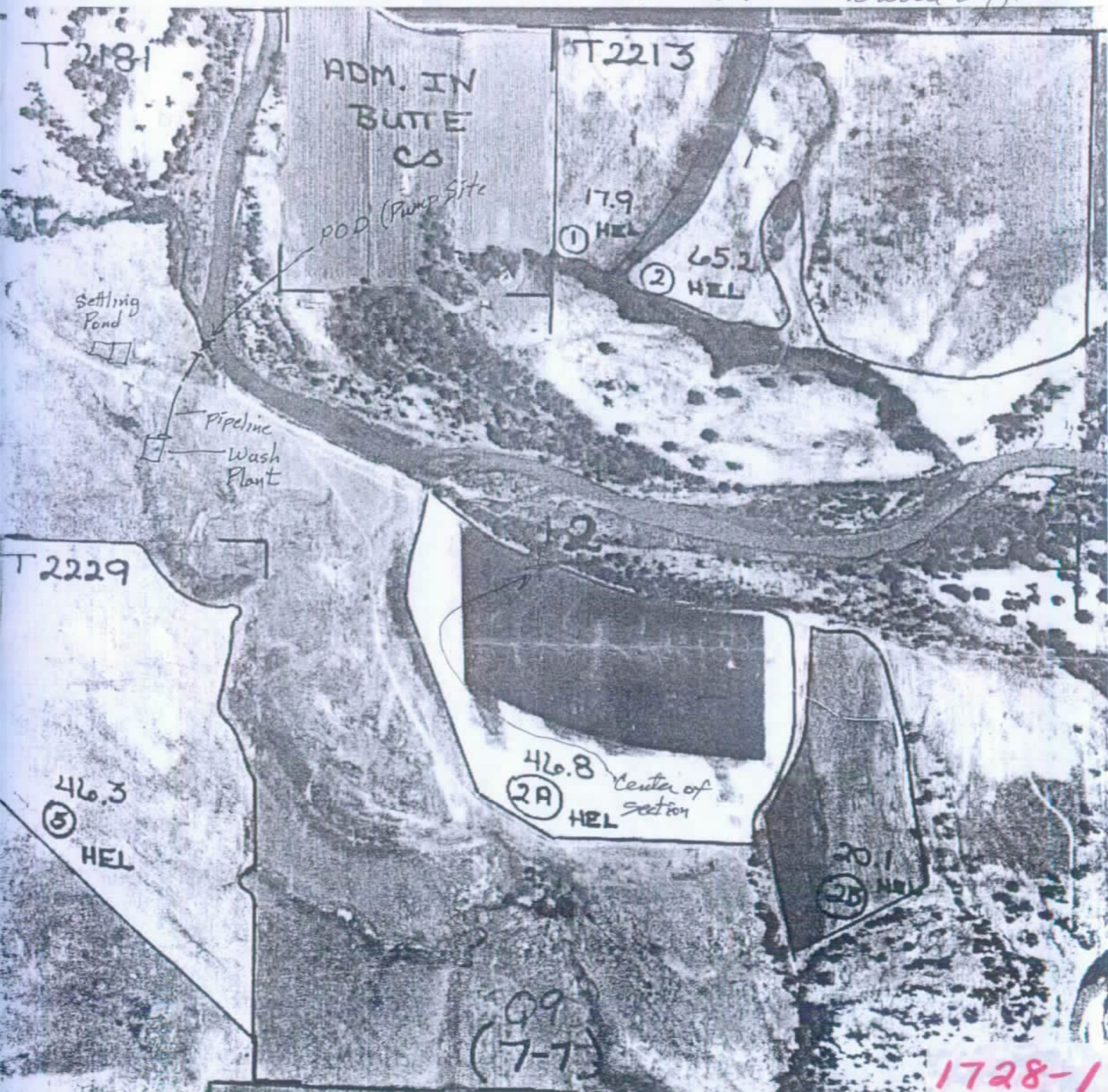
By Harland Estelle
Chief Engineer



MAP NOT TO SCALE THIS IS NOT AN OFFICIAL WETLAND MAP

Boom Concrete
220 Gerard
Newell, SD 57760

6/1/2000
Completed by:
Darrell Vig, District Conservationist
NRCS, Sturgis, SD *Darrell Vig, DC*



Water Rights Program - File Documentation

NAME: Boom Concrete, Inc.

ADDRESS: Newell

DATE: 6-6-2000 **COUNTY:** MD **TELEPHONE:** 605 456-2600

RE: Pending application

COMMENTS:

I called Boom Concrete, Inc., to verify the legal description for this application. I talked with Betty J Dumles with the company. She indicated that the project is located in **Section 2-T7N-R7E** as shown on the aerial photo.

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 1728-1

Boom Concrete, Inc.

August 10, 2000

Application No. 1728-1, Boom Concrete, Inc., proposes to appropriate 0.11 cubic feet of water per second (cfs) from the Belle Fourche River. The diversion point will be located in the SW ¼ NW ¼ of Section 2; all in T7N-R7E. The proposed project is located 12 miles southeast of Newell in Meade County. Water is for commercial use in a sand and gravel washing plant.

Review of the Proposed Project and Existing Water Rights

The water for the sand and gravel washing plant will be pumped from the Belle Fourche River and used in a sand and gravel washing plant. Water exiting the washing plant will then be stored in settling ponds. A portion of the water will eventually return to the Belle Fourche River through sub-surface drainage from the settling ponds. The sand and gravel washing plant will operate approximately 25 days per year.

The diversion point for this project is located below the area where return flows from the Belle Fourche Irrigation Project and other irrigation enter the river.

There is a gauging station located upstream from this project on the Belle Fourche River near Fruitdale. The gauging station is located in the NW ¼ NE ¼ of Section 3; all in T8N-R3E. Flows at this gauging station range from 4 to 11 cfs from March to November at the 50% probability level.

There is a gauging station downstream of this project on the Belle Fourche River near Sturgis. The gauging station is located in the SE ¼ NW ¼ of Section 3; all in T6N-R8E. There are eight water rights located between the project and the gauging station. The total flow for these eight water rights is 25.2 cfs. Flows at this gauging station range from 30 to 133 cfs from March to November in the 90% probability level. Flows at this gauging station range from 46 to 208 cfs from March to November in the 75% probability level. Flows at this gauging station range from 56 to 280 cfs from March to November in the 50% probability level. Table 1 indicates that there is unappropriated water available for this project.

Table 1 Probability of flow based upon median monthly data collected at the USGS gauging station on the Belle Fourche near Sturgis for years 1946-1997.

Flow Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	8	14	30	42	43	87	133	132	71	37	35	20
75%	16	22	50	54	85	164	208	205	140	56	46	27
50%	25	36	77	108	219	280	269	266	235	65	56	36
25%	38	74	338	387	615	658	371	336	297	87	74	50
10%	55	152	861	774	1335	1500	563	440	348	136	124	66

If this application is approved, during extremely dry periods there may be occasions when downstream domestic use and senior water rights are impacted by this project. To address these occasions, the permit should be issued with the following qualifications:

Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.

Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

Conclusions

1. This application proposes to appropriate 0.11 cubic feet of water per second (cfs) for a sand and gravel washing plant.
2. The diversion point for this project is located below the area where return flows from the Belle Fourche Irrigation Project and other irrigation enter the river.
3. Review of USGS gauging station data indicates unappropriated water is available for this project.
3. If this application is approved, during extremely dry periods there may be occasions when downstream domestic use and senior water rights are impacted by this project. To address these occasions, the permit should be issued with the following qualifications:

Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.

Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Stacy J. Johnson
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

Water Rights Program File Nos. 411-1, 414-1, 430-1, 432-1, 722-1, 1165-1, 1252-1, 1455-1, 1570-1, and 1726-1, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501.

<http://waterdata.usgs.gov/nwis-w/SD/data/components/hist.cgi?statnum=06436000&bdate month=11&bdate day=01&bdate year=1945&edate 08/01/2000>

<http://waterdata.usgs.gov/nwis-w/SD/data/components/hist.cgi?statnum=06437000&bdate month=11&bdate day=07&bdate year=1945&edate 08/01/2000>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1728-1, Boom Concrete, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1728-1, Boom Concrete, Inc., Troy E. Van Der Boom, P.O. Box 437, Newell, SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1728-1 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 15, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

August 17, 2000

Boom Concrete, Inc.
Troy E Van Der Boom
PO Box 437
Newell SD 57760

Dear Mr. Van Der Boom:

Water Permit Application No. 1728-1 for commercial 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 Meade Co. Times-Tribune printed at Sturgis, SD (Ph # 605 347-2503). 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
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
www.state.sd.us/denr

August 17, 2000

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1728-1 to Appropriate Water to be published twice. Please publish the first notice on August 23, 2000 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 Boom Concrete, Inc., PO Box 437, Newell SD 57760 (Ph # 605 456-2600).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 1728-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date

Eric Gronlund

We are in receipt of your letter of August 17, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 1728-1 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 August 23, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1728-1 to Appropriate Water

Notice is given that Boom Concrete, Inc., PO Box 437, Newell SD 57760 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from the Belle Fourche River located in the SW ¼ NW ¼ Section 2-T7N-R7E. The water is for commercial use in a sand and gravel washing plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1728-1 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.

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 Program, 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 September 15, 2000. 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.

The Water Management Board will consider this application at 8:30 am, September 28, 2000, Radisson (Angostura Room), 445 Mt. Rushmore Road, Rapid City SD. 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. The September 28, 2000 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 September 15, 2000.

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 Eric Gronlund by September 15, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Meade) SS

I, Joan Lewis

certify that the attached printed Notice was taken

from the Meade County Times

printed and published in Sturgis

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug. 23, 2000

Aug. 30, 2000

Cost of Printing 54.55

Joan M. Lewis
 (Signature)

Bookkeeper
 (Title)

9/1/2000
 (Date Signed)

Water application

NOTICE OF APPLICATION

NO. 1728-1 to Appropriate Water
 Notice is given that Boom Concrete, Inc., PO Box 437, Newell SD 57760 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from the Belle Fourche River located in the SW1/4 NW1/4 Section 2-T2N-R2E. The water is for commercial use in a sand and gravel washing plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1728-1 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.

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 Program, 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 September 15, 2000. 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.

The Water Management Board will consider this application at 8:30 am, September 28, 2000, Radisson (Angostura Room), 445 Mt. Rushmore Road, Rapid City SD. 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. The September 28, 2000 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 September 15, 2000.

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 Eric Gronlund by September 15, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-18; 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, 46-2A-20, 46-2A-21; 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, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Publ Aug. 23 and 30, 2000
 Meade County Times-Tribune



OCT 11 2000

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Boom Concrete, Inc.
Troy Van Der Boom
PO Box 437
Newell SD 57760

Dear Mr. Van Der Boom:

Enclosed is Water Permit No. 1728-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed.

Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Permit No. 1728-1
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, **27 September 2007**, made a thorough examination of the water use system constructed by **Boom Concrete Inc.** of **PO Box 437 Newell, SD. 57760** holder of Permit No. **1728-1**, bearing the priority of **05 June 2000** authorizing the diversion of **0.11** cu. ft. per second of the waters of **the Belle Fourche River** for **commercial** purposes, in **Meade** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **NA**

Pump:

- 1) Make **Gorman-Rup**
2) Model **Unknown**
3) Capacity **50** GPM

Motor:

- 1) Make **Ajax**
2) Model No. **Unknown**
3) Horsepower rating **20** hp

Comment: **Surface water diversion**

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

- 1) Type **Aluminum** 2) Size **5** inches 3) Length **680** feet

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
2) Exceptions to compliance are: **None**

Report of Examination of Works

Permit No. 1728-1

The system is in good condition with the point(s) of diversion located as follows: SW ¼ NW ¼ Sec 2- T7N – R7E, approximately 1673 feet south and 1001 feet east of the northwest corner of section 2

(N 44.59994 Latitude and W -103.24235 Longitude). The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Used in gravel washing operation located SW ¼ NW ¼ Sec 2 – T7N – R7E, approximately 1822 feet south and 335 feet east of the northwest corner of section 2, (N 44.59950 Latitude and W -103.24487 Longitude)

The license should be issued for 0.11 cfs.

All structures, wells and lands on map Y



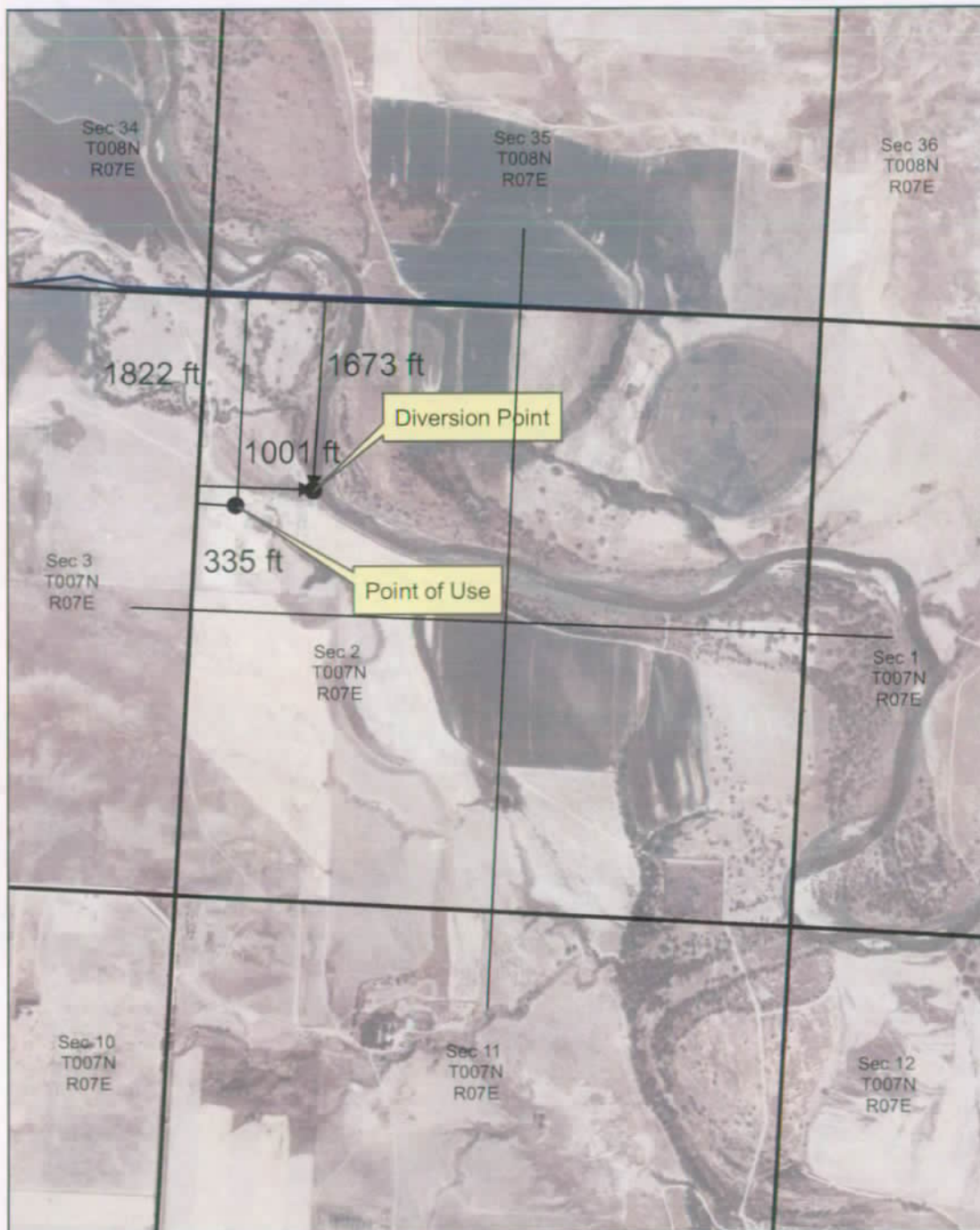
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 03 October 2007



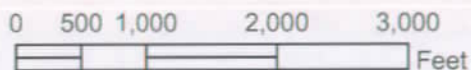
1728-1

Boom Concrete Inc.
PO Box 437
Newell, SD. 57760



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
03 October 2007



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1728-1

(1) Boom Concrete, PO Box 437, Newell SD 57760 made Application No. 1728-1, June 5, 2000 for a water permit to divert 0.11 cubic feet of water per second from the Belle Fourche River, Meade County, South Dakota for commercial purposes. Permit No. 1728-1, with a priority date of June 5, 2000 was approved September 28, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 2005 and for the application to beneficial use of said water on or before September 28, 2009.

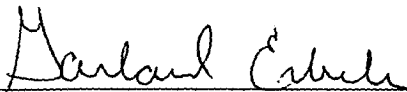
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is 1,822 feet S and 335 feet E of the NW corner of Section 2, T7N, R7E (SW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial in a commercial sand and gravel washing operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Boom Concrete, PO Box 437, Newell SD 57760 the holder and/or owner of Water Right No. 1728-1 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from the Belle Fourche River with a priority date of June 5, 2000 from the location specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1728-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use including livestock water and prior water rights must be bypassed.
- Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 09 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

OCT 09 2007

1728-1

Troy Van Der Boom
Boom Concrete
PO Box 437
Newell SD 57760-0437

Dear Sir:

Enclosed is your Water License No. 1728-1. Water License No. 1728-1 is the final document which completes the process of obtaining a water right. Also included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures