

Upper Cheyenne  
10120109

Water Right No. 1715-2

1. Considered July 24 19 80
2. Name of Applicant BIRDSALL SAND & GRAVEL Co.
3. Post Office Address RAPID CITY, S.D.
4. Amount of Water Claimed 5.0 (NON-CONSUMPTIVE)
5. Source of Water Supply CHEYENNE RIVER
6. Water to be used for IND. SAND/GRAVEL WASH  
maximum
7. Acres to be irrigated --- acre feet
8. Water to be diverted and used in PENNINGTON County,  
about 10 1/2 E, 6 miles SOUTH of FARMINGDALE
9. PROOF OF PUBLICATION Received (initials) 7-7-80

Not Received \_\_\_\_\_

APPLICATION

Approved 7-24-80

Subject to ---

Not Approved \_\_\_\_\_

Action deferred \_\_\_\_\_

Priority

Date

Received 6-13-80 Application Complete (yes) no FEE 150.00

Remarks \_\_\_\_\_

Date information and/or  
fee or corrected application received

Period of Annual use March 1<sup>st</sup> to November 1<sup>st</sup>

WATER  
QUALITY

N/A

Received yes \_\_\_\_\_ no \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_

Returned \_\_\_\_\_

Diversion Point \_\_\_\_\_

S 2 SE 4 - 9 - 2 S - 12 E

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|  |  |  |  |  |  |

Lands to be irrigated \_\_\_\_\_

WELL  
LOG

Remarks Settling pond & process water pond

Driller \_\_\_\_\_ Licensed yes \_\_\_\_\_ no \_\_\_\_\_

Depth \_\_\_\_\_

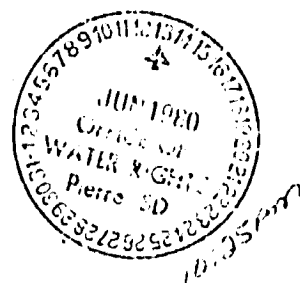
[illegible]

on July 24, 1980  
Billy Mitchell  
(Signed)

+

\_\_\_\_\_

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No. 1715-2  
 Map No. 1474-2 Water Division No. 2 Upper Cheyenne District  
 Above for Office Use 10120109

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Birdsall Sand & Gravel Co. Phone No. 605-342-9250Post Office Address P.O. Box 767 Rapid City State South Dakota 57709  
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation September 22, 19562. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work Creston Plant4. Amount of water claimed (cubic feet per second) Five cubic feet per second5. Source of water supply Cheyenne River6. Location of point of diversion S<sub>1</sub>, SE<sub>4</sub>, Section 9, T<sub>1</sub>N2S, R<sub>1</sub>E, Black Hills Meridian.See attached aerial photographCounty Pennington7. Annual period or periods during which water is to be used March 1 to November 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Industrial9. For irrigation use, Total number of acres to be irrigated N/A

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description | No. Acres Irr | Land Description | No. Acres Irr |
|------------------|---------------|------------------|---------------|
|                  |               |                  |               |
|                  |               |                  |               |
|                  |               |                  |               |
|                  |               |                  |               |
|                  |               |                  |               |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Journal, Rapid City

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump from river approximately one month per year

B. Works proposed to transport water to place of use.

Pumps, flumes, canals, and two water storage dugouts which are also used for settling ponds.

C. Works proposed to apply water to beneficial use.

Aggregate washing and processing plant.

Estimated Total Cost \$ 5,000

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

STATE OF SOUTH DAKOTA )

County of Pennington ) ss.I, Birdsall Sand & Gravel Co. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able, to complete the necessary construction.Signed Ron Chaulk, Inc.Subscribed and sworn to before me this 6 day of June, 1980Notary Public (or other qualified officer)  
My Commission Expires April 1, 1981

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1715-2  
BIRDSALL SAND & GRAVEL Co. Box 767 RAPID CITY  
(Applicant) (Post Office Address)  
SOUTH DAKOTA 57709 With the following qualifications.  
(State)

Date of first receipt of application JUNE 13, 1980  
 Date of return to applicant for correction of amendments or changes required \_\_\_\_\_, 19\_\_\_\_  
 Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_  
 Approved JULY 24, 1980, Recorded in Book 21 Page 206

WATER RIGHT PERMIT NO. 1715-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1715-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 13, 1980
  2. The equivalent of at least one-fifth of the work above specified is ~~now~~ completed ~~on or before~~ \_\_\_\_\_, 19\_\_\_\_
  3. The whole of said work is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_, 19\_\_\_\_
  4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 1980
  5. The water appropriated shall be used for the purpose of INDUSTRIAL - NON-CONSUMPTIVE - SAND/GRAVEL WASHING
  6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
  7. The amount of the appropriation herein granted shall not exceed 5.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one sevenieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~ USED FOR INDUSTRIAL PURPOSES
- For irrigation on or before THIS DATE, 1980; said water to be used during the following described annual period: MARCH 1<sup>ST</sup> TO NOVEMBER 1<sup>ST</sup>

Witness my hand this 28<sup>th</sup> day of JULY, 1980

THE WATER MANAGEMENT BOARD

By: John K. Hald  
 Chief Engineer, Water Rights

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_  
 Water License Issued \_\_\_\_\_, 19\_\_\_\_

12 Principal Features of the Proposed Water Supply System (continued)

D. Well Information

- (1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_
- (2) Casing, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Thickness \_\_\_\_\_  
(wood, concrete, steel, etc.)
- (3) Screen, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates Process water pond

- (1) Surface dimensions, 6.2 Ac., Depth 7 ft.

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 5 ft.

Depth to bottom of water bearing material 12 ft.

Depth to water (ground surface to water level) 5 ft.

- (2) Distance to nearest existing household or livestock watering well.

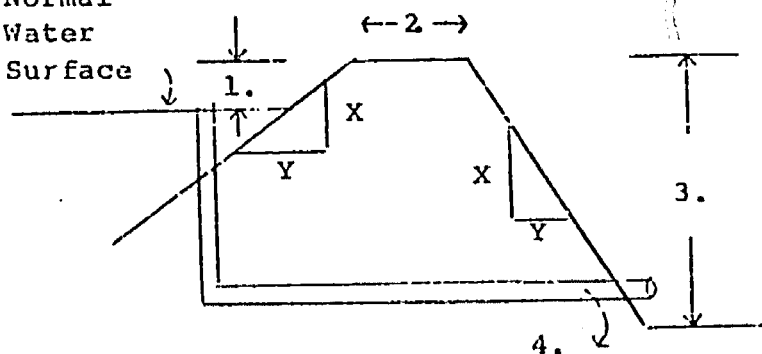
On same owner's property N/A rds.

On property owned by others 967 rds

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal  
Water  
Surface



1. Freeboard \_\_\_\_\_
2. Crest width \_\_\_\_\_
3. Height of Dam \_\_\_\_\_
4. Outlet dimensions:  
Pipe diameter \_\_\_\_\_  
Spillway width \_\_\_\_\_
- X & Y slope:  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- Surface area of impoundment \_\_\_\_\_
- Drainage area above dam \_\_\_\_\_

*Birdseye Sand & Gravel Co.*  
*Dan Chaulk, Pres.*  
Signature of Applicant

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to Form 2)

12 Principal Features of the Proposed Water Supply System (continued)

D Well Information

- (1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_
- (2) Casing Type \_\_\_\_\_, Diameter \_\_\_\_\_, Thickness \_\_\_\_\_  
(wood, concrete, steel, etc)
- (3) Screen, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates      Settling Pond

- (1) Surface dimensions, 4.0 Ac., Depth 2 ft.

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 5 ft.
- Depth to bottom of water bearing material 12 ft.
- Depth to water (ground surface to water level) 5 ft.

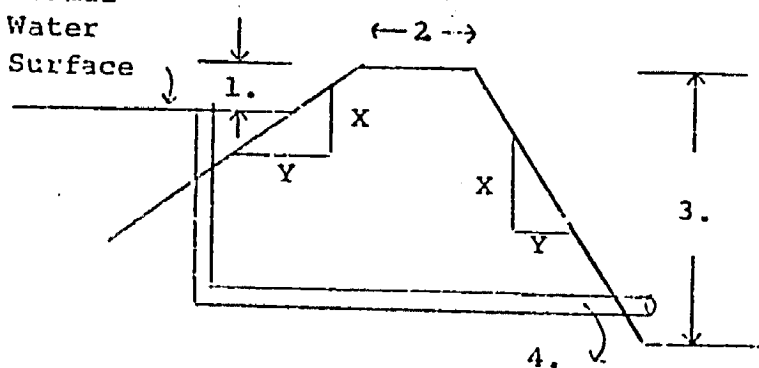
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property N/A rds.
- On property owned by others 960 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet, works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal  
Water  
Surface



1. Freeboard \_\_\_\_\_
2. Crest width \_\_\_\_\_
3. Height of Dam \_\_\_\_\_
4. Outlet dimensions:  
Pipe diameter \_\_\_\_\_  
Spillway width \_\_\_\_\_
- X & Y slope:  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- Surface area of impoundment \_\_\_\_\_
- Drainage area above dam \_\_\_\_\_

*Birdsell Land & Lumber Co.*  
*Dan Chaule, Pres.*  
Signature of Applicant

No. 1715-2

Publish first publication, on or before June 27, 1980

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 18, 1980

Notice is hereby given Birdsall Sand and Gravel Company whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules AASD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 5.00 cubic feet of (non-consumptive) water per second of time from the Cheyenne River through the Creston Plant, the point(X) of diversion of which is (XXX) to be located in the S $\frac{1}{4}$  SW $\frac{1}{4}$

of Section 9, Twp. 28, Range 12E. Said water to be used for the purpose of providing irrigation on portions of the following described land: Sec 6/18/50

water supplies for industrial use

This Application No. 1715-2 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg., Church and Illinois Street, Pierre, SD 57501 upon the 24th day of June, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Birdsall Sand & Gravel Co.  
Box 767  
Rapid City, SD 57709

Betty Westlund,  
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water  
SURFACE WATER

## No. \_\_\_\_\_

STATE OF SOUTH DAKOTA )  
 ) ss.  
County \_\_\_\_\_)

June 26, July 3, 1990  
**NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER**  
 The Pierre, South Dakota 57501  
 Notice is hereby given Birtall Sand and Gravel Company, whose post office address is Rapid, South Dakota, has made an application in accordance with the provisions of SDCL 44-1-1 thru 44-1-7, 44-1-14, 44-2-1 thru 44-2-11, 44-2-13, 44-2-14 thru 44-2-16, 44-2-19 thru 44-2-27, 44-3-1, 44-3-4, and Board Rules ARSD 32-0101-1 thru 32-0101-111, for a permit to appropriate for beneficial use of (non consumptive) cubic feet of water per second of time from the Cheyenne River through the Cretan Plant, the point of diversion of which is to be located in the SW 1/4 of Section 9, Twp 23S, Range 12E, Sd 57501, for the purpose of providing water supply for industrial use. This hearing No. 1715-2 will be considered by the Water Management Board at Meeting Room 1231, Knapp Bldg., Church and Illinois Street, Pierre, SD 57501 upon the 24th day of June, 1990 at 10 A.M. The Board is authorized to make a determination of the application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision, who desires to present evidence or cross-examine witnesses according to SDCL 44-2-14 may notify the Board in writing prior to the hearing or orally at the hearing. This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Court as provided by law.  
 Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.  
**WATER MANAGEMENT BOARD**  
 Betty Wratford,  
 Water Rights Specialist



# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7539

PIERRE, June 13, 19 80

RECEIVED OF Birdsall Sand & Gravel Co., Box 767, Rapid City, SD 57702  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                             |        |
|-----------------------------------------------------------------------------------------------------------------------------|--------|
| Fee for Application for Permit to Appropriate Water No. <u>1715-2</u> (examination, processing, recording and filing) ----- | 150.00 |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. -----                                                |        |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. -----                                                      |        |
| Fee for Issuing Location Certificate-Dry Draw, No. -----                                                                    |        |
| Fee for filing -----                                                                                                        |        |
| Fee for certified copy of -----                                                                                             |        |
| Fee for Print copy of map -----                                                                                             |        |
| Fee for Certifying -----                                                                                                    |        |
| Fee for -----                                                                                                               |        |
| (any other work as provided by law)                                                                                         |        |
| TOTAL                                                                                                                       | 150.00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

bt

Water Rights Division  
(605) 773-3352

July 30, 1980

Birdsall Sand & Gravel Co.  
Box 767  
Rapid City, SD 57709

Gentlemen:

Enclosed herewith is your Water Right Permit No. 1715-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1715-2.

The Board will schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH/bt  
enclosure

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1715-2.

(1) WHEREAS, On the 13th day of June, A. D. 19 80

Birdsall Sand and Gravel Co.

made Water Right Application No. 1715-2 for a permit to use 5.0 cubic feet per second of the water of the Cheyenne River

County of Pennington, State of South Dakota, for Industrial

purpose; and

(2) WHEREAS, On the 24th day of July, A. D. 19 80

Permit No. 1715-2, with a date of priority of June 13, 1980

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the day of July, 1980 and for the

application to beneficial use of said water on or before the day of July, 1980

and:

(3) WHEREAS It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 5.0 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

water to be used for a sand and gravel washing operation (non-consumptive use)

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Binderill Sand and Gravel

at PO Box 767, Rapid City, SD 57709  
the holder and owner of said permit No. 1715-2 a water right, dating from March 13, 1988

to use of 5.0 cubic feet per second of the waters  
of the Cheyenne River

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at 612'N 31'W of the SE corner, Section 9,  
T2S, R12E (DD)

and conducted to and upon through the Company's aggregate washing and processing  
plant

for the purpose of Industrial use

Subject to any limitations listed in Water Right Permit No. 1715-2 and subject to the laws of the State of South Dakota.

WITN SS, My hand and seal of our office at Pierre, South Dakota  
this 26th day of September A. D.  
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 1715-2Water Division 2 Upper Cheyenne Water District  
10/20/09REPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Birdsall Sand & Gravel Co. of P.O. Box 767 Rapid City, SD holder of Permit No. 1715-2, bearing date of priority of June 13, 1980, 19\_\_\_\_ authorizing the diversion of 5.0 cu. ft. per second of the waters of Cheyenne River for Industrial purposes, in Pennington County.

I have to report on the condition of this same as follows:

The Water Use System consists of,

A. Works used to divert the water: International Harvester Diesel Engine with Dempster 8" Centrifugal pump from river to pond, GE Elec. motor with 6" Fairbanks-Morse pump from pond to plant

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

Pumps, flumes, canals, and two water storage dugouts which are also used for settling ponds

C. Works used to apply water to beneficial use.

Aggregate washing and processing plant

The system is in the following condition: GoodThe point of diversion is located 5 1/2 SE 1/4 Section 9-T2S-R12E  
612' N 31° W from SE corner (DD)The works are capable of diverting and conveying to the place of use 5 cfscu. ft. per second of water which is to be used for Industrial

Water has been put to beneficial use to the maximum extent as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

comprising a total of \_\_\_\_\_ acres of land.

Date Timothy H. Schaal  
August 23, 1983  
(Signature)

LICENSE FOR PERMIT NUMBER 1715-2

1. Legal location of wellis: \_\_\_\_\_

Diversion from Cheyenne River

dams & structures: S 1/2 SE 1/4 Section 9-T2S-R12E

2. Well Information: Well Drilling Firm \_\_\_\_\_

No. of wells \_\_\_\_\_ Depth \_\_\_\_\_

Casing a) diameter \_\_\_\_\_ Screen a) type \_\_\_\_\_

b) length \_\_\_\_\_ b) length \_\_\_\_\_

c) type \_\_\_\_\_ Static Water Level \_\_\_\_\_

River  
Pump

a) make Dempster

River  
Motor

a) make IH Diesel Engine

b) model #3428

b) model no. #UD236

c) size 8"

c) horsepower rating \_\_\_\_\_

d) capacity \_\_\_\_\_ GPH

d) motor efficiency rating \_\_\_\_\_

e) turbine pump  
no. of stages \_\_\_\_\_

Serial no. #5968

3. Distribution lines:

a) size of lines 6"

b) type steel

c) length approx 500' from pond to plant

4. Dam information:

a) height to crest \_\_\_\_\_

i) Outlet tubes:

b) height to spillway \_\_\_\_\_

1) diameter \_\_\_\_\_

c) crest width \_\_\_\_\_

2) type \_\_\_\_\_

d) crest length \_\_\_\_\_

3) valued (Y/N) \_\_\_\_\_

e) spillway length \_\_\_\_\_

4) valve type \_\_\_\_\_

f) spillway width \_\_\_\_\_

5) location on structure \_\_\_\_\_

g) approx. storage \_\_\_\_\_

h) Distribution lines or canals:

1) size \_\_\_\_\_

2) type \_\_\_\_\_

3) length \_\_\_\_\_

5. System Type: a) sideroll:

b) towline:

1) length \_\_\_\_\_ feet

1) length \_\_\_\_\_ feet

2) diameter of pipe \_\_\_\_\_

2) make, model & number of sprinklers \_\_\_\_\_

3) make, model & number of sprinklers \_\_\_\_\_

3) spacing of sprinklers \_\_\_\_\_

4) spacing of sprinklers \_\_\_\_\_

4) nozzle size \_\_\_\_\_

5) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

- 1) make \_\_\_\_\_
- 2) number of towers \_\_\_\_\_
- 3) distance between towers \_\_\_\_\_
- 4) overall length \_\_\_\_\_
- 5) End gun (Y/N) \_\_\_\_\_
- 6) high or low pressure \_\_\_\_\_
- 7) make & size of nozzles \_\_\_\_\_
- 8) PSI reading while system is running \_\_\_\_\_
- 9) GPM \_\_\_\_\_

g) Gun

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_
- 6) hose size \_\_\_\_\_
- 7) hose length \_\_\_\_\_

d) Gate Pipe

- 1) length \_\_\_\_\_
- 2) diameter \_\_\_\_\_
- 3) spacing of gates \_\_\_\_\_

e) Siphons

- 1) number \_\_\_\_\_
- 2) size \_\_\_\_\_

f) Portable boom

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_

h) Hydromatic

- 1) make \_\_\_\_\_
- 2) model \_\_\_\_\_
- 3) serial number \_\_\_\_\_
- 4) length \_\_\_\_\_
- 5) nozzle size \_\_\_\_\_
- 6) spacing \_\_\_\_\_
- 7) PSI \_\_\_\_\_
- 8) capacity (GPM) \_\_\_\_\_

YES

NO

Check Items

NA

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X

2. Special Qualifications to permit being abided by.

X

3. All Structures, wells and lands on map.

REMARKS:

*Process pond*

Pump:

make

*Fairbanks-Morse*

model

*5812*

Serial no

*K 80976*

size

*6"*

Motor:

make

*GE Elec 220V*

model

*5K1445FG1*

Hp rating

*60 Hp*



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 1715-2

September 9, 1983

Birdsall Sand & Gravel  
PO Box 767  
Rapid City SD 57701

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1715-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAAK  
Administrative Aide

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

# RECEIPT

Division of Water Rights

No 4 9340 -

South Dakota Department of Water and Natural Resources

Pierre, September 14, 1983

RECEIVED OF Birdsall Sand & Gravel, Box 767, 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 works 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. <u>1715-2</u>                | 50    | 00    |
| 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 | 50 00 |

By John Hatch  
Chief Engineer JOHN HATCH/ms

BIRDSALL



SAND & GRAVEL CO.

BOX 767  
RAPID CITY, SOUTH DAKOTA 57709  
TELEPHONE: AC 605/342-8250

AGGREGATE PLANTS—  
Oral, Wasta, Creston and Blunt  
READY MIXED CONCRETE PLANTS  
Rapid City, Sturgis and Pierre, SD  
CAMPBELL COUNTY CONCRETE, INC.  
Gillette, WY

September 13, 1983

Department of Water & Natural Resources  
Division of Water Rights  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Re: Water Right No. 1715-2

Dear Sir:

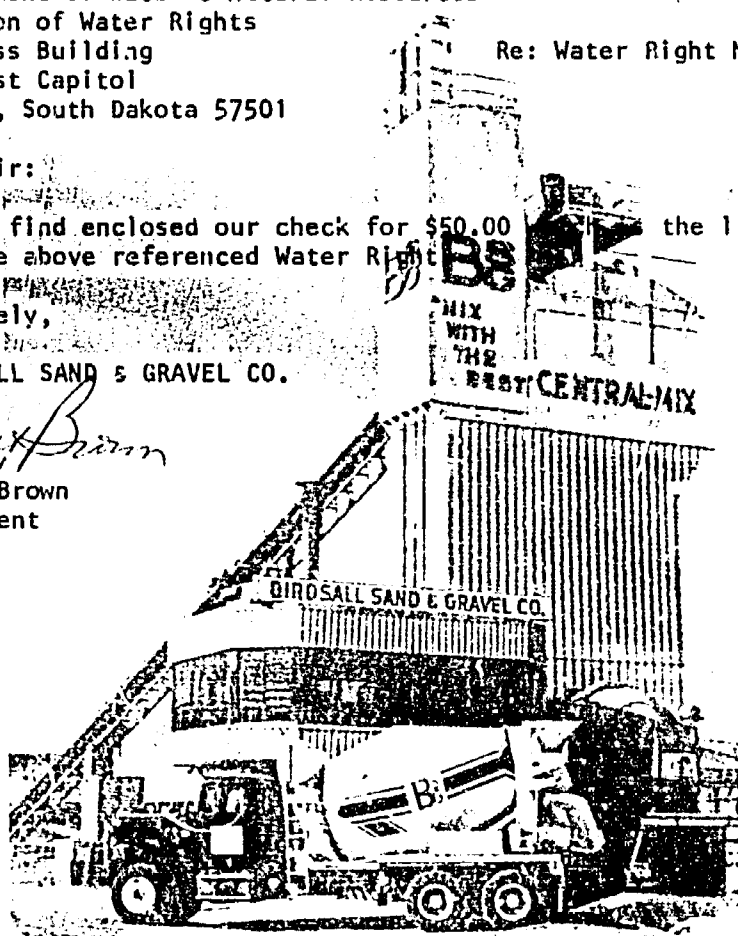
Please find enclosed our check for \$50.00 the license fee  
for the above referenced Water Right

Sincerely,

BIRDSALL SAND & GRAVEL CO.

*Jerry Brown*  
Jerry Brown  
President

JB:pml  
Enc.



ASSOCIATE MEMBER  
ASSOCIATED GENERAL  
CONTRACTORS OF  
SOUTH DAKOTA & NEBRASKA

No. 1715-2



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

September 26, 1983

Birdsall Sand and Gravel  
PO Box 767  
Rapid City SD 57701

Dear Sir:

Enclosed herewith is, Water License No. 1715-2. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

Enclosures

WNR-817 3/83  
Transmittal of Water License

**Approval of Location Change and/or Additional Diversion Point(s)****NAME:** Birdsall Sand and Gravel**ADDRESS:** Box 767, Rapid City, SD 57709-0767**DATE:** September 5, 2001 **COUNTY:** Pennington**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

License No. 1715-2 authorizes the non-consumptive use of 5 cubic feet per second of water from the Cheyenne River for washing gravel in the S $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9 T2S R12E, Pennington County, SD. The water is pumped from the river, used for washing gravel, processed through two settling ponds to remove sediments, and returned to the river. Birdsall Sand and Gravel has exhausted most of the gravel reserves at the present location and plans to construct the same washing system approximately one mile upstream in the SE $\frac{1}{4}$  Section 16 T2S R12E. The true position of the diversion point in Section 16 T2S R12E has not been determined at this time. No additional water will be appropriated.

- **If irrigation, no new land is irrigated**

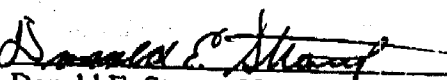
No land is irrigated. Water is for industrial use.

- **Review of Existing Diversions**

There are no other appropriations from the Cheyenne River in the vicinity of the present or proposed diversion point.

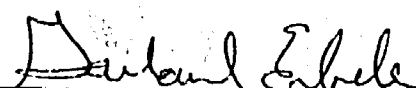
**RECOMMENDED ACTION**

Based on the above criteria, it is recommended that the change in diversion point location be authorized. When the gravel washing system has been established at the new location, Birdsall Sand and Gravel should provide the new diversion point position to the Water Rights Program.

  
Donald E. Stroup, Natural Resources Project Engineer  
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

  
Garland Erbele, Chief Engineer  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 17, 2001

Lecia Craft  
Birdsall Sand & Gravel  
Box 767  
Rapid City SD 57709-0767

Dear Ms. Craft:

I am writing in regard to Birdsall Sand & Gravel's request to change the Cheyenne River diversion point authorized under Water Right No. 1715-2.

Water Right No. 1715-2 appropriates 5.0 cubic feet of water per second (cfs) from the Cheyenne River for non-consumptive industrial use in a sand and gravel washing operation. The diversion point's location is the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 9, T2S, R12E. Birdsall Sand & Gravel has requested to change the point of diversion to the SE  $\frac{1}{4}$  Section 16, T2S, R12E. This change is requested to allow the plant to move closer to the current reserves. It is anticipated that this change in the diversion point will occur in approximately one year.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of diversion point is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. A new water right permit will be necessary if the diversion rate from the Cheyenne River exceeds 5.0 cfs or if the water is used in a consumptive manner.

A site visit by Water Rights personnel will need to be scheduled once the diversion point has moved to the new location. This will enable the water license to be reissued to accurately reflect the location of the diversion point.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program

# BIRDSALL SAND & GRAVEL

TELEPHONE: AC 605/394-7240  
FAX 605/394-7246

BOX 767  
RAPID CITY, SD 57701-0767  
A DIVISION OF PETE LIEN & SONS, INC.

AGGREGATE PLANTS -  
Oral, Wasta, Creston & Blunt  
READY MIXED CONCRETE PLANTS -  
Rapid City, Sturgis, Spearfish, & Lead, SD  
CAMPBELL COUNTY CONCRETE -  
Gillette, WY

September 1, 2001

Mr. Mark Rath  
SD DENR  
Water Rights Program  
Joe Foss Building, 523 E. Capitol  
Pierre, SD 57501-3182

RE: Water rights permit 1715-2

Dear Mr. Rath,

Birdsall Sand & Gravel (BSG) has a valid water rights permit, Permit 1715-2 for the Creston Sand Plant. BSG has exhausted most of the reserves in Section 9 and is planning to move the wash plant approximately 1 mile upstream to Section 16 where the current operations will be continued. We anticipate that the plant move will be completed sometime during the fall of 2002.

The original water rights application was submitted to the State in June of 1980. The permit was granted to appropriate 5 cubic feet per second from the Cheyenne River for industrial use. The water is removed from the river using a pump and the original point of diversion was S1/2, SE1/4 of Section 9, T2S-R12E Black Hills Meridian, Pennington County.

BSG is going to be relocating the wash plant approximately 1 mile up stream of the present diversion point. In order to continue mining efficiently the plant must be moved closer to the current reserves. The water will be removed again with a pump from the Cheyenne River and we do not wish to increase the appropriation. The new diversion point has not been determined exactly yet as the plant is still operating at the old location and will continue to do so for approximately 1 more year. The future diversion point will be located on the west side of the river in the SE1/4 of Section 16, T2S-R12E Black Hills Meridian, Pennington County. The exact location has not been determined and could be provided at a later date if the precise location is required. A map has been provided showing the approximate location based on the SE corner of Section 16.

If you have any questions or require additional information please do not hesitate to contact me.

Sincerely,

Birdsall Sand & Gravel, A Division of Pete Lien & Sons, Inc.

*Lecia Craft*  
Lecia Craft  
Environmental Engineer

Enclosure

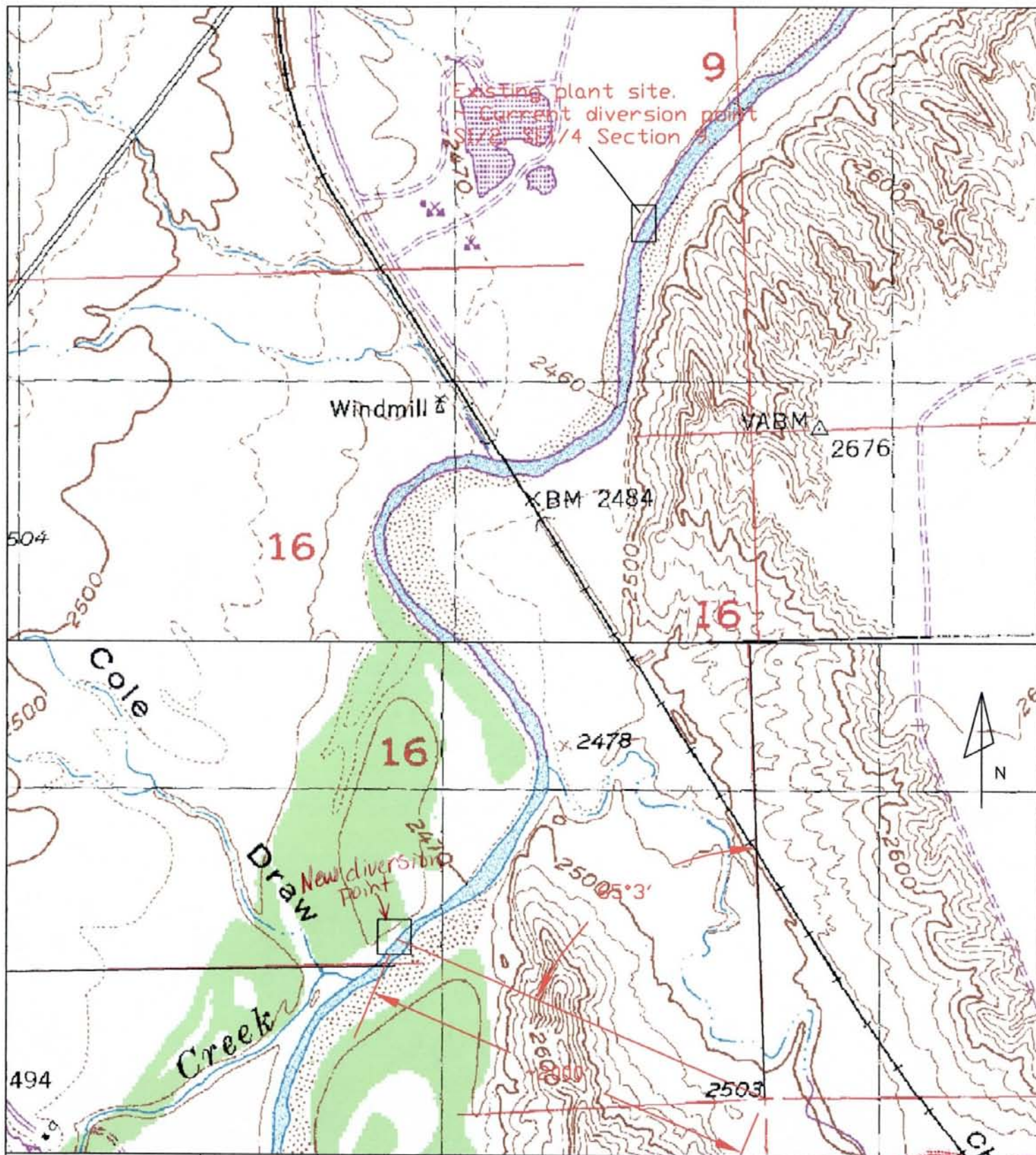
CC: Mr. Kyle Frisinger  
Mr. Craig Grotenhouse  
Mr. Joel Brannan  
Mr. Clint Edoff

*Spoke with Lecia +  
they will construct the  
same system @ the  
new location. Del.*



ASSOCIATE MEMBER  
ASSOCIATED GENERAL  
CONTRACTORS OF  
SOUTH DAKOTA & NEBRASKA





|                                                                                    |           |  |                                                                                                                             |                   |
|------------------------------------------------------------------------------------|-----------|--|-----------------------------------------------------------------------------------------------------------------------------|-------------------|
|  | Title:    |  | Birdsall Sand & Gravel Creston Sand Plant<br>Water Rights Permit #1715-2                                                    |                   |
|                                                                                    | Location: |  | Mine license - Portions of Sections 3, 9, 10, 16 & 21,<br>west of Cheyenne River, T2S-R12E, Pennington County               |                   |
|                                                                                    | Date:     |  | August 29, 2001                                                                                                             | Scale: 1" = 1000' |
|                                                                                    | Drawn By: |  | LRC                                                                                                                         | Reviewed By: RC   |
|                                                                                    | Remarks:  |  | Approximate location of new diversion point<br>~2000' N 65°3' W of the SE corner of Sec. 16, T2S-R12E,<br>Pennington County |                   |



4 8 11-30-79

CRESTON

4024

~~Map # 1715-2~~

APP #

1715-2



BIRDSALL SAND & GRAVEL CO  
CRESTON PLANT

~~Map # 1715-2~~ APP # 1715-2

6000 AMT

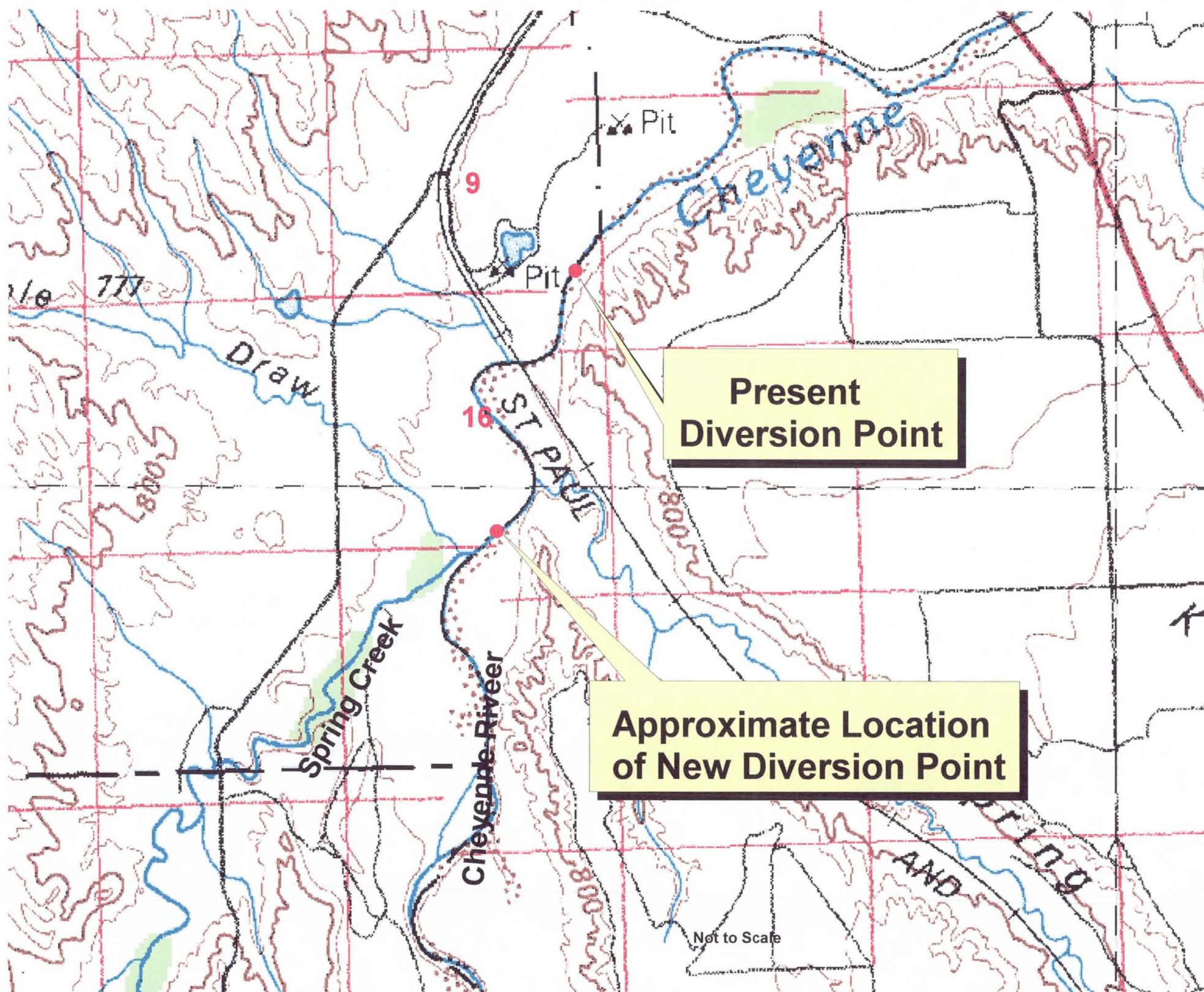
FL153.35

May 30, 1980

License # 1715-2

Birdsall Sand & Gravel  
Box 767  
Rapid City, SD 57709-0767  
605-394-7240

Diversion Point Change: T2S R12E  
From  
S1/2 SE1/4 Section 9  
To  
SE1/4 Section 16



**Present  
Diversion Point**

**Approximate Location  
of New Diversion Point**

Not to Scale

Donald E. Stroup  
DENR  
Natural Resources Project Engineer

**PETE**

MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224  
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

**LIEN**

•PETE LIEN & SONS •BIRDSALL SAND & GRAVEL •COLORADO LIEN CO.  
•DAKOTA BLOCK CO. •DAKOTA STEEL & SUPPLY •TRANS COLORADO CONCRETE

PETER C. LIEN  
1898 - 1969 FOUNDER

BRUCE H. LIEN  
FOUNDER

CHARLES H. LIEN  
FOUNDER  
CHAIRMAN

PETER C. LIEN  
PRESIDENT

*& Sons, Inc.*

1715-2

February 9, 2006

Department of Environment & Nat. Resources  
Attn. Water Rights Program  
Joe Foss Building  
523 East Capital Ave  
Pierre, SD 57501-3182

**RE: Water Permit – Change of name**

**Permit 1283-2 – Hermosa**

**Permit 2531-2 – Oral**

**Permit 1715-2 – Creston**

**Permit 4512-3 - Blunt**

**Permit 926-2 – Wasta**

The Birdsall Sand & Gravel sand plants will now be operating under the name of Pete Lien & Sons Inc, effective January 1, 2006.

The operations affected by this transfer are as follows:

Blunt Sand Plant  
Creston Sand Plant  
Wasta Sand Plant

Blunt, SD  
Rapid City, SD  
Wasta, SD

Oral Sand Plant  
Crook County Sand Plant  
St. Barbara Sand Plant

Oral, SD  
Hulett, WY  
Pueblo CO

Please transfer our above-mentioned permit to the name of Pete Lien & Sons Inc, with the following address and contact information:

Pete Lien & Sons Inc.  
Attn. Environment Engineer  
P.O. Box 440  
Rapid City, SD 57709

605-342-7224 - phone  
605-342-6979 – fax

If you have any questions or concerns, please feel free to contact me at the Rapid City office or my direct line phone at 605-939-2753. Thank you.

Sincerely,

PETE LIEN & SONS INC.

  
Kyle Frisinger  
Sand & Gravel Manager

RECEIVED

FEB 28 2006

WATER RIGHTS  
PROGRAM



1715-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 1, 2006

No. 506-2  
926-2  
1283-2  
1715-2  
4512-3

Pete Lien & Sons, Inc.  
Shelly Erickson  
PO Box 440  
Rapid City SD 57709

Dear Ms. Erickson:

Thank you for returning the 2005 Water Use Questionnaires. The forms indicate ownership changes on several water permit/rights. Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes. The water rights are currently listed in the name of Birdsall Sand & Gravel.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$12.50 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
email: [karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

1715-2

PETE

MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224  
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

LIEN

•PETE LIEN & SONS •BIRDSALL SAND & GRAVEL •COLORADO LIEN CO.  
•DAKOTA BLOCK CO. •DAKOTA STEEL & SUPPLY •TRANS COLORADO CONCRETE

PETER C. LIEN  
1898 - 1969 FOUNDER

BRUCE H. LIEN  
FOUNDER

CHARLES H. LIEN  
FOUNDER  
CHAIRMAN

PETER C. LIEN  
PRESIDENT

& Sons, Inc.

March 10, 2006

Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

RE: Notice of Transfer Forms

Dear Karen Schlaak,

Enclosed are the completed "Notice of Transfer" forms for use in filing ownership changes and the required filing fee of \$12.50. The water rights will be listed under Pete Lien & Sons, Inc instead of Birdsall Sand and Gravel.

If you have any questions, please feel free to contact me at 605-342-7224.

Thank you,  
*Pete Lien & Sons, Inc*

*Shelly Erickson*

Shelly Erickson  
Permitting Engineer

RECEIVED  
MAR 13 2006  
WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

No. 1715-2

Date: 3-10-06

I/We request that Water Right No. 1715-2

formerly owned by: Birdsall Sand & Gravel

be transferred to: (name & address) Pete Lien & Sons, Inc.

PO Box 440, Rapid City SD 57709

Telephone No. 605 342-7224

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

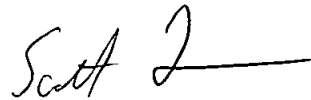
Cheyenne River – SE ¼ Section 16-T2S-R12E (Pennington County)

I/We understand that the validity of Water Right No. 1715-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Pete Lien + Sons, Inc., 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.

RECEIVED

MAR 13 2006

WATER RIGHTS  
PROGRAM

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 13, 20 06

RECEIVED OF Pete Lien & Sons Inc., PO Box 440, 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 | 2.50  |      |
| 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>1715-2</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. _____                                         | 2.50  |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

02351

By

Harland Erbe  
Chief Engineer *gm*



1715-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 14, 2006

Shelly Erickson  
Pete Lien & Sons Inc  
PO Box 440  
Rapid City SD 57709-0440

RE: Ownership Changes for Water Permit or Right Nos. 506-2, 926-2, 1283-2, 1715-2, and 4512-3

Dear Ms. Erickson:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Permit and Right Nos. 506-2, 926-2, 1283-2, 1715-2, and 4512-3. The transfers have been completed. The above listed water permits and rights formerly listed in the name of Birdsall Sand and Gravel are now listed in the name of "Pete Lien & Sons Inc."

Enclosed are Receipt Nos. 02350, 02351, 02352, 02353 and 02354 in the amounts of \$2.50 each. You may keep them for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 30, 2006

**NOTICE OF SHUTOFF ORDER**

**TO:** PETE LIEN & SONS INC  
KYLE FRISINGER  
PO BOX 440  
RAPID CITY SD 57709

**FROM:** GARLAND ERBELE, Chief Engineer  
Water Rights Program

**SUBJECT:** Cheyenne River Shutoff Order for Junior Priority Date Water Rights

**Shutoff Order for Water Right Nos. (1715-2) 2531-2**

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 5, 2006

2531-2(1715-2)

PETE LIEN & SONS INC attn KYLE FRISINGER  
PO BOX 440  
RAPID CITY SD 57709

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer  
Water Rights Program



1715-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to [sd.water.usgs.gov](http://sd.water.usgs.gov) and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**NOTICE OF SHUTOFF ORDER**

June 27, 2007

**TO:** PETE LIEN & SONS INC  
KYLE FRISINGER  
PO BOX 440  
RAPID CITY SD 57709

**FROM:** GARLAND ERBELE, Chief Engineer  
SD DENR Water Rights Program

**SUBJECT:** Cheyenne River Shutoff Order for Junior Priority Date Water Rights

**Shutoff Order for Water Right Nos. 2531-2** **1715-2**

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

**<http://waterdata.usgs.gov/sd/nwis/rt>**

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.