

Considered: _____

WATER PERMIT NO. 2071-2

HAP No. same

Name of Applicant Hills Materials Co.

Post Office Address P.O. Box 2320, Rapid City, SD 57709

Amount of Water Claimed 0.10 cfs Total Acres NA

Source of Water Supply Groundwater - 1 well

Water to be used for industrial purposes County Custer

About _____ miles north of Custer

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Feb 8, 1989 Fee 50⁰⁰ Remarks _____

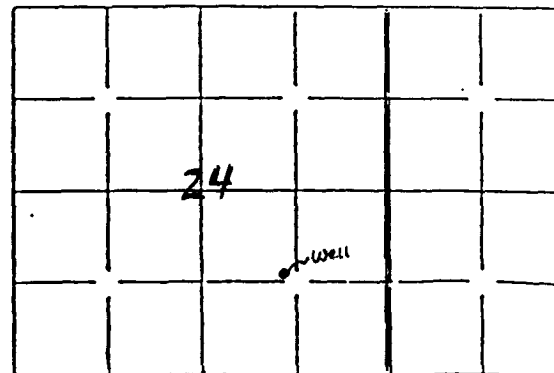
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point NW 1/4 SE 1/4 Section 24, T3S, R4E

Land to be Irrigated NA



Well Log: Driller Alexander Drilling Licensed YES X NO _____

Depth of Well 165' REMARKS well completed in 1987

Type of Map plat PREPARED BY Frank Bryant Reviewed and the Number

assigned on February 8, 1989 By Susan A. Bowser

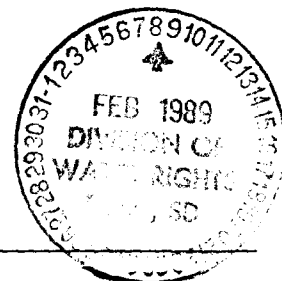
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 2071-2 Hydrologic Unit 10120109
 Map No. same Basin Upper Cheyenne
 Newspaper Custer Co. Chronicle Box 551 57700 (Wed)

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 P.O. Box 2320, Rapid City State SD Zip Code 57709
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 0.1 c.f.s.3. Source of water supply -Drilled Well Groundwater - 1 well4. Location of point of diversion Lot 1 of Tract E of Hall Placer M.S. 506, located in the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T3 $\frac{1}{2}$ S, R4E, B.H.M., Custer, South DakotaCounty Custer5. Counties where water will be used Custer6. Annual period during which water is to be used January 1 - December 31
All year around but mainly during construction
season.

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)

Drilled well to supply water to an existing ready-mix concrete batch plant on
 the above referenced property in Custer, South Dakota.

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 Tlustos, President of Hills Materials Company, 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 Tlustos
Patrick Tlustos, PresidentSubscribed and sworn to before me this 6th day of February 1989

[Signature]
 Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2071-2

Date of first receipt of application February 8, 1989.

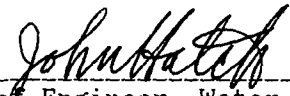
The Water Management Board approved Water Permit Application No. 2071-2 on May 10, 1989 for Hills Material Company, PO Box 2320, Rapid City, SD 57709-2320 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2071-2 appropriates 0.10 cubic feet of water per second from one well (Precambrian Rock) 165 feet deep located in the NW1/4 SE1/4 Section 24, T3S, R4E.
2. The water appropriated shall be used for the purpose of supplying a ready mix concrete batch plant 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 to December 31.
4. The date from which applicant may claim right is February 8, 1989.
5. One-fifth of the construction is completed.
6. All construction is completed.
7. Water is put to beneficial use.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The wells 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.

WATER MANAGEMENT BOARD

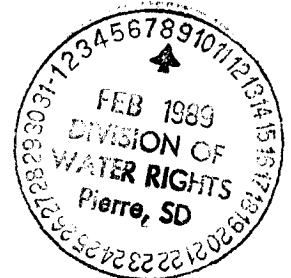
By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989

(date)

Supplemental information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 150 feet
- b) Casing Type 50' of PVC Diameter 6" Thickness 160 PVC
- c) Screen Type — Diameter — Thickness —
- d) Gravel Pack Thickness None Length of Gravel Pack None
- e) Depth to Top of Water Bearing Material 100 feet
- f) Depth to Water (ground surface to water level) 50 feet
- g) Distance to nearest existing domestic well:
On applicants property No other wells On property owned by others Approx. 300'

2. Dugout Information Estimates

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

3. Water Storage Dams

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 _____

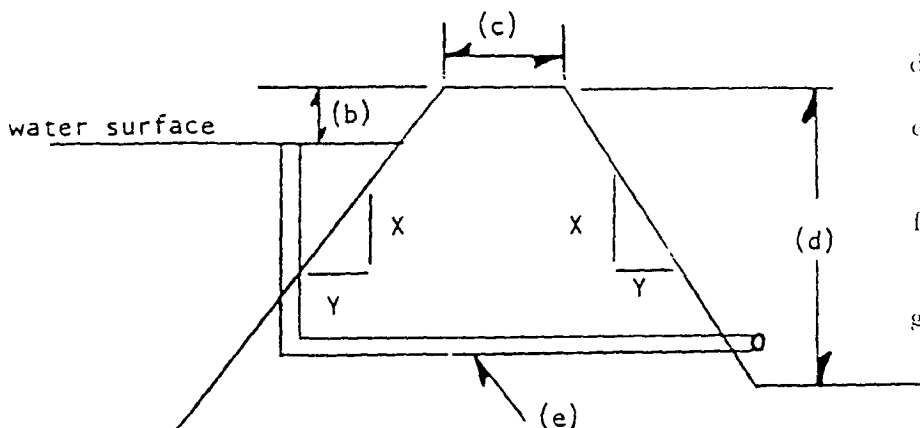
g) X & Y Slope
Upstream _____

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

411625

Pierre, February 9, 1989

RECEIVED OF Hills Material Company, Rapid City, SD 57701

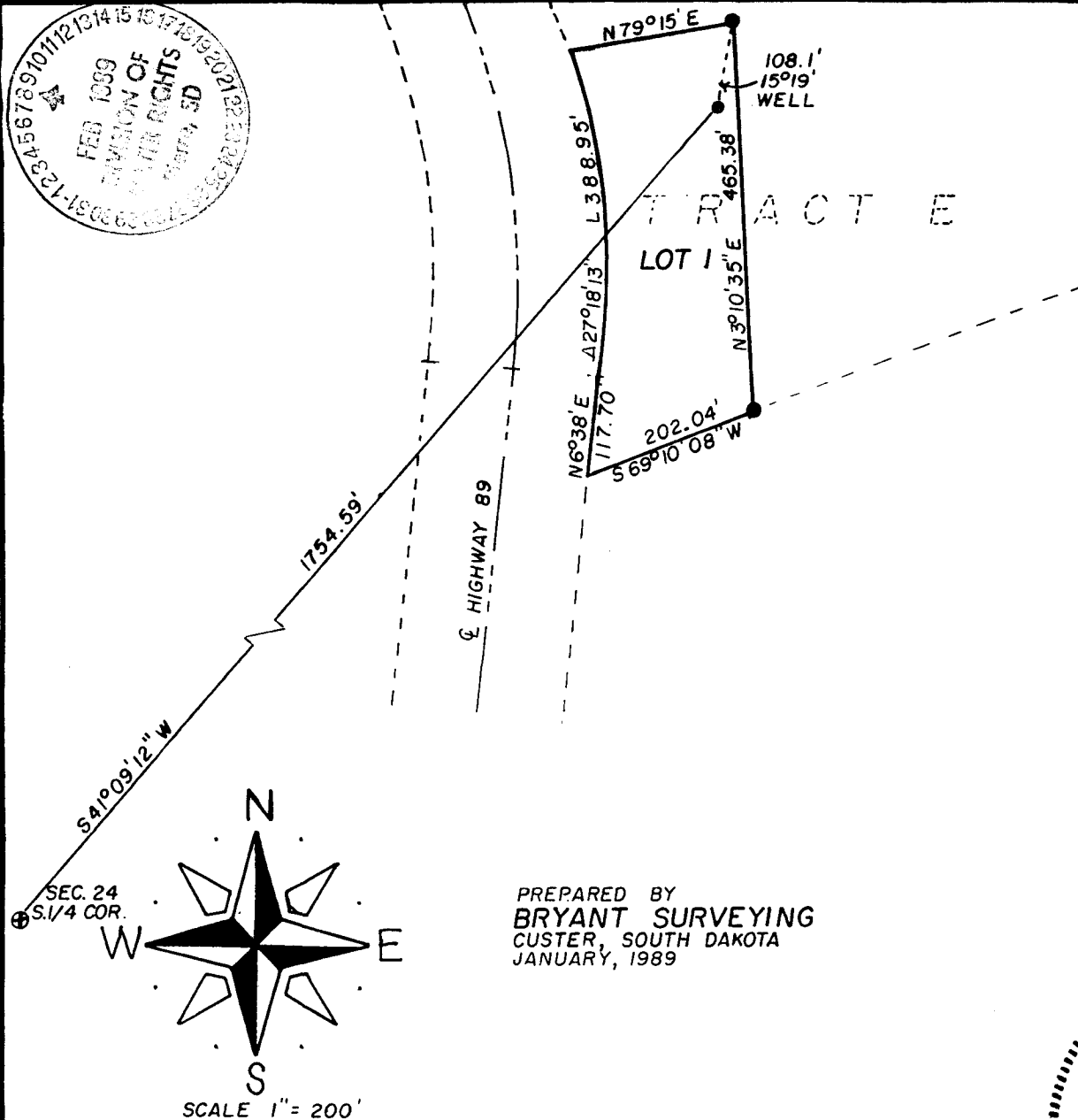
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2071-2</u> to Appropriate Water, to construct works 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 _____		
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 Hatcher
Chief Engineer

KS



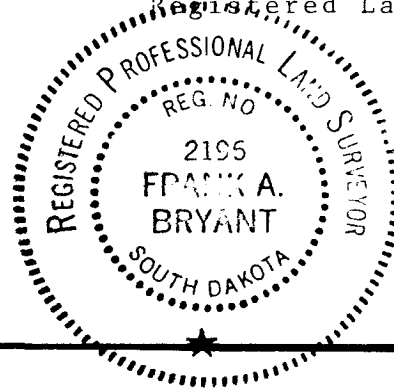
WELL LOCATION
On Lot 1 of Tract E of Hall Placer M.S. 506, Located in the SE $\frac{1}{4}$ of Section 24, T.3S. R.4E., B.H.M., Custer County, South Dakota

CERTIFICATE OF SURVEYOR

I, Frank A. Bryant, Registered Land Surveyor #2196 of the State of South Dakota, do hereby certify that being so authorized, the Well Location and Drawing on the land shown and described hereon were made under my responsible direction and supervision and that, to the best of my knowledge and belief, the within drawing is a representation of said survey.

In witness whereof, I have hereunto set my hand and seal this 23 day of January, 1989.

Frank A. Bryant
Frank A. Bryant
Registered Land Surveyor

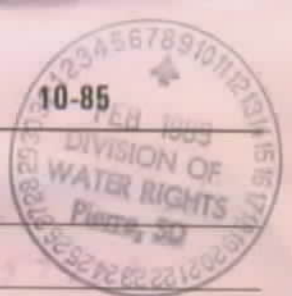


PREPARED BY
BRYANT SURVEYING
CUSTER, SOUTH DAKOTA
JANUARY, 1989

Appl N 2021-2

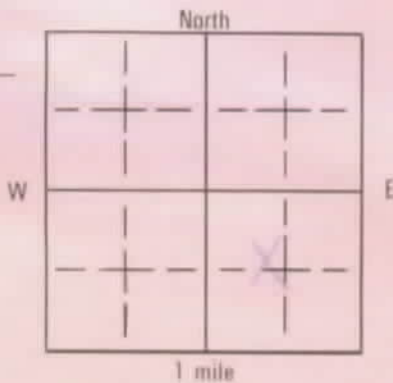
2011-2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE 1/₄ Sec 35 Twp 48 Rg 48

County _____

Please mark well location with an "X"

Well Completion Date 12-16-97

PROPOSED USE:

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

Method of Drilling:

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
If other describe 5" Galv. Steel Casing

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☐ YES ☐ NOTo what depth? 2.5 FEETWhat is grouting material? 37.5% Port. CementIf cement, number of sacks? 3Describe grouting procedure Grout PumpWhat was grout weight? 2.15 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 ☐ NOIf so, what material? Grout Seal

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name _____

Address _____

Well Log: _____ Depth _____

Formation	From	To
Gravel	0	1.3
Sand & Gravel	1.3	4.2
Gravel	4.2	6.2
Sand & Gravel	6.2	10.2
Sand & Gravel	10.2	12.2
Sand & Gravel	12.2	14.2
Sand & Gravel	14.2	16.2
Sand & Gravel	16.2	18.2
Sand & Gravel	18.2	20.2
Sand & Gravel	20.2	22.2
Sand & Gravel	22.2	24.2
Sand & Gravel	24.2	26.2
Sand & Gravel	26.2	28.2
Sand & Gravel	28.2	30.2
Sand & Gravel	30.2	32.2
Sand & Gravel	32.2	34.2
Sand & Gravel	34.2	36.2
Sand & Gravel	36.2	38.2
Sand & Gravel	38.2	40.2
Sand & Gravel	40.2	42.2
Sand & Gravel	42.2	44.2
Sand & Gravel	44.2	46.2
Sand & Gravel	46.2	48.2
Sand & Gravel	48.2	50.2
Sand & Gravel	50.2	52.2
Sand & Gravel	52.2	54.2
Sand & Gravel	54.2	56.2
Sand & Gravel	56.2	58.2
Sand & Gravel	58.2	60.2
Sand & Gravel	60.2	62.2
Sand & Gravel	62.2	64.2
Sand & Gravel	64.2	66.2
Sand & Gravel	66.2	68.2
Sand & Gravel	68.2	70.2
Sand & Gravel	70.2	72.2
Sand & Gravel	72.2	74.2
Sand & Gravel	74.2	76.2
Sand & Gravel	76.2	78.2
Sand & Gravel	78.2	80.2
Sand & Gravel	80.2	82.2
Sand & Gravel	82.2	84.2
Sand & Gravel	84.2	86.2
Sand & Gravel	86.2	88.2
Sand & Gravel	88.2	90.2
Sand & Gravel	90.2	92.2
Sand & Gravel	92.2	94.2
Sand & Gravel	94.2	96.2
Sand & Gravel	96.2	98.2
Sand & Gravel	98.2	100.2

STATIC WATER LEVEL _____ 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 _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 324

And this report is true and accurate.

Drilling firm Alexander Drilling Co.

Signature of License Representative: _____

Signature of Well Owner: _____

Date _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1989

Custer Co. Chronicle
P.O. Box 551
Custer, SD 57730

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2071-2 to be published twice. Please publish the first notice on or before April 12, 1989 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 Material Company, P.O. Box 2320, Rapid City, SD 57709.

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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

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 _____





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1989

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

Patrick Tlustos, President
Hills Materials Company
P.O. Box 2320
Rapid City, SD 57709

Dear Mr Tlustos:

Water Permit Application No. 2071-2 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 Custer County Chronicle printed at Custer SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. 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 Intent to Appropriate Water 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2071-2 to Appropriate Water

Notice is given that Hills Material Co., P.O. Box 2320, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Precambrian Rock) 165 feet deep located in the NW1/4 SE1/4 Section 24, T3S, R4E. Water is used to supply a ready-mix concrete batch plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2071-2 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. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Custer)

I, Randall O'Neill hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Custer County Chronicle

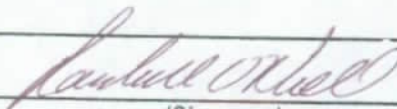
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

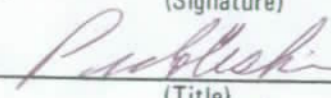
City _____ of Custer

County of Custer and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 12, 1989

April 19, 1989


(Signature)


(Title)

4/28/89
(Date Signed)

Cost of Printing: 4/12 - 22.14

4/19 - 17.71

Total for April 12 & 19 - 39.85

NOTICE OF HEARING

on Application No. 2071-2 to
Appropriate Water

Notice is given that Hills Material Co.,
P.O. Box 2320, Rapid City, SD 57709 has
filed an application for a water permit to
appropriate 0.10 cubic feet of water per
second from one well (Precambrian
Rock) 165 feet deep located in the NW
1/4 SE 1/4 Section 24, T3S, R4E. Water
is used to supply a ready-mix concrete
batch plant.

Pursuant to SDCL 46-2A-2, the Chief
Engineer of the Water Rights Division
recommends APPROVAL of Application
No. 2071-2 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. This application will be
considered by the Water Management
Board at 523 E. Capitol, Joe Foss
Building, Room 216, Pierre, SD on May
10, 1989 at 10:00 am. 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 interested person that intends to
participate in the hearing before the
Board by presenting evidence or cross-
examining witnesses according to SDCL
1-26, must file a written petition with
BOTH the applicant and Chief Engineer
by April 28, 1989. The Chief Engineer's
address is "Water Rights Division, Foss
Building, 523 E Capitol, Pierre SD 57501
(605 773-3352)". 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 legal counsel if legal
counsel is obtained. The applicant need
not file a petition. Contact the Water
Rights Division to request information on
this application or to assure access to the
hearing by the handicapped.

This hearing is an adversary
proceeding. Any person filing a petition
and/or the applicant have the right to be
represented by a lawyer. 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. The
time of hearing will also be automatically
delayed for at least twenty days upon
written request to the Chief Engineer
from the applicant or a petitioner. The
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April 28, 1989.

This application is made pursuant to
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru
46-1-15; 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; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15.
#635 4/12 & 4/19/89

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2071-2, Hills Material Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2071-2, Hills Material Company, PO Box 2320, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 2071-2 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) in the public interest with the following qualification:

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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 20, 1989

Report on Application No. 2071-2
Hills Material Company
March 17, 1989

Water Permit Application No. 2071-3 was submitted for Hills Material Company of Rapid City, South Dakota to appropriate 0.10 cubic feet of water per second (cfs) from one existing well, 165 feet deep, located in the NW1/4 SE1/4 of Section 24, T3S, R4E (Custer County). The water is to be used for industrial purposes to supply a ready mix concrete batch plant.

Geology and Aquifer Characteristics

The area is underlain by Precambrian rocks consisting primarily of mica schist or phyllite, quartzite, amphibolite, meta-iron formation and graphitic schist (Redden, 1975). Also found in the region are intrusive igneous rocks called pegmatites. These rocks consist of very coarse grained granitic material which can contain recoverable water. Other ground water is derived from joints, fractures, and bedding planes in the metamorphic rock. Water in the Precambrian rock is under water table conditions.

Water Availability

Recharge to this aquifer occurs through direct infiltration of precipitation via joints, fractures and fissures in the rock. Because of the close proximity of French Creek, water from the creek may also supply recharge to the aquifer.

Extensive studies of the recharge and/or storage capabilities of this aquifer have not been conducted. An aquifer pump test by the City of Custer on a well less than 1/2 mile from the applicant's well revealed a specific capacity of approximately 7.6 gallons per minute (gpm) per foot of drawdown at a pumping rate of 81 gpm. This corresponds to a 10.7 foot drawdown in the well.

The production well for Permit Application 2071-2 was drilled on October 16, 1987 and has probably been in operation since that time. A log supplied with the application indicated that the well is 165 feet deep, has a static water level of about 50 feet and was test pumped at 100 gpm. The requested diversion rate is only 45 gpm. Based on the well & aquifer characteristics, and the low diversion rate, the well should produce the amount of water requested.

The Division of Water Rights has recently installed a continuous recorder on a City of Custer observation well in the area. The

water levels have fluctuated about 13 feet between November, 1986 and October, 1988. There is not sufficient historical data on water levels to discern any particular trends (Observation Well Files, 1989). It appears that the water levels are strongly influenced by seasonal precipitation patterns because of the water table nature of the bedrock aquifer.

Existing Water Rights

Within approximately one mile of the applicant's well are 10 existing water permits, the nearest being 1/4 mile away (Permit Files, 1989). Except for the large capacity Custer city well (Permit No. 1963-2), the permit withdrawal rates range from 100 gpm to less than 10 gpm. A large number of domestic wells are also located in the area, the nearest being 300 feet away according to the application. The majority of the permitted and domestic wells are from 50-200 feet deep with static water levels of 10 to 100 feet below the surface.

A number of other permits in the region have caused controversy with Permit No. 1963-2 being the most controversial because of its requested diversion rate of 2.23 cfs. The applicant's well has been in place for 1 1/2 years and the Water Rights Division has not received any complaints concerning interference with this particular well (Complaint Files, 1989). Because of the complex nature of the flow system in the Precambrian rock interference would be difficult to predict. Due to the small diversion rate requested from the well, interference is not expected.

Recent reports from water samples taken from nearby domestic wells indicated some high nitrate levels are present. Wells in the area should be periodically sampled for nitrate and bacterial contamination.

Conclusions

1. Water is available for this application from the Precambrian rocks.
2. Recharge and storage estimates for the Precambrian rock aquifer have not been conducted.
3. The area has experienced controversy concerning water rights on a number of occasions in the past.
4. A number of other permits and domestic wells are located in the area. The well has been in place for 1 1/2 years without causing any apparent problems with nearby permit holders or domestic well owners. Interference should not be a problem because of the low pumping rate (0.10 cfs).

5. Because of the nature of the aquifer and the potential for pollution from septic tanks and other sources, it is recommended that wells be periodically sampled for nitrate and bacteria contamination.

Thomas M. Brandner
Thomas M. Brandner /KS
Natural Resources Engineer

Approved by:

James A. Goodman
James A Goodman, P.E.
Hydrologist

References

- Redden, Jack A. and J.J. Norton, 1975, Precambrian Geology of the Black Hills, in Mineral and Water Resources of South Dakota, Bulletin No. 16, SDGS, Vermillion, SD.
- Water Rights Division, 1989, Complaint Files, DWNR, Joe Foss Building, Pierre, SD.
- Water Rights Division, 1989, Observation Well Files, DWNR, Joe Foss Building, Pierre, SD.
- Water Rights Division, 1989, Permit Application No. 2071-2, DWNR, Joe Foss Building, Pierre, SD.
- Water Rights Division, 1989, Permit Files, DWNR, Joe Foss Building, Pierre, SD.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 26, 1989

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

Dear Mr. Tlustos:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 2071-2 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

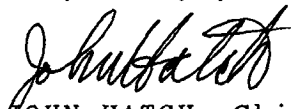
Patrick Tlustos, President
Hills Material Company
PO Box 2320
Rapid City, SD 57709-2320

Dear Mr. Tlustos:

Enclosed is Water Permit No. 2071-2 as approved by the Water Management Board authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the 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
605 773-3352

enclosures



RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

417299

Pierre, August 19, 2002

RECEIVED OF Hills Materials Company, PO Box 1220, 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. <u>2071-2</u>	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

Darland Ebel

gm

**Permit No. 2071-2
Custer County**

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501
Other permit/license(s) associated with project: **None**
Contact Person & Address: **Dave Novak, Hills Material Co., Custer, SD 57730**

Report Of Examination Of Works

On **June 13, 2002**, I made a thorough examination of the water use system authorizing the appropriation of 0.10 cubic feet per second (cfs) of water from a well for **industrial purpose** bearing the priority date of February 8, 1989.

The well and distribution system are in good condition and capable of pumping water at **45 gallons per minute (gpm)** or 0.10 cfs. The diversion point is in the **NW¹/₄ SE¹/₄ of Section 24 T3S R4E (N43.7712° W103.5840°), 1690-feet West and 1375-feet North of the Southeast Corner of the section.**

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by: **Yes**
- 2) All structures, wells and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **None**

Report On the Specifics of the System

Diversion Point Information:

- | | |
|--|-----------------------------------|
| 1) Well Drilling Firm: Alexander Drilling | 2) No. of Wells: 1 |
| 3) Depth(s): 165-feet | 4) Well log available: Yes |

Casing:

- 1) Diameter: **6-inch**
- 2) Length: **50-feet**
- 3) Type: **Plastic PVC**

Screen:

- | | |
|---------------------------------------|----------------------|
| 1) Type: None | 2) Length: NA |
| 4) Static water level: 50-feet | |

Pump\ Motor:

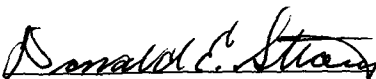
- | | |
|---|------------------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 45 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: NA hp |

Distribution System:

- 1) Type: **Unknown**
- 2) Length: **Unknown feet**

COMMENTS:

The well is used at the Hills Material Co. Custer, SD Batchplant and should be licensed for the as built 45 gpm diversion rate. The license should be sent to the company's main office 3975 Sturgis Rd., Rapid City, SD 57702 attention Dave Ohlen.

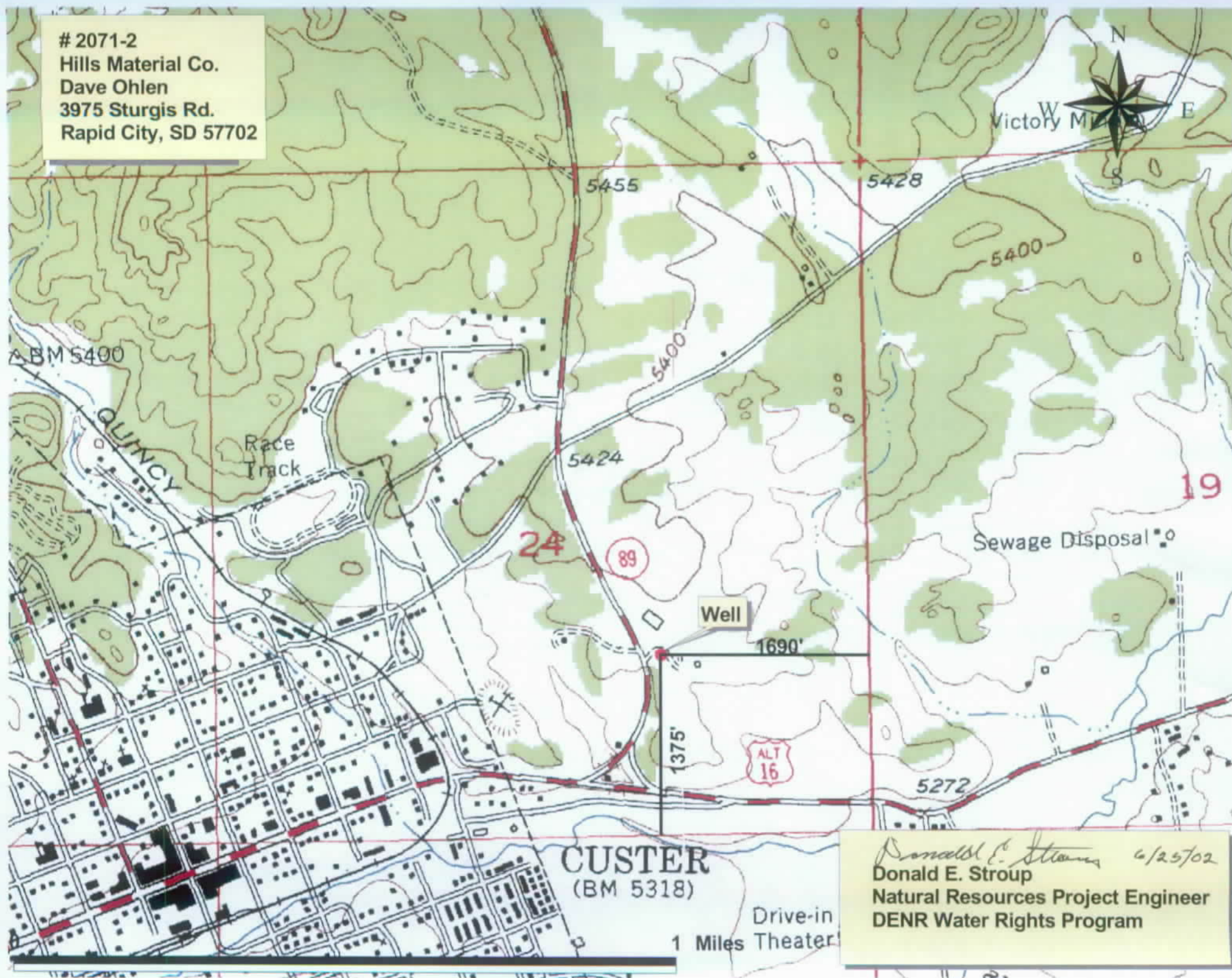


Donald E. Stroup
Natural Resources Project Engineer
DENR, Water Rights Program

6/25/02

Date

2071-2
Hills Material Co.
Dave Ohlen
3975 Sturgis Rd.
Rapid City, SD 57702



CUSTER
(BM 5318)

Drive-in
1 Miles Theater

Donald E. Stroup 6/25/02
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2071-2

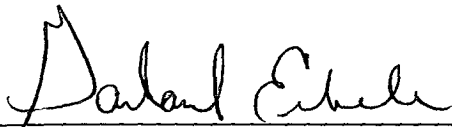
(1) Hills Materials of PO Box 2320 Rapid City, SD 57709-2320 made Application No. 2071-2, February 8, 1989 for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Precambrian Rock), Custer County, South Dakota for industrial purposes. Permit No. 2071-2, with a priority date of February 8, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,690'W and 1,375'N of the SE corner of Section 24, T3S, R4E (NW ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use supplying a ready mix concrete batch plant.

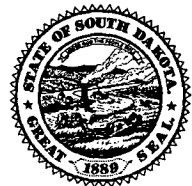
(4) Pursuant to South Dakota Water Law 46-5-30.1 Hills Materials Company, PO Box 2320, Rapid City, SD 57709-2320 the holder and/or owner of Water Right No. 2071-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water (one well – Precambrian Rock) with a priority date of February 8, 1989 from the location specified in (2) of this license, for industrial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2071-2 and subject to South Dakota State Law.



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

AUG 23 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 23 2002

2071-2

Dave Ohlen
Hills Materials Company
PO Box 2320
Rapid City, SD 57702

Dear Mr. Ohlen:

Enclosed is Water License No. 2071-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417299 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. 2071-2, 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.

Sincerely,

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

enclosures

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

Water Right/Permit No. 2071-2Date: 1-1-15

I/We request that Water Right/Permit No. 2071-2 formerly owned by:
Hills Materials Company be transferred to:

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

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

NW1/4SE1/4 Sec 24, Twn 3S, Rng 4E

☒ I understand that the validity of Water Right/Permit No. 2071-2 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.

2071-2



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 mm

\$ 300 -

101505.72750.80

Send with check!

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/22, 20 15

Simon 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>2071-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07429

By *Julianne Lockman*
Chief Engineer



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