

WATER PERMIT NO. 2433-2

Name of Applicant: Pete Lien & Sons, Inc.

Address: PO Box 440, Rapid City SD 57709

Phone: 605 342-7224

Amount of Water Claimed: 1.11 cfs

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: industrial use

County: Pennington

Type of Waste Disposal System: NA

Location: north of Rapid City

PRIORITY Date Received: 11-18-1999

Fee: \$150

Corrected Application Received: 12-7-1999

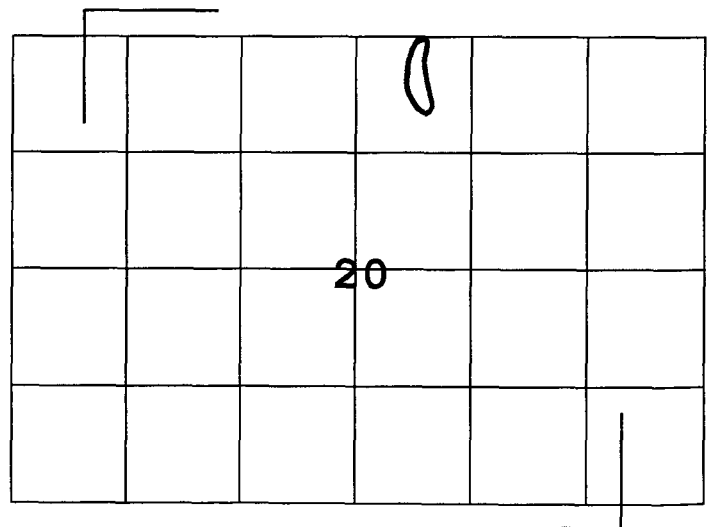
Period of Annual Use: January 1 – December 31

Remarks: Impoundment will be created by permitted mining activity at the Black Hawk Quarry

Diversion Point: NW ¼ NE ¼ Sec 20-T2N-R7E

Water Impounded: NW ¼ NE ¼

Sec 20-T2N-R7E



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: plat

Prepared by: Jerrold L Brown

Reviewed and the Number Assigned on: 12-7-99

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2433-2</u>	Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City, SD</u>	



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

Check use(s) of water:

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

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

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

1. Name of Applicant Pete Lien & Sons, Inc. Phone 605-342-7224
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 440, Rapid City State SD 57709
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 1.11 *CFS or 500 **GPM 20.9 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply surface water runoff

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 NE 1/4 Section 20, T2N, R7E, 103 PM Water Impounded:
NW 1/4 NE 1/4 sec. 20-T2N-R7E County Pennington

5. County or counties where water will be used Pennington, Meade

6. Annual period during which water is to be used Year round Jan 1-Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Impoundment created by permitted mining activity. Residual highwalls and pit after mining will form the impoundment. Impoundment expected to have a surface area of 2.09 acres with an average depth of 10 feet and maximum depth of 25 feet. Impoundment outlet to be located approximately 1750 feet W of NW corner of Section 20, T2N-R7E, Pennington County. See attached map.

STATE OF SOUTH DAKOTA)
County of Pennington SS

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

I, Jerrold L. Brown, 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.

Subscribed and sworn to before me this 16th day of November 1999

Signed Jerrold L. Brown

Amy Hostutler

Notary Public

My Commission Expires: January 3, 2002

2433-2



Pete Lien and Sons, Inc. Blackhawk Quarry

Sykora Drainage
(Post-Mining Drainage)
2Sept99

NW1/4 NE1/4, Sec. 20, T.2N., R.7E.
103rd PM, Pennington Co., SD

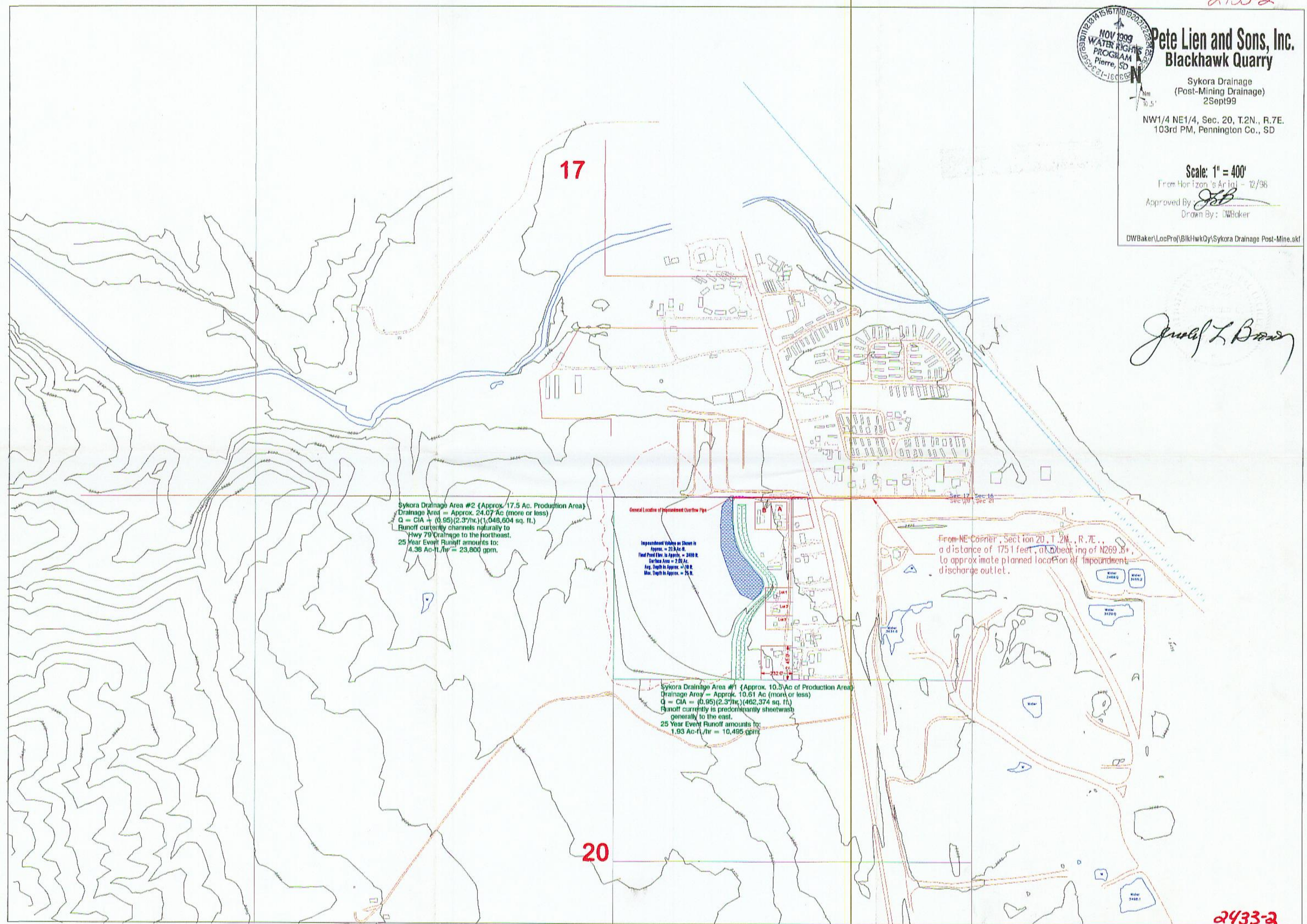
Scale: 1" = 400'

From Horizon's Aerial - 12/98

Approved By: *[Signature]*
Drawn By: DWBaker

DWBaker\LocProj\BkHwkQy\Sykora Drainage Post-Mine.skf

[Signature]



2433-2

SOUTH DAKOTA
WATER PERMIT NO. 2433-2

Date of first receipt of application November 18, 1999.

Date of return to applicant for corrections, amendments or changes November 23, 1999.

Date of receipt of corrected application December 7, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2433-2 to Pete Lien & Sons, Inc., PO Box 440, Rapid City SD 57709 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2433-2 appropriates 1.11 cubic feet per second of water from a 21.0 acre-foot impoundment located in the NW ¼ NE ¼ Section 20 with water impounded in the NW ¼ NE ¼ Section 20; all in T2N-R7E. The impoundment will be created as a result of mining activities.
2. The water appropriated shall be used for the purpose of supplying water for dust suppression and reclamation activities at the Black Hawk Quarry and may not exceed the amount of water needed for beneficial use for industrial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2433-2 is March 6, 2000.
5. The date from which applicant may claim right is November 18, 1999.
6. One-fifth of the construction is to be completed on or before September 6, 2002.
7. All construction is to be completed on or before March 6, 2005.
8. Water is to be put to beneficial use on or before March 6, 2009.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 2433-2 authorizes an impoundment with a storage capacity of 21 acre feet of water.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAR 27 2000

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

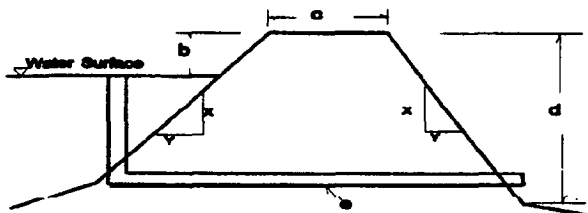
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____ 6 feet
- c) Crest Width _____ 100 feet
Crest Length _____ 700 feet
- d) Height _____ 25 feet
- e) Primary Outlet Capacity _____ ~60 cfs
If pipe, diameter _____ 30"
- f) Secondary Spillway Capacity _____ NA
Spillway Width _____
- g) X & Y Slope _____
Upstream _____ 0.05 ft/ft
Downstream _____ 0.02 ft/ft
- h) Surface Area of Impoundment _____ 2.09 A
- i) Storage _____ 20.9 Acre Feet
- j) Drainage Area Above Dam _____ ~35 A Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416266

Pierre, _____ November 18, 19 99

RECEIVED OF Pete Lien & Sons, Inc., P.O. Box 440, Rapid City, SD 57709-0440
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2433-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416285

Pierre, _____ December 7, 1999

RECEIVED OF Pete Lien & Sons, Inc., P.O. Box 440, Rapid City, SD 57709-0440
the following amount in fees for services rendered as provided for by law:

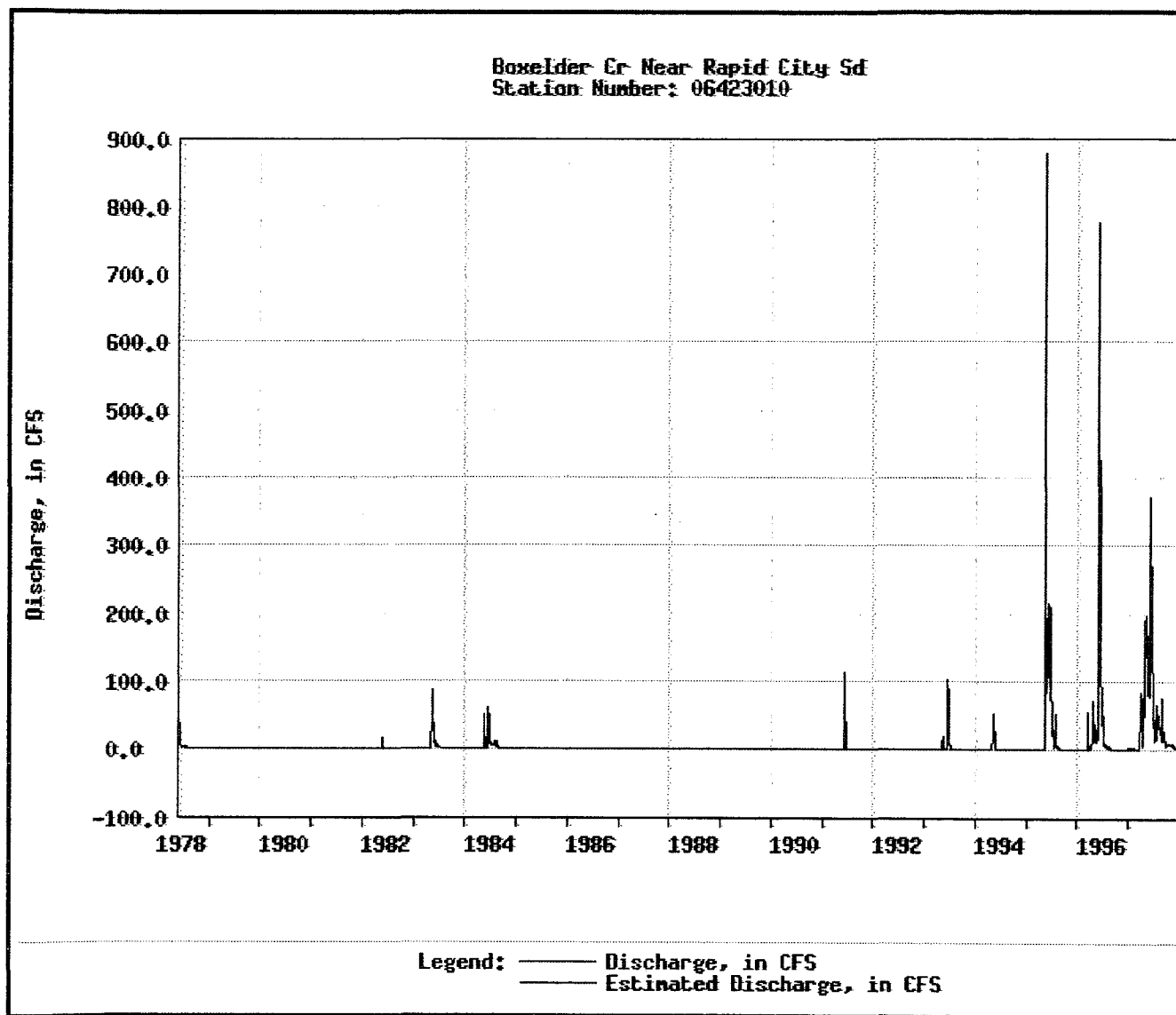
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2433-2</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 John Hatch
Chief Engineer



Historical Streamflow Daily Values Graph for Boxelder Cr Near Rapid City Sd (06423010)



Some stations have red data points. These represent days for which data were estimated, rather than recorded.

Force this graph to be redrawn

[Why you might press this button](#)

We are aware of a problem with the clickable county imagemaps. When you click on a map you may not get stations for the county you expected, or the click may register as having missed the state. We are working on this problem.

➦ [Go to the South Dakota NWIS-W Data Retrieval page](#)

➦ [Go to the South Dakota Water Resources page](#)

?? [Get help with the terms used on these pages](#)

🌐 [Other states with USGS surface-water data retrieval pages](#)

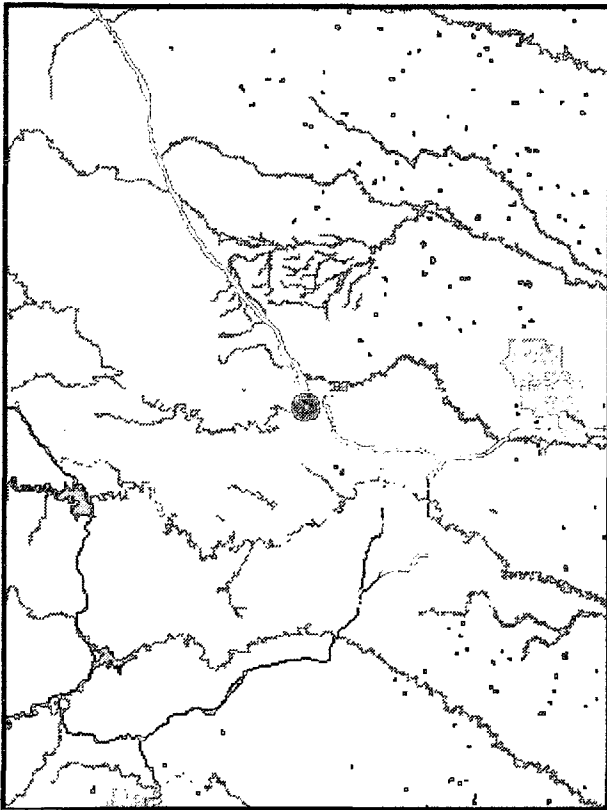
Comments and questions are welcome! Please visit our [feedback page](#) or email h2oteam@usgs.gov.

This page was created in real time by the NWIS-W package: (NWIS-W: 3.1 ; API: 3.01 ; hist: 3.11 ; GDF: 1.63)



US Census Tiger Mapping Server

USGS Mapping Information server



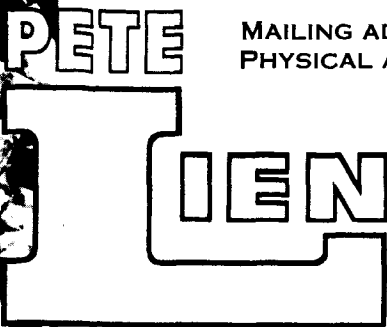
[Go to the South Dakota Water Resources page](#)

[Get help with the terms used on these pages](#)

 [Other states with USGS surface-water data retrieval pages](#)

[feedback page](#)

h2oteam@usgs.gov



& Sons, Inc.

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

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

PETER C. LIEN
1898 - 1969 FOUNDER
CHAIRMAN - CEO
CHAIRMAN EMERITUS
1960 - 1969

BRUCE H. LIEN
FOUNDER
CHAIRMAN

CHARLES H. LIEN
FOUNDER
PRESIDENT EMERITUS
VICE PRESIDENT

PETER C. LIEN
PRESIDENT
C.O.O.



November 15, 1999

Mr. Eric Gronlund
SD DENR
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund,

Enclosed you will find our completed water rights application for the proposed impoundment located in the NW¼ NE¼, Section 20, T2N-R7E, Pennington County. You will also find a check for \$150 for the filing fees. As we spoke, this impoundment will be created as a result of mining activity. The residual highwalls and pit will form the actual impoundment. When mining is completed, the impoundment will have a storage capacity of less than 25 acre-feet. There may be times when water will be drawn from the impoundment for such things as dust suppression and reclamation activities. As you pointed out if diversions are anticipated, a water rights application should be filed.

The impoundment will be beneficial to the quarry and surrounding neighbors for a variety of reasons. The impoundment will provide water for dust suppression and reclamation activities at the quarry. The amount of these diversions will vary throughout the year and are dependant upon the current state of mining activity and current meteorological conditions. The impoundment will act as a retention pond during major rainfall events. Adequate free board has been included so that the impoundment can retain up to a 500-year storm event. The retention capabilities of this impoundment will lessen the impacts of high water on downstream neighbors during significant rainfall events. The retention characteristics of the impoundment will also reduce sediment loading, improving the quality of stormwater runoff.

I have used the required form 2A to provide the supplemental information, however the impoundment is not designed as a dam and it is difficult to provide the dimensions requested. A map has also been included showing the location, anticipated post-mining topography and general size of the impoundment. I hope that these two documents will provide the necessary information. If you require any questions please feel free to give me a call.

Sincerely,

Lecia Craft

Lecia Craft
Environmental Engineer
Pete Lien & Sons, Inc.



November 23, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lecia Craft
Pete Lien & Sons, Inc.
PO Box 440
Rapid City SD 57709

Dear Ms. Craft:

Thank you for submitting the *Application for a Permit to Appropriate Water* for industrial use. As stated in your phone conversation with Eric Gronlund, the following is required to complete the application.

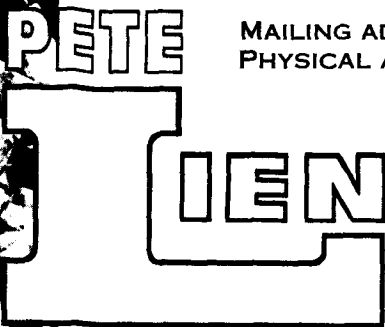
Your letter states that the impoundment will provide water for dust suppression and reclamation activities. What will the maximum diversion rate be for these activities?

We have received the \$150 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



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

•PETE LIEN & SONS •BIRDSALL SAND & GRAVEL •COLORADO LIEN CO.
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CHAIRMAN

CHARLES H. LIEN
FOUNDER
PRESIDENT EMERITUS
VICE PRESIDENT

PETER C. LIEN
PRESIDENT
C.O.O.

& Sons, Inc.



December 3, 1999

SD DENR
Ms. Karen Schlaak
Water Rights Program
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. Schlaak,

Thank you for your confirmation of our *Application for a Permit to Appropriate Water* for industrial use at the Black Hawk Quarry. In your letter you asked us to confirm the anticipated maximum diversion rate. The maximum diversion will not exceed 500 gpm. It should be understood that the diversion from this impoundment will not be at a constant rate but will only occur as needed. The primary function of this diversion will be to act as a retention pond for runoff during quarrying activity.

As you requested, I have also enclosed the \$50 licensing fee. This is in addition to the \$150 application filing fee that had been previously submitted.

If you have any questions please feel free to give me a call at 605-394-7228.

Sincerely,

Lucia Craft

Lucia Craft
Environmental Engineer
Pete Lien & Sons, Inc.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2433-2, Pete Lien & Sons, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2433-2, Pete Lien & Sons, Inc., c/o Jerrold L. Brown, P.O. Box 440, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2433-2 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) it is in the public interest with the following qualifications:

Water Permit No. 2433-2 authorizes an impoundment with a storage capacity of 21 acre feet of water.

See report on application for additional information.

A handwritten signature in dark ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" and last name "Erbele" clearly distinguishable.

Garland Erbele, Chief Engineer
February 9, 2000

REPORT ON WATER PERMIT APPLICATION NO. 2433-2

Pete Lien & Sons, Inc.

January 25, 2000

Application No. 2433-2, Pete Lien & Sons, Inc., proposes to appropriate 1.11 cubic feet of water per second from a 20.9 acre-feet impoundment. The diversion point is to be located in the NW 1/4 NE1/4 of Section 20 T2N-R7E. The impoundment will be created as a result of mining activities and will collect surface runoff from a 220 acre watershed. This water will be used for industrial purposes, dust suppression, and reclamation activities at the Black Hawk Quarry. The proposed project is located just northwest of Rapid City in Pennington County.

Review of the Proposed Project and Existing Water Rights

The source of water for this project is from surface runoff into an impoundment formed by mining activities with a 20.9 acre-feet storage capacity and is to be located at the Black Hawk Quarry Site. Water will be pumped from this impoundment to be used for dust suppression and reclamation activities at the quarry.

The source of surface water for this proposed project will be from diffuse surface water runoff from a 220 acre drainage area located above the quarry site. This small drainage area is located within the Box Elder Creek watershed. Runoff from this area would get to Box Elder Creek at a point on the creek just below the Box Elder Creek loss zone. Flow in the upper portion of Box Elder Creek is supplied by springs and runoff out of the Black Hills. At the point where Box Elder Creek crosses the loss zone, flow in creek is significantly affected by losses to the underlying geologic formations. The United States Geological Survey (USGS) studies approximate the bedrock loss threshold at 50 cfs through the loss zone. If flow in the creek is 50 cfs or less, all the flow will be lost and the creek dries up. When the flow in the creek is greater than 50 cfs, approximately 50 cfs will be lost to the underlying geologic formations and that portion of the flow greater than 50 cfs will flow through the loss zone and provide for flow in the creek downstream.

There are two existing water rights from Box Elder Creek approximately 12 to 17 miles downstream from this project. The water for these water rights would be from creek flow making it over the loss zone and runoff from large storm events. This application, if approved, would be expected to have negligible effect on water flow in the creek and should not adversely impact these existing water rights.

Conclusions

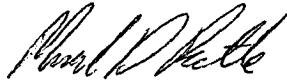
1. This application proposes to appropriate 1.11 cubic feet of water per second (cfs) from a 20.9 acre-feet impoundment for dust suppression and reclamation activities at the Black Hawk Quarry purposes.
2. There are two existing water rights from Box Elder Creek in the immediate vicinity. These water rights are primarily supplied by creek flow making it over the loss zone.

3. This application, if approved, would be expected to have negligible effect on water flow in the creek and should not adversely impact these existing water rights.



Stacy J. Johnson
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

Hortness, E. John and Driscoll, G. Daniel. Streamflow Losses in the Black Hills of Western South Dakota. Water-Resources Investigations Report 98-4116. USGS Rapid City, South Dakota 1998.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 10, 2000

Pete Lien & Sons, Inc.
%Lecia Craft
P.O. Box 440
Rapid City, SD 57709

Dear Ms. Craft:

Water Permit Application No. 2433-2 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 Rapid City Journal printed at Rapid, SD (Ph # (605) 394-8300), and the Publisher of the Meade Co. Times Tribune printed at Sturgis, SD (Ph # (605) 347-2503. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2000

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

ATTENTION: Legal Public Notice

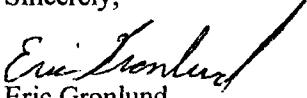
Enclosed is a Notice of Hearing on Application No. 2433-2 to Appropriate Water to be published twice. Please publish the first notice on February 16, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Pete Lien & Sons, Inc., %Lecia Craft, P.O. Box 440, Rapid City, SD 57709 (Ph # (605) 342-7224).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2433-2

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

Date _____

We are in receipt of your letter of February 10, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 2433-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2000

Rapid City Journal
P.O. Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2433-2 to Appropriate Water to be published twice. Please publish the first notice on February 16, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Pete Lien & Sons, Inc., % Lecia Craft, P.O. Box 440, Rapid City, SD 57709 (Ph # (605) 342-7224).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2433-2

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

Date _____

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Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 16, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2433-2 to Appropriate Water

Notice is given that Pete Lien & Sons, Inc., PO Box 440, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.11 cubic feet of water from a 20.9 acre-feet impoundment located in the NW ¼ NE ¼ Section 20 with water impounded in the NW ¼ NE ¼ Section 20; all in T2N-R7E. The impoundment will be created as a result of mining activities. This industrial use of water will be used for dust suppression and reclamation activities at the Black Hawk Quarry.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2433-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 6, 2000.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Joan M. Lewis, being duly sworn, says: That the Meade County Times-Tribune, and, during all the times hereinafter mentioned, was a legal newspaper SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota; that Dickson Media, Inc.; that affiant is and, during all of said times, was an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for successive issues on the following dates:

<u>February 16</u>	200	<u>0</u>	
<u>February 23</u>	200	<u>0</u>	
	200		
	200		
	200		

that the full amount of the fee charged for publishing the same, to-wit: \$ 38.74, insures solely to the benefit of the publisher of the newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan M. Lewis
Bookkeeper

Subscribed and sworn to before me this

23rd day of February, 2000

Tanjee Stansbury
Notary Public, South Dakota

Tanjee Stansbury
Notary Public

My commission expires January 4, 2006

Water application

NOTICE OF APPLICATION

NO. 2433-2 to Appropriate Water

Notice is given that Pete Lien & Sons, Inc., P.O. Box 440, Rapid City SD 57709 has filed an application for a water permit to appropriate 1.11 cubic feet of water from a 20.9 acre-foot impoundment located in the NW 1/4 NE 1/4 Section 20 with water impounded in the NW 1/4 NE 1/4 Section 20; all in T2N-R7E. The impoundment will be created as a result of mining activities. This industrial use of water will be used for dust suppression and reclamation activities at the Black Hawk Quarry.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2433-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ Feb. 16 and 23, 2000
Meade County Times-Tribune





PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 16, 2000

February 23, 2000

Cost of Printing Eighty-three dollars

and no cents (\$ 83.00)

Patricia K. Van Patten
 (Signature)

Legal Advertising Representative
 (Title)

February 23, 2000
 (Date Signed)

Feb. 16, 23. L598165
NOTICE OF APPLICATION
NO. 2433-2
TO APPROPRIATE WATER
 Notice is given that Pete
 Lien & Sons, Inc., P.O. Box
 440, Rapid City, SD 57709, has
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 ter permit to appropriate 1.11
 cubic feet of water from a 20.9
 acre-foot impoundment located
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 with water impounded in the
 NW 1/4 NE 1/4 Section 20; all in
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 for dust suppression and recla-
 mation activities at the Black
 Hawk Quarry.
 Pursuant to SDCL 46-2A-2,
 the Chief Engineer recom-
 mends APPROVAL of Applica-
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 4) it is in the public interest.
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 ing, 523 E. Capitol, Pierre, SD
 57501 (605-773-3352)" and the
 applicant's mailing address is
 given above. A petition filed
 by either an interested person
 or the applicant must be filed
 by March 6, 2000.
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 oner's interest in the applica-
 tion, the petitioner's reasons for op-
 posing or supporting the appli-
 cation, and the signature and
 mailing address of the peti-
 tioner or the petitioner's legal
 counsel. If legal counsel is ob-
 tained, Contact Eric Granlund
 at the above Water Rights
 Program address to request
 copies of information pertain-
 ing to this application.
 Nettie H. Myers, Secretary
 Department of Environment
 and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 27 2000

Pete Lien & Sons, Inc.
%Jerrold L. Brown
P.O. Box 440
Rapid City, SD 57709

Dear Mr. Brown:

Enclosed is Water Permit No. 2433-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

c: Lecia Craft, Environmental Engineer, Pete Lien & Sons, P.O. Box 440, Rapid City, SD 57709

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2433-2

I have this day, Novemver 10, 2015 made a thorough examination of the water use system constructed by Pete Lien and Sons, 3401 Universal Drive Rapid City, SD of Permit No. 2433-2, bearing the priority of 11/18/1999 authorizing the diversion of 1.11 cu. ft. per second and/or the storage of 20.9 acre-feet of **surface runoff** for **Industrial use** purposes, in Pennington County.

Inspection contact & relationship
to permit holder, if applicable:

**Danielle Wiebers, Manager of Environmental and Safety
Affairs, PO Box 440, Rapid City, SD 57709-0440
605-939-2686**

A. Works used to divert the water:

Pit Information:

The pit was originally created as a result of the mining operation in the Black Hawk quarry. The storage volume of the steep walled pit at the time of permitting was 20.9 ac-ft.. This area has since been reclaimed and reshaped to create an impoundment with a storage pool similar to a typical embankment pond, except that the fill forming the embankment fills the valley downstream of the pond. There is no mechanical spillway.

Crest Length 300 ft.

Surface Area .85 acres

Max depth 14 ft.

Storage 4.8 ac-ft. (estimated)

Pump:

- 1) Make Gorman-Rupp
- 2) Model 13C4-B
- 3) Size 3"
- 4) Capacity 150-400 GPM

B. Works used to transport and apply water to beneficial use:

The water is used on an intermittent basis when any appreciable volume is available and as needed for dust suppression and mining reclamation activities. One of the portable pumps utilized for dewatering operations on the property is utilized when needed to load a water truck used to transport the water to place of use. Records are not kept detailing times or volumes of use. The pump detailed above is the most likely pump used to pump from the pond.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) List any extended period of nonuse: None
- 3) Exceptions to compliance are: None

D. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: 2,140 feet west of the NE corner Section 20, T2N, R7E. (N 44.125776° W103.300214°).
2. The works are capable of diverting and conveying to the place of use 0.9 cu. ft. per second of water and/or storing 4.8 acre-feet of water which is to be used for Industrial use. Water has been put to beneficial use and the license should be issued for 0.9 cfs and/or 4.8 acre-feet of storage.
3. All structures, wells and lands on map Y/N

E. Comments or other permit(s) associated with the project:

See section A. describing difference between permitted amount and amount being licensed.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 11/10/15

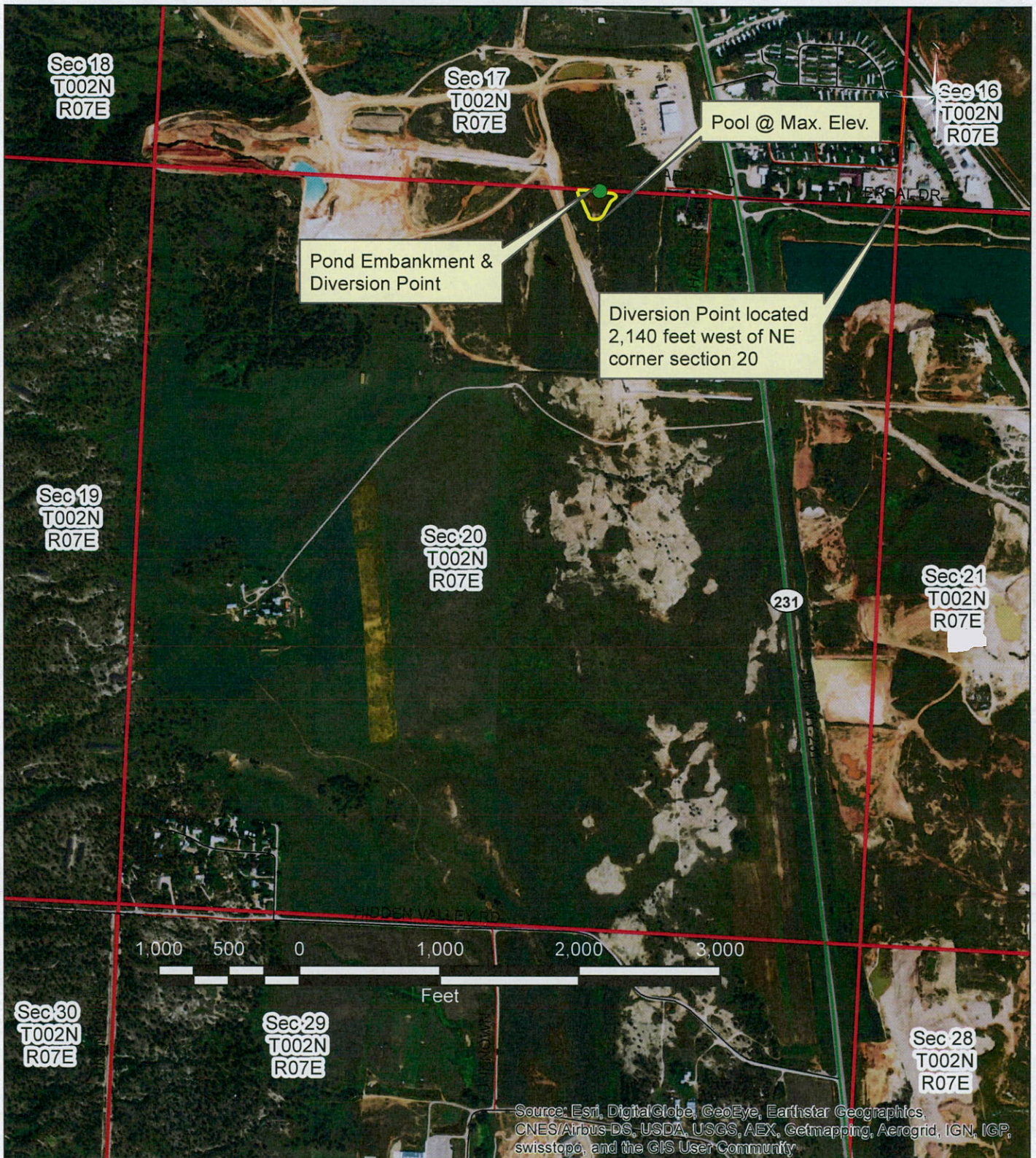


Pete Lien Pond – water depth approximately 2 ft.

Water Right #2433-2

Pete Lien & Sons

11/10/2015

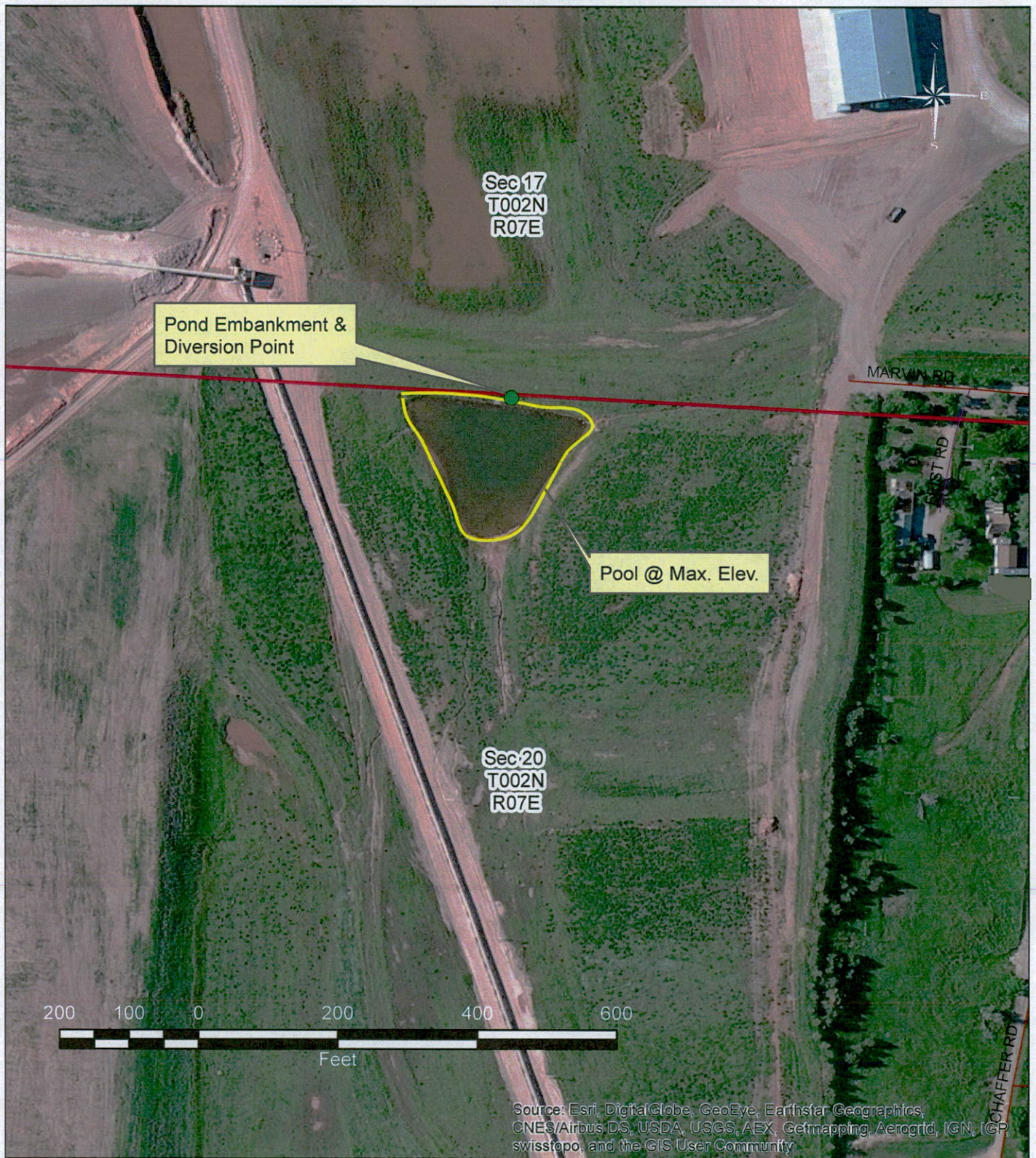


Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Water Right #2433-2
Pete Lien & Sons
11/10/2015



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

2433-2

JAN 29 2016

Pete Lien & Sons, Inc.
Daniellé Wiebers, Environmental & Safety Affairs
PO Box 440
Rapid City SD 57709

Dear Ms. Wiebers:

Enclosed is Water License No. 2433-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2433-2

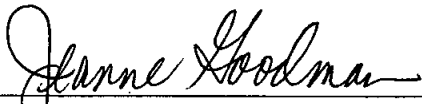
(1) Pete Lien & Sons, Inc., PO Box 440, Rapid City SD 57709 made Application No. 2433-2, November 18, 1999 for a water permit to divert 1.11 cubic feet of water per second from a 21 acre-feet impoundment from runoff, Pennington County, South Dakota for industrial use purposes. Permit No. 2433-2, with a priority date of November 18, 1999 was approved March 6, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 6, 2005 and for the application to beneficial use of water on or before March 6, 2009.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2433-2 is issued a license, bearing a priority date of November 18, 1999, to appropriate 0.9 cubic feet of water per second from a 4.8 acre-feet impoundment for industrial use purposes resulting from mining activities.

The location of the impoundment is 2,140 feet west of the NE 1/4 corner Section 20-T2N-R7E (NW 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2433-2, including the following qualification:

- Water Permit No. 2433-2 authorizes an impoundment with a storage capacity of 4.8 acre-feet of water (*originally authorized for 21 acre-feet*).



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 29 2016

date

